

WHY THE RULE OF LAW IS LESS ACCEPTED IN POLITICAL PRACTICES?

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Abstract: *In recent years, a question has arisen regarding the behavior of politicians, specifically how they relate to the supremacy of the law. Each year, there are examples of these individuals violating the fundamental norms of law, leading to an increase in public discontent. This discontent can manifest either in violent outbursts, apathy, or the tolerance of low-quality behaviors that have negative effects on governance. Therefore, a periodic discussion of this relationship – politics and law – is necessary to remind and once again warn of the dangers that arise when legal norms are seen as unnecessary or adversarial to political power.*

Keywords: *Rule of law; politicians; interest; practices; limitations of power.*

Introduction

Very often, there is discussion about an issue that irritates the normal persons, someone without extensive political connections and without an easy way to escape administrative actions, namely the borderline criminal and/or immoral behavior of politicians. This issue is by no means unimportant, and in a society where every citizen has a constitutionally enshrined right to vote, it is necessary to understand the limits of political action and where there might be a certain tolerance for exceeding the boundaries prescribed by lawmakers.

A strong society is based on the genuine trust of citizens not only in their own social institutions but especially in the national public administration and the country's politicians (Winsvold et al, 2023). Obviously, even though there will never be equality between the three major types of socio-psychological actors (because the institution of marriage, for example, will always be more popular than the political class, etc.), there still must not be major discrepancies between them. When one part of this "three-armed balance" becomes too weak, meaning trust in it weakens significantly, society will seek rebalancing, and this will lead to electoral tendencies that are not necessarily positive. However, there is also a corollary: if the political environment becomes unpopular, it will also drag down the public administration (Schedler and Eicher, 2013), since the latter follows and implements decisions adopted by bodies of a political – or predominantly political – nature.

This relationship of trust is not a hidden thing, accessible only to the highest intelligences of a nation. In reality, the entire human community is aware of this necessity for social balance, regardless of the country we might wish to analyze in a specialized article. However, although these realities are well-known, the major problem remains that the political environment continues to violate the basic requirements of minimal social harmony. In fact, data from several institutions reveal that in recent years the level of respect for society and the foundations of its proper functioning are increasingly violated by the political environment, and then we must ask ourselves why we have reached this point.

1. From the moment a child becomes aware of their own existence, they will learn the meaning of the word "I", and especially the power of their own will. From that moment on, they will begin to represent their life and relationships with other people in different terms, which can be of weakness / strength, and which will shape their attitude towards the environment they live in. They will learn what is right and what is wrong, they will encounter examples of good practices and abuses, but they will always have their personal well-being in mind. During their

development, they will also come into contact with literature – first for children, then for adults – and will largely complete their personality.

Throughout this journey to becoming an adult, a citizen with the right to vote, they will understand the division between the leadership of a local or national community and positions of low political involvement, which in time will also give them their own ideas that may mean more intense participation in the competitions necessary for taking and exercising political power. Not by chance, these political behaviors will offer them only two options for life: either they will be little involved politically, and then they will almost always have to respect the decisions adopted by political institutions and established in laws and administrative acts, or they will participate with some success in the political competition, and then they will be able to decide on the content of some of the normative acts, with the subsequent obligation for them to also respect them.

The political individual, however, when beginning their career, will observe that they have more power over the community, and from here there is a major danger, namely that of no longer respecting legal norms with the same conscientiousness as when they were not participating in this public activity sphere. Obviously, this "sliding" towards a behavior not beneficial to a country/community does not always occur, and does not appear from the beginning of the career. Nevertheless, the danger of deviation from the basic norms of the political medium-citizen (and communities) relationship is a real one and equally recognized by any person with mature thinking. We are primarily in what is called political psychology, but it is necessary to understand a few things about it, so that we can have a minimal explanation of the non-compliance of some politicians with the functioning principles of society, which are configured in a synthetic expression, namely the supremacy of law over any citizen, or the rule of law.

2. This lack of respect for the legal framework has several causes, some of which are specific to the political environment, and some are common to all human life. Without discussing philosophy and the terrible

analyses of man and the essence of humanity, we must nevertheless highlight that the legal environment is concerned with these violations of legality by politicians, because – ultimately – the normative framework of any country is established by politicians, in a political-legal body (National Representation, or Parliament).

The first problem that can affect the moral lifestyle in politics is given by electoral competition, which often allows even immoral conduct. In fact, you will find a decision by the US Supreme Court that acknowledges that politicians have the right to lie in election campaigns. The case is No. 77769-1, Marilou Rickert vs. state of Washington and PDC. This decision – is important to note that voting was 5 to 4 – it brings up the fact that there is a certain tolerance for how much a candidate can know about other political competitors during elections, but from here it can lead to a less acceptable issue, namely that anything can be said, invoking ignorance of certain facts. The danger here lies in the fact that politicians' false statements can be picked up by voters – who may rely on political loyalty when spreading those lies – and the repetition of untruths will remain in the press, on the internet, and a person's image can be knowingly damaged for a long time.

In any case, we are facing a violation of moral and legal norms, because we all have the obligation to make public facts according to reality, not altered by personal interests.

A continuation of the idea of false or misleading statements is electoral promises. In a society that benefits from long-term education systems for most citizens, an electoral promise can be something possible to achieve, or conversely – but this second type of action (negative) is not always easily intelligible. People have different levels of legal, economic, geopolitical, educational knowledge, etc., which makes certain electoral promises seem plausible and even achievable for some, while for others the perception is negative.

It is therefore a real discussion that we should have in a more extensive study on the legal consequences of electoral promises (Bytze et al, 2024). We say this because today's intellectual landscape is very different, and legality also suffers. Specifically, the fact that today you

can address targeted messages to voters, in relation to your own ideas – see the Cambridge Analytica scandal (Le Jeune, 2021), which is not at all singular – is a political advantage, but this does not mean that you will govern exactly according to the messages you gave to voters, which ultimately weakens their trust in the entire political environment. But these personalized messages are actually different from voter to voter, so where is the respect for one's own political program, on the basis of which the status of one's own party was defined? Could a political formation be dissolved based on these electoral message "inconsistencies"?

The doctrine reveals that parties are less able to keep their campaign promises when they enter government in countries and they also become less responsive to public opinion. When forming coalition governments, parties must reach compromises with their coalition partners, which sometimes means breaking the promises they made during the campaign. Sharp downturns in economic conditions also impede governing parties' ability to deliver on their promises, as policies that seemed possible at the time of the campaign appear infeasible in the midst of tighter fiscal constraints (Vestergaard, 2025).

There is a major difference, however, between promises made and broken in the context of forming a government coalition and promises broken when a party can govern alone (true, this way of exercising power as the sole governing party is increasingly rare in democratic countries). But it should not be forgotten that the realism of political struggle is not always equal to the realism of the voters of one's own party, and even less so to that of the entire electorate, which does not have the same tolerance for changes made during the term, and a party that wins the elections can find itself after governance in which it has disappointed its voters in a significantly worse position in the next election round, having lost many percentage points.

Thus, we can appreciate that citizens see the electoral campaign as a real "contractual negotiation" between them and the political parties, and the will agreement is "signed" by casting their vote (Parker and Gallagher, 2007). Now, since a contract is law for its parties, it follows

that breaking promises is a true breach of the contract, and the action of termination (being obviously a contract with ongoing execution) must be resolved at the next elections. From here, we will consider that electoral promises are regarded as law for the party making them, and breaking them is a true violation of a legal norm, which must be punished unequivocally and as quickly as possible, including through public protests that lead to early elections.

3. The absence of any form of legal sanction for breaking electoral promises also results in no punishment for political actions that were not promised but still take place. Obviously, no party – and no politician – will say that during their time in power they will grant public contracts mostly to people from their own political group, or that they will appoint only people from their own party to public dignitary or administrative leadership positions, etc.

Nevertheless, they can do this perfectly legally, because they have a constitutionally established advantage on their side, namely the privilege of issuing normative acts and appointments to leadership positions. Participation in political competition also results in a leading role in the process of public policy development, as well as in the appointment of those who will have to implement them.

And so, it is precisely this right – transformed into a privilege – that forms the basis of any abuse, first in a psychological, intentional form, and later, if the legal mechanisms of the state are weakened, in a factual way as well. It is true that once someone reaches the supreme – or at least a superior – position in the state, they will have to solve both everyday matters and extraordinary ones. In fact, it is in this duality that one of the reasons lies for politicians developing a great sense of self-esteem, which they seek to validate themselves by removing various legal restrictions on the exercise of their mandates.

The fact that they exercise a leadership position in the state appears as a full assumption of the obligations attached to the position, but especially of the corresponding rights. But we should ask ourselves something else: how many people would still want to exercise political

leadership positions if their status was not only restrictive, but also constraining? What if there were an official, mandatory residence of small size (2 or 3 rooms at most), and children were subject to major restrictions in their careers or studies during the mandate? This question is not rhetorical, for two reasons:

First, because history shows us many cases in which certain positions were offered precisely with such a condition (typically, constraints were applied to the children of the person), so that the freedom of action of the one receiving the position was reduced out of fear of possible reprisals. Even if we are no longer in this official typology, it still applies in various cynical political calculations, usually in the form of blackmail (you or your children did something illegal or immoral, so you get the position if you do whatever is asked of you, and criminal investigation or public disgrace won't find out about your behavior);

The second possibility, however, is much more commonly encountered today and in the past, namely the career and/or wealth that the children and various relatives of someone appointed to important positions develop during their mandates. Examples of this type are revealed in almost every country in the world, and various public scandals – Panama Papers, for example, without being the only one (Aristodemou, 2024) – compromise not just the respective politicians and their families, but also destroy the credibility of national political and legal institutions.

This problem is actually the most important one in the entire relationship between governance and citizens. No citizen in a truly free society will elect a person they are convinced will steal, because their free will shall not tolerate being robbed through taxes or permit costs. At the same time, the fact that today there are many leadership positions that can be filled by people with different levels of education, wealth, and morality actually means nothing more than there are more opportunities for enrichment at the expense of public funds.

Obviously, this raises a certain question: is it necessary to appoint to leadership positions only the wealthy, who – according to a theory

common among naive people – have no reason to steal / embezzle / abuse public funds? The answer is self-evident, as we have so many examples where wealthy people who reached important positions sought to become even wealthier – from Crassus onwards, history provides us with examples every year. Ethics and morality are what can bring success to a government, and this contradicts human nature, which has a certain dose of greed, as well as the legal framework of politics, in which politicians write their own rules, including those for absolving themselves of responsibility (or for making it harder to establish criminal liability).

In the most objective analysis, we must admit that when someone creates their own rules for operation and sanctioning, it will be very difficult to achieve a generally positive result, because egoism and subjectivism – matters impossible to eradicate, being biological – will make the most draconian restrictions very hard to impose through legal provisions. In politics, only the legal norm is what can truly ensure a restriction, not ethical and deontological norms. Essentially, each of us has had moments when we broke the promises we made only to ourselves, because we created the promise, and we also had the full freedom to break it, usually by finding or inventing excuses.

Therefore, in the absence of a very strict legal framework for conducting political activities – which must be created by politicians – we will be left to rely on ethical and moral norms, as well as on their awareness and observance by politicians. Evidently, public pressure will help maintain a moral foundation in society, but unfortunately there are politicians who defy any norm, crossing the Rubicon of common sense and legality. From that moment on, we will have precedents that can be used by other politicians to not conform to moral norms, but also a new line of conduct for them, which can push the limits of public morality and ethics in politics even lower.

4. One of the effects of mandatory education is the fairly good knowledge of national and international history. Obviously, examples regarding wars and struggles for freedom are very interesting, but equally interesting are – and life obliges you to know them – those of good

governance, as well as those of revolts that emerged as an effect of poor governance and the low quality of politicians' activities and public administration. If we pay attention, we will understand that education in schools and high schools actually insists on a reasonable definition of the relationship between politicians and governance, considering practical examples of applying good or bad practices of this relationship, including their consequences.

What does a responsible political class mean to a person with an average education in good governance? In three points: it is a group that does not grant itself legal privileges regarding accountability before the law for its own actions; a group that does not favor a social, economic, or ethnic group; a group that at the end of its term will not be substantially richer than at the beginning, neither in its own name nor through that of relatives or close friends. In a word, ethics and complete neutrality towards all political and economic actors in a country.

In order for this to be fulfilled, the existing legal framework will be analyzed as well as any that will emerge during the exercise of the respective mandates, along with the manner of appointment to leadership positions in public administration, as well as the allocation of administrative contracts – which by their very nature are the least exposed to terminations due to breaches imputable to agents of public authority.

About the legal framework we must underline that a legislative proposal that is to be functional for at least a decade must fulfill a fundamental objective: namely, to be at the same time logical, predictable, and sufficiently flexible to allow development or business plans based on it in the long term. Such a planning horizon only emerges if the normative act is one whose logic offers opportunities for utilization by as broad a range of people as possible, even if for various reasons – financial, personnel-related, technical competencies, etc. – not everyone will act based on it. Therefore, the normative act must be as neutral as possible so that any interested person can use it without major problems, with predictable financial, logistical, and time costs (Celano, 2013).

The neutrality of normative acts is therefore an indispensable goal for anyone wishing to operate in various fields of interest. The neutrality of a normative act is understood as the absence of favoritism, the elimination of the arbitrariness of political (public) power, and the equal anticipation of potential issues with various public authorities acting without political influence (Smith, 2011).

However, neutrality is a dual-natured element, both technical-legal and psychological.

Within the technical-legal nature, matters concerning the neutrality of a normative act are rather objective and depend on the structure of the text in relation to the principles of law as well as the principles of legislation. Thus, a legal specialist will identify issues where the norm offers equal treatment to any interested person, as well as the logical sequence of ideas that provide consistency to the legal norm. In this way, a clear analysis can be conducted, identifying those items that allow specialized conclusions about the normative act, which can also be the subject of scientific publications, for example.

On the psychological side, the issue of the neutrality of normative acts is more difficult to approach because it refers to the perception ordinary people have of lawmakers, the public institutions of a country, as well as the way political will is expressed across various sectors of society. For this reason, it is more difficult to present a normative act as being neutral, since the level of legal education is not equal within a society, and on the other hand, a legal provision is not always in favor of everyone. From this perspective, the legislator must keep in mind that they will always face criticism from someone, and the most important thing is that the number of dissatisfied individuals does not reach a significant proportion of society (or of the professionals for whom the normative act is intended).

Neutrality – being difficult to achieve at an objective level – appears almost impossible for politicians to uphold, since they come from particular political formations that have an electoral base, and consequently a type of representational expectation from those who enter parliament with the votes of these groups of citizens. In reality, political

parties must constantly confirm their appeal to as wide a range of voters as possible, or at least to groups large enough to be able to send representatives to parliament through voting, which means that once elected, the human communities (convinced to vote) and the normative acts proposed by those political formations will predominantly favor their voters. Thus, in this way, the neutrality of normative acts is objectively violated, and the subjective aspect no longer needs to be discussed.

However, citizens notice these things, and since they also have discernment and understand the realities of their own society, they will react either by decreasing voter turnout, or by favoring new political competitors with new programs – not necessarily better – or through emigration (where possible) or revolts. In any case, however, the blame does not lie with those who are forced to endure, but with those who decide, and who must understand once and for all that politics attracts more attention than any human activity, and the consequences of illegal and/or immoral behavior can completely destroy not only the politician who breaks the rules, but especially their entire family, which can be stigmatized for decades, no matter how wealthy they are.

Conclusions

Political activity is difficult in any century, and these recent years have shown that significant transformations are occurring in the relationships parties have with citizens, implicitly subjecting the status of politicians to changes.

However, there is one thing that the new world of artificial intelligence will not be able to change, and that is the legal capacity that politicians have to regulate all social activities in a country, including their own. From this, there will always be a temptation to violate general moral norms, which will be carried out under the protection of legal norms – which politicians also create.

No matter how much we insist on the necessity of applying moral norms in society, it is the obligation of every citizen to be as politically

active as possible, restricting the freedom of politicians to do as they wish, in order to compel them to the supreme gesture: the self-limitation of their own freedom to create the most favorable legal framework for themselves.

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