

## **Non-Compliance with the Law from the Perspective of Hierarchies Rivalry Theory**

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### **Abstract:**

**Introduction:** Compliance with the law is not solely a legal issue but also a social one, shaped by the competing demands of different power structures.

**Methods:** The research methodology is based on a review of literature from legal theory, sociology of law, and education studies. The primary method used is conceptual synthesis.

**Results:** The conceptual synthesis reveals that legal non-compliance is not only the result of individual choices or lack of legal awareness, but often emerges from conflicts between competing hierarchies that exert normative pressure.

**Discussion:** The role of education is emphasized as both a space of normative conflict and a potential tool for fostering legal consciousness, provided that pedagogical approaches are responsive to the dynamics of social influence and power.

**Limitations:** The analysis remains largely theoretical and lacks empirical validation through field studies or case analyses. Psychological and institutional factors that affect legal behavior are acknowledged but not fully explored.

**Conclusions:** Researching legal non-compliance through the lens of hierarchical rivalry broadens the analytical scope beyond legal doctrine, but also can be helpful in sociological analysis.

**Key words:** non-compliance with the law, social hierarchies, legal effectiveness, teaching, power structures, rule of law.

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**Introduction**

The issue of compliance and non-compliance with the law has long attracted the attention of researchers in legal theory and the sociology of law. Law serves as a fundamental regulator of behavior in society, specifying which actions are permitted and which are prohibited. However, violations of legal norms frequently occur in practice, influenced by multifaceted social, cultural, and structural conditions. This phenomenon can be either incidental or systemic, encompassing individual acts of defiance as well as persistent patterns of behavior that are inconsistent with the existing legal order.

The aim of this article is to analyze the phenomenon of non-compliance with the law from the perspective of the hierarchies rivalry theory - a concept assuming that social relations can be understood as competition among various social and normative hierarchies. The hierarchies rivalry theory allows us to interpret non-observance of the law not as an individual deviation, but as a result of the clash of influences of different communities and systems. Law is one of many factors regulating behavior; it competes with others for dominance. When this competition is in favor of the law (i.e. the hierarchy behind the law - e.g. the authority of the state, the idea of law as a value - is strong enough), then legal norms are observed. However, when in a specific situation another hierarchy wins (be it a criminal group, ethnic identity, or the logic of profit), the law is broken.

Applying this perspective can illuminate the underlying mechanisms of law-breaking, especially in the context of conflicts between competing value systems, social groups, or institutions. The hierarchies rivalry theory fits into a broader interdisciplinary research stream combining law, sociology, and political science, illustrating that both law and society are intertwined in a continuous interplay of forces. Undoubtedly, non-compliance with the law is not an anomaly that can be entirely eliminated, but rather a persistent challenge to the legal order, which must compete for primacy in regulating individual behavior. Analyzing and understanding this rivalry - who competes with whom, and over what - allows for better-designed remedial interventions, which may involve strengthening law enforcement, promoting dialogue and integration of norms, or correcting flawed regulations.

From the perspective of the hierarchies rivalry theory, non-compliance with the law emerges not merely as a legal issue, but also as a social one, as it signals the existence of competing centers of influence and norms within the social fabric that the law must confront.

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**1 Non-compliance with the law from a socio-legal perspective**

According to classical definitions of a legal norm, its addressee should behave in the manner specified by the norm's disposition when he finds himself in the conditions indicated by the hypothesis. Compliance with the law means precisely the behavior in accordance with the content of the norm, i.e. it is a concept that refers to the actual state of affairs, to what actually happens, and not just to the existence of the norm in the legal system. It refers to behavior whose course or whose direct effect can be perceived by other people. Mental experiences such as motivation, emotions that accompany this behavior do not affect the assessment of whether there is compliance with the law. For example, behavior in compliance with a norm can be triggered by fear of sanction or recognition of its rightness, respect for the authority that established it, etc. The most important thing is the conscious compliance of the addressees with the legal norms in force, because only in such a case can we speak of actual compliance with the law, distinguishing it from mere realization of the law, in which compliance of behavior with the content of the norm's disposition may result from accidental coincidence, rather than a conscious intention to comply with the norm (Chauvin, Stawecki, & Winczorek, 2013, p. 183). The opposite of realizing a legal norm is transgressing or violating it (Pieniżek & Stefaniuk, 2021, p. 176). If the addressee of a norm does not fulfill the obligations set by the norm, he is said to exceed or violate the norm.

Since observing norms is their realization determined by the state of normative consciousness of the actors, the state of affairs exactly opposite to observing norms is not simply violating norms, but consciously ignoring them, i.e. not observing norms. One can also violate norms without knowing that they exist at all, without knowing their content, or wrongly believing that they are not binding. However, one does not observe a norm only when none of these circumstances occur, i.e. completely consciously. Not observing norms is possible only when in a given situation there is some alternative to conduct different from the normatively assigned (Pałeczki, 2003, p. 140).

Non-compliance with the law refers to behaviors by individuals or social groups that contradict the content of applicable legal norms, despite the conditions specified in the hypothesis of those norms being met. In other words, non-compliance occurs when the addressee of a norm consciously or unconsciously engages in actions (or fails to act) in a way inconsistent with the legal disposition prescribed by the legislator, resulting in the violation of prohibitions or the failure to fulfill legal obligations.

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**2 Forms of non-compliance with the law**

Theoretically and sociologically, non-compliance can take various forms, categorized as *contra legem* or *praeter legem* behaviors. Behaviors *contra legem* involve actions or omissions that contradict the provisions of a mandatory legal norm under the conditions specified in its hypothesis. Thus, non-compliance with the law can manifest either as performing an action explicitly prohibited by the applicable norm or as failing to perform an action required by the norm (Szutta, 2011, p. 49). Individuals who violate the law usually attempt to conceal this fact, anticipating, to varying degrees, the possibility of sanctions imposed by the legal system (Pieniążek, 2012, pp. 9-26). Specific forms of *contra legem* behavior include civil disobedience, abuse of rights, and circumvention of the law. Civil disobedience represents a unique form of legal violation distinguished from other instances of norm-breaking by its openness and public manifestation (Wronkowska & Zmierzczak, 1994, p. 128). Unlike typical violations of law, civil disobedience is not concealed but openly acknowledged. Individuals engaging in civil disobedience do not aim to evade responsibility; rather, they consciously accept the potential sanctions, treating these as part of their protest against actions by public authorities or legal norms they perceive as unjust or inappropriate. The essence of civil disobedience is acting in the public interest, rather than personal gain, aiming to correct social injustice, alter flawed legislation, or exert pressure on public authorities to revise norms considered unacceptable or unjust (Kaczmarczyk, 2014, pp. 231-233). Another form of violation of law is the abuse of subjective rights. In relation to private law, this abuse consists of an action formally consistent with the content of the provision, but contrary to the principles of social coexistence or the socio-economic purpose of the law. An example would be a situation in which the owner of a building plot erects a high fence on it in order to block the view of the neighbour, even though it formally falls within the limits of the building law. This action, although consistent with the regulations, violates the principles of social coexistence, because the motive for its undertaking is solely to make life difficult for the neighbour. In such a case, the action of the owner may be considered an abuse of law.

Circumvention of the law (*praeter legem*) involves knowingly achieving the goal prohibited by one norm by taking actions that seemingly comply with another norm. This avoids the consequences of complying with the sanctioned norm, while not exposing oneself to sanctions (Brzozowski, 2014, p. 3). In order to circumvent the law, addressees often use a restrictive or expansive interpretation of the law, take advantage of ambiguities in the legal language, loopholes in the law or slackness in the decision-making of administrative bodies. An example

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would be an entrepreneur setting up a fictitious company in another EU member state to take advantage of more favorable tax regulations or to avoid more restrictive employment laws, even though the actual business activity is carried out in the home country. This action, while formally complying with the letter of the freedom of establishment regulations, is a circumvention of domestic tax and labor regulations. Circumventing the law is usually viewed negatively from a moral standpoint and treated as a violation of the law, even though formally it may remain in compliance with the letter of the legislation.

The second of the above-mentioned forms of non-compliance with the law, i.e. the conduct *praeter legem*, is an action, so to speak, outside the law and takes place in a situation where there is a gap in the law without a clear formulation of a legal norm by way of analogy in law or other legal reasoning, as well as in the case of an interpretation dispute. Making an extensive interpretation may be considered an action alongside the law. In order to assess the legality of a given conduct, it is usually necessary to take into account at least two norms (Stawecki & Winczorek, 2002, p. 175).

### **3 Effectiveness of the law**

An important concept in the analysis of law violations is the effectiveness of law (Stefaniuk, 2011, pp. 57-62). Effectiveness (in the sociological sense) means the degree to which legal norms are actually implemented in social life (Dziedziak, 2015, pp. 67-88). If the law is not respected by a significant part of its addressees, this indicates its low effectiveness or even ineffectiveness. In turn, high effectiveness means mass compliance with norms by citizens (Wróblewski, 1980, pp. 5-18). The literature on the subject emphasizes that the effectiveness of law depends on many factors - not only on the existence of sanctions and their efficient enforcement, but also on the social acceptance of norms and their compliance with other normative systems (e.g. morality, custom) (Derlatka, 2021, p. 305-317).

Attention should also be paid to the social and psychological foundations underlying obedience to the law. Z. Ziemiński pointed out that in order for someone to decide to comply with a given legal norm, at least one of the following circumstances must occur: approval of the content of the norm, fear of sanctions for exceeding it, or development of a habit of acting in accordance with this norm (Ziemiński, 1980, p. 423). In other words, the addressee of the law will be willing to comply with it if he considers it to be right (e.g. morally or pragmatically), if he fears punishment for breaking it, or if compliance with given regulations has become a routine or reflex for him (Redelbach, Wronkowska, & Ziemiński, 1994, p. 235). At the same time, knowledge of the

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content of norms is a prerequisite for their compliance, but legal awareness alone is not enough - additional motivations are needed to encourage obedience (Wronkowska & Zmierzak, 1994, p. 124). It should therefore be emphasized that law could effectively influence social behaviors, there must be a specific interaction between the legal system and the social environment. Law operates in society not in a vacuum, but in the context of other norms (moral, customary, religious) and various conditions - economic, political, cultural.

In the context of observing and not observing the law, attention should also be paid to the significance of the legal culture of a given society, i.e. the totality of attitudes, views and habits related to the law. In a society with an established legal culture, respect for the law and the habit of observing it will dominate; where the legal culture is weak or historically burdened (e.g. due to the experience of living under foreign law, partition, occupation or law enacted by non-sovereign authorities), greater tolerance for circumventing the law and treating it as an externally imposed nuisance is possible.

At every step, therefore, the multifactorial nature of the phenomenon of non-compliance with the law is noticeable. It cannot be explained solely by ignorance of the law or the "bad will" of individuals, because the decision to obey the norms or not is influenced by both internal factors (personal values, moral beliefs, sense of duty, assessment of the law as fair or unfair) and external factors (group pressure, fear of sanctions, the example of other people's behavior, contradictory norms of other systems).

Analyzing the phenomenon of breaking the law from a sociological and legal perspective, we focus on the question: why do people not comply with legal norms, even though they are formally binding and subject to sanctions? The answer to this question is complex and multi-threaded, but it seems that we can distinguish several main categories of reasons for non-compliance with the law, taking into account both individual and structural factors. The main reasons include: lack of acceptance or conflict with other norms - if the addressees consider a given law unjust, immoral or violating important values, they may be inclined to ignore it; calculation of profits and losses - low severity of sanctions or low risk of their application; group pressure and environmental norms - if the dominant norm in a given group is non-compliance with a regulation, an individual will often submit to this local sub-norm; structural factors and conflict of interests - non-compliance with the law is often rooted in the social structure and the tensions resulting from it (conflict theories suggest that law often serves the interests of dominant classes or groups, which may lead to resistance from the subordinated); disorganization and weakness of institutions - non-compliance with the law may also result from the low quality of legal institutions

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themselves, if the law is chaotic, internally contradictory or frequently changed, citizens may feel justified in not knowing or ignoring it.

#### **4 Role of education**

Education can be seen as a metaphorical battleground of hierarchical rivalry. For example schools are among the first spaces where individuals experience multiple, often conflicting hierarchies. As institutions of the state or of other organizations having some power, accepted by the state, they are responsible for reinforcing legal norms and instilling values aligned with the rule of law (Aurini, Missaghian, & Pizzaro Milian, 2020, p. 174). However, within the educational system, students also encounter other influential structures, such as peer networks, family expectations, and informal school cultures. Each of these influences may promote values that contradict official regulations. Peer groups often operate according to norms that prioritize solidarity and mutual support, sometimes at the expense of institutional rules. Cheating on exams or breaking school policies may be perceived as acts of loyalty to friends rather than violations of formal regulations. In such cases, adherence to one hierarchy, that is the peer group, leads to a rejection of another - the school as a representative of state authority. Individuals navigate competing expectations and may engage in norm-breaking behaviors when alternative hierarchies exert greater influence than the legal system (Schoultz - Flyghed, 2016, p. 191).

Legal violations frequently stem from obligations to power structures that rival the authority of the state. Criminal organizations, corporate hierarchies, and local social networks often demand loyalty from individuals, sometimes in direct opposition to legal expectations. A clear example of this dynamic is found in organized crime, where adherence to internal rules, such as maintaining silence about illegal activities often overrides state-imposed legal obligations - on the other hand elements of loyalty can develop even in police officers working undercover (Joh, 2009, p. 189). Similarly, corporate settings may foster environments in which bending or ignoring laws is encouraged to maximize profits. Employees engaging in unethical practices such as regulatory evasion or financial misconduct often do so not out of personal inclination, but because they are embedded in a hierarchy that rewards such behavior. In this context, lawbreaking is not necessarily a rejection of order, but rather an adaptation to a competing form of authority (Davies, 2017, p. 19).

Understanding lawbreaking through the lens of Hierarchies Rivalry Theory shows us that students navigate multiple, often conflicting, power structures. This perspective allows for the development of pedagogical strategies that do not impose legal norms but engage students in discussions about the social forces

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shaping their attitudes toward legality. Making students aware of the rivalry of various hierarchies can make them also more aware of things such as propaganda from abroad or even related to marketing of various organizations.

One of the key insights from Hierarchies Rivalry Theory is that schools themselves function as hierarchical structures where students must negotiate their place within different layers of authority (Coyle, 1997, p. 236). The rigid hierarchy of teacher-student relationships, the informal peer hierarchies that govern social life, and the bureaucratic structures of educational institutions all shape how students perceive power, authority, and rule enforcement.

One effective way to teach law is through the experiential method, in which students take on the roles of participants in legal disputes or take part in simulated court cases. Such activities not only allow them to better understand the mechanisms of law, but also to see the difficulties associated with enforcing regulations and making ethical decisions. An equally important approach is to involve students in school management processes, which can be a practical way to learn about the principles of how legal institutions and decision-making mechanisms operate. When young people themselves participate in the processes regulating their community, they better understand the importance of norms and principles in collective life.

## **Conclusions**

The role of social norms and their influence on attitudes towards the law cannot be ignored both in legal and pedagogical analysis. Peer pressure and informal group hierarchies often shape attitudes towards legal norms, sometimes leading to their being ignored in the name of loyalty to one's own community. Education should therefore take into account these mechanisms and teach how to recognize situations in which group expectations conflict with the applicable law. It is crucial to create conditions in which compliance with legal norms will not be perceived as an act of subordination to power, but as an element of conscious co-creation of a well functioning community. The combination of experiential, participatory methods and critical analysis of social norms can make legal education not only more effective, but also more engaging and adapted to the real challenges that students face.

Legal transgressions are not merely individual acts of defiance, rather, they emerge as consequences of competing hierarchies shaping human behavior. From the standpoint of Hierarchies Rivalry Theory, lawbreaking can be interpreted as a result of tensions between the state's legal framework and alternative power structures, such as familial ties, peer groups, corporate interests, or organized crime. The process of learning and internalizing legal



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norms, and subsequently either obeying or rejecting them is deeply embedded in these overlapping social orders.

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*Acta Educationis Generalis*  
*Volume 15, 2025, Special Issue*

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