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TRUST AND DISTRUST IN A DEMOCRATIC STATE OF LAW

Abstract. The issue of trust in law and trust of the governed in those who govern them has accompanied mankind since the early history. Trust is one of the most prominent values for maintaining cohesion of social groups and, more broadly, whole societies. People had to first have trust in themselves in order to trust the law and the state and, eventually, to have the state to trust them. The matter of trust in law remains highly up-to-date and should be considered in connection with the trust in the lawmakers, the legal acts created by them, but also trust in law exhibited by the relevant institutions and bodies. Trust is a temporal state; we can enjoy it either permanently or periodically, therefore, the institutions and principles laid down by the law are an indispensable aspect that guarantees permanence of trust. The key task of public administration, aimed at inspiring and intensifying trust, is to obtain and secure the common good in the state on the basis of, and within the limits of, the applicable legal regulations, which at the same time set out the methods and scope of social protection in the individual spheres of operation of the legislative, executive, and judicial authorities.

Keywords: trust, law, state, society, power

ZAUFANIE I NIEUFNOŚĆ W DEMOKRATYCZNYM PAŃSTWIE PRAWA

Streszczenie. Zagadnienie zaufania do prawa i rządzonych do rządzących towarzyszy ludzkości od zarania dziejów. Zaufanie jest jedną z najważniejszych wartości umożliwiających utrzymanie spójności grup społecznych, a w szerszym wymiarze – społeczeństw. Ludzie musieli zaufać najpierw sobie, by zaufać prawu i państwu, a na końcu, aby to ostatnie zaufało im. Kwestia zaufania do prawa pozostaje niezwykle aktualna i rozpatrywać ją należy na gruncie zaufania do ustawodawcy, tworzonych przez niego aktów prawnych, ale i zaufania do prawa stosowanego przez delegowane do tego instytucje, i organy. Zaufanie jest stanem temporalnym, możemy się nim cieszyć w sposób trwały albo okresowy, dlatego obecne w prawie instytucje i zasady są niezbędnym aspektem gwarantującym jego trwałość. Kluczowym zadaniem administracji publicznej, mającym

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na celu wzbudzanie oraz pogłębianie zaufania jest uzyskanie i zabezpieczanie dobra wspólnego w państwie na podstawie, i w granicach obowiązujących przepisów prawa, które jednocześnie wyznaczają metody i zakres ochrony społeczeństwa w poszczególnych sferach działania władzy ustawodawczej, wykonawczej, i sądowniczej.

Słowa kluczowe: zaufanie, prawo, państwo, społeczeństwo, władza

1. INTRODUCTION

Discussing the essence, value and nature of trust requires a multi-dimensional and multi-layered approach. To begin with, certain terminological and ontological assumptions must be made, as they will be crucial for the presentation of the core concepts and their endorsements in this article.

Trust is most commonly defined as an element of social capital or even the social capital itself, an organizational resource, the foundation of social interactions in an organization, a psychological condition reflecting positive expectations as to the motives of others and the outcome of the interaction, a willingness to accept the behaviour of the other party, a bet (Bugdol 2010, 12).

An explicit definition of the notion of trust is the prerequisite for embarking on fastidious analyses and deductions and for deriving valid conceptual conclusions therefrom. Nonetheless, any attempts at defining the scope of the term for research purposes should be based on the examination how it is used above all in general parlance. In everyday life, the matter of trust usually arises in connection with an attempt to resolve a dilemma concerning an individual behaviour of a partner during interaction under the circumstances of an insufficient familiarity with his or her intellectual, moral or religious qualities. Therefore, in terms of ethics it would be quite apt to make a hypothesis that "trust, appearing in anticipation of the future relationship, is a strong enough incentive to take action and, as a kind of hypothesis, lies at the verge between cognizance and non-cognizance of a person. Those who know everything need not rely on trust; those who know nothing can hardly, for obvious reasons, trust other(s)" (Simmel 1975, 396). By the same token, actually the opposite is true as regards trust in law and authority by citizens and certain social groups. At this point in time, this aspect is of utmost importance given the deep decline of trust by individuals, social groups and society as a whole in the legislative, judicial and executive powers as well as in the statutory law and actions taken in pursuance of legal regulations. The purpose of this article is therefore to discuss and systematise the key factors shaping the general level of social trust in the state, specifically including its governing bodies and the law they create, as well as the reasons for its rise, decline and vanishing, i.e., the transition from trust to distrust, and *vice versa*.

2. THE ESSENCE OF TRUST

Being an interpersonal phenomenon, trust is no less than dualistic in nature: it has a material plane with its content and value, and a procedural plane that involves aspects of a discourse as the basic form of intersubjective life and the assumptions of a just (re)distribution of goods. In this context, the formulation of the phenomenon varies from typical approaches where, firstly, trust is mainly a mental state (or a combination of mental states) and, secondly, trust is a three-part relation (X trusts Y in matters Z).

It should be made clear that the notion which is the opposite of trust is distrust, not a mere lack of trust. Distrust involves negative expectations as to the actions of others. Lack of trust, on the other hand, occurs in a neutral situation where neither distrust nor trust can be ascertained due to the absence of precise expectations or experiences. It is usually a temporal condition, at the initial phase of the relationship, although it does not always precede a relationship. It can be described as a suspension of the decision to either trust or distrust.

According to Russell Hardin, the term "trust" is loosely used in academic research and in the vernacular. This leads, in the eyes of the philosopher, to conceptual confusion: "Trust is therefore treated as an a-theoretical term. It is, for example, all of the things that survey respondents think it is" (Hardin 2006, 42). Therefore, since it is *all of the things*, it can also be none of them. In an attempt to nevertheless encapsulate the phenomenon of trust, Russell Hardin created the following definition: "The only thing that can meaningfully force me to trust someone is the evidence that they are likely to be trustworthy toward me in the relevant context, that they will have the right motivations" (Hardin 2006, 34). Trusting another person, according to Hardin, is to believe that "you have the right intentions toward us and that you are competent to do what we trust you to do" […] "Distrust must have a similar logic. If we distrust you, that is because we think that your interests oppose our own and that you will not take our interest into account in your actions" (Hardin 2006, 17) – and your behaviour is not ethical in my comprehension.

Under this approach, trust is a form of a "firm belief" based on experience and observations which "in most cases makes it possible to accurately predict that the trusted person will meet the expectations of the truster" (Graff 2003, 100).

A similar definition was coined by Piotr Sztompka, according to whom trust "is a kind of a «bet» about the future contingent actions of our partners" (Sztompka 2007, 69–70). Where the bet is settled in favour of the partner, that is to mean that the partner wins, it indicates trust, where the partner loses, a distrust (Sztompka 2007).

It follows that we believe the cognitive aspects of trust to be appropriate. This is because it opens up the room to search for trust-inducing factors in the form of

specific socio-economic and political conditions. These conditions are the sources of experiences and observations, which then constitute the grounds for attitudes and action strategies. The phenomenon of trust can also be recognised as gradable. This specific feature of trust has been highlighted by Georg Simmel: "Whatever quantities of knowing and not knowing must commingle, in order to make possible the detailed practical decision based upon confidence, will be determined by the historic epoch, the ranges of interests, and the individuals" (Simmel 1975, 396).

Roderick Kramer went a step further and drew attention to the possibility, or indeed the need, for a gradation of trust in connection with the resolution of interaction dilemmas: "After all, at the very heart of the dilemma is not simply whether to trust or distrust, but rather how much trust and distrust are appropriate in a given situation" (Kramer 2008, 250). Without a doubt, these insights of the author are pertinent and extremely valuable.

There are many other definitions of trust that could be quoted, created or modified across time. However, to put it straightforwardly, it is simply a waste of time since, as the sociologist Earl Babbie noted, the task of explaining terms such as trust in the social sciences seems to be an endless process.

It should be unequivocally acknowledged that the phenomenon of trust is a psychological experience available to every human being. Nonetheless, the question what trust in fact is in terms of ethics is not an easy one to answer, and it well resists being confined within a narrow definitional framework.

How closely should this ethical component be determined and to what extent does it preordain trust? In an act of trust, the truster transcends their self, reveals themselves and takes a risk, offers something that is precious to them. Does the truster count on something in return? Undoubtedly, the truster expects loyalty and hopes not to be cheated or betrayed. Nevertheless, it is amiss to equate these feelings to only a claim, an expectation of reciprocity that reduces trust to an exchange transaction, one of many of its kind. Trust is also, or perhaps above all, an expression of affirmative recognition, an acknowledgement of the other person's subjectivity and, as such, a manifestation of respect for them as a person, and the honouring of their humanity (Graff 2001, 309–316). Since this is the case, to fail to trust someone is to negate his or her qualities as a human being.

3. LEGITIMACY OF GOVERNMENTS AND RIGHTS OF THE GOVERNED IN A DEMOCRATIC STATE OF LAW

It needs to be highlighted that trust varies fundamentally in individual and social experiences. It therefore constitutes a permanent element of social reality in a democratic state ruled by law and, if this is the case, the concept of trust grows somewhat complicated. It should therefore be explicitly stated that it is not trust but the lack of trust that forms the basis for the democratic structure of the

checks of powers, rotation of functions and a collective corroboration during the electoral process.

Democracy requires justification of all rule which *per se* is seen as suspect (Holmes 1995, 18). It is only when it can be shown that the will of the people which has been expressed during the elections is the source of power and when the representatives elected by the majority act in the interests of citizens, then the government is considered legitimate.[1] What we have here is quite a complex mechanism of transition from the psychological sphere (trust) to the physical sphere (taking action and making a choice) in order to again develop trust that is, however, no longer derived from inclination towards candidates and their election programmes, but from satisfaction with a reliable and integral fulfilment of pre-election promises. At the same time, the representatives of the majority may fail to fulfil their mandate. Therefore, the democratic system allows for the institution of civil disobedience. „Both legislative and executive may be held to account by the community if they act in breach of trust" (Parry 1976, 131).

Distrust to those in power is wiped out by cyclic elections and expiring terms of office, which ensure that government representatives will be prepared to surrender their offices voluntarily, and surrender themselves (and their performance) to periodic evaluation. The assumption is that they will be unable to resist the temptation to keep their privileges, and that this inclination can only be defended against by an institutionalised rotation mechanism. "Rationally grounded trust in officials (…) requires that the officials be responsive to popular needs and desires. To have incentive to be responsive, they must be somehow accountable, most plausibly, perhaps, through competitive elections" (Hardin 2003, 204).

Law created by democratically elected political elites is also undoubtedly the object of trust, lack of trust or distrust on the part of the public. As a phenomenon, trust emerges and develops in various conditions, concerns separate manifestations of a collective and individual life, and does refer to various goods and values. It may be induced by deliberate actions of those who want to gain our trust, it may become a deliberate propaganda or ideological game, or it may be connected with the presence of certain family members, friends or public figures. Politicians resort to the institution of political marketing because the human brain mechanisms, discovered and widely discussed in science, allow them to predict and influence our emotions. A politician's image is primarily formed by his or her appearance, including the cut and colour of their clothes.[2] This perfectly illustrates how the

[1] As the classics of political philosophy put it, the government owes a fiduciary duty to the people and has a responsibility to fulfil this function.

[2] It has been demonstrated by the results of a study conducted by Wioletta Czerko at the end of 2003. The study was based on an experiment on a randomly selected group of people. The respondents were shown photographs of politicians dressed in white or green shirts; the respondents then evaluated the politician by expressing their general emotional attitude towards him and the emotions he evoked in them, such as trust, anxiety, or confidence. The analysed results indicated

country's political elite can influence the public using simple and cost-effective methods in order to win, maintain or regain trust.

It is therefore possible to gain public trust quite easily by reverting to various media ploys; nonetheless, maintaining a uniformly high level of trust over a certain period of time, such as for an entire term of office, is not that easy. We can enjoy trust either permanently or for a time. It depends not only on the attitude of the subject of public trust. Just because the public places its trust in a candidate at the time of election, it does not mean that it be maintained at an unchanged level permanently.

Attempts to describe the mechanisms for generating and deepening trust among the citizens of a particular community have been the subject of discourses since the distant past.

Deliberations on trust, lack of trust, distrust and the social role of each of the foregoing appeared very early, in ancient philosophical thought. The issue of trust was taken up for example by Aristotle, who in various writings considered it as a kind of belief (faith) and a specific form of social relationship. Furthermore, in Aristotle's reflections there are connections between the concept of trust and trustworthiness (Aristotle 1996, 306). The concept of trust has played a particularly important role in modern social and political philosophy. It was an integral part of numerous concepts of the social contract established in the 16th and 17th centuries. The fundamental status of trust in the functioning of social, political and economic structures was highlighted by one of the great thinkers of the era, Thomas Hobbes, who described the pre-state conditions and the functioning state.

According to Hobbes, in the state of nature, individuals pursued their individual interests and security at all costs (Hobbes 1651, 61). The state of nature is a state of perpetual danger, and all human relations in it were affected by distrust. The inconveniences of the state of nature prompted the need to establish centralised "artificial coercion" (Habermas 1983, 90). Thus, primitive men sacrificed their freedom derived from nature to ensure "the security of a man's person, in his life, and in the means of so preserving life as not to be weary of it" (Hobbes 1651, 66).[3]

In order to ensure inviolability for the individuals, the institutions of state and law have been established. These institutions are mutually complementary, as the existence of law is conditional upon the existence of the state, and the state

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that a candidate in a green shirt evoked less favourable emotional responses and was deemed less trustworthy than politicians in white shirts (Cwalina, Falkowski 2006, 201).

[3] See Giddens (1991, 126): "Much risk assessment proceeds on the level of practical consciousness and, as will be indicated below, the protective cocoon of basic trust blocks off most otherwise potentially disturbing happenings which impinge on the individual's life circumstances". It is possible for individuals to achieve a sense of security through a well-developed trust, despite their apprehension of the dangers present in everyday life. It thus follows that a sense of security cannot exist without trust."

manifests itself in the law. Trust is a deep sense of security, an endorsement of care, a declaration of love, friendship and faith. This is what has not been taken into account by Thomas Hobbes, therefore, one may conclude that the model of trust promoted by him is an extreme view in a materialist rather than social sense, which is more harmful than ignorance. Trust translates into a material good, but it itself is indeed an immaterial instrument, a pure form of mind, faith and spirit.

The need for trust to be built in the relationship between society and those in power was advocated by John Locke (Rau 1992, 59). The philosopher focused on both the relationship of public trust to the authorities as well as breach or lack thereof. John Locke enters into a polemic with his predecessor Thomas Hobbes (Szczepański 2021) and assumes that what preceded the existence of a state was a positive phase in human history. The nature of primitive man was connected with law, ascribed to him by virtue of his very being as well as being human. Man was born with the law, came to know the law through reason and knew that it applied equally to all; and this distinguished men from animals. The state did not emerge in response to the need to create and sanction the law to protect the interests of individuals. The law of nature existed before the state and manifested itself in the workings of ageless moral norms that protect the individual from evil (Chojnacka, Olszewski 2004, 111).

Law was a subjective mental experience, an immanent part of being, and everyone could interpret it differently, which gave rise to disorder and confusion. The state of nature was good, but it was also precarious, therefore people decided to create a state which has created law. It can therefore be concluded that the relationship between the ruling and the ruled must be based on trust.

Trust is one of the most important values for maintaining cohesion of social groups and, more broadly, societies. People had to first trust themselves in order to trust the state for the latter to ultimately trust them. Without trust, without the conviction that other person, other person's word, a diagnosis or a promise can be trusted, it is not possible to fully exist in a family, business or in a state (CBOS 2012).

4. RATIONAL TRUST

According to voluntarist theories, law emerges from the will of the lawmakers, therefore, whenever citizens trust the lawmakers, they will also trust the law they have made. "Whenever an addressees share the values of the lawmaker, they will be more likely to obey the law the lawmaker has created" (Kunysz 2014). Citizens are more likely to obey a law which they identify with. Law is the result of an organised and institutionalised action by certain actors known as the legislators, who aim to achieve certain objectives through law. Given that the lawmakers are supposed to arouse trust of citizens, they should be a rational legislator.

The concept of a rational legislator sets certain standards for state bodies or, more precisely, for those authorised to perform tasks on behalf of these bodies who thus exert real influence on the introduction of certain legislative acts in the process of law drafting and legislating. A rational legislator is a lawmaker who acts in a planned and deliberate manner. According to Zygmunt Ziembiński's definition, the assumption that a legislator is rational involves "an idealizing and no doubt counterfactual assumption that legal texts of a given system are the creation of a single, fully rational subject, which is unfailingly guided by a certain coherent knowledge and certain considerations, put to order according to preference" (Ziembiński 1980, 25). Legal norms should, given that they are identified with, be respected by all members of a given society. Notwithstanding the foregoing, a rational legislator should none the less have measures of potential coercion in place, should an individual object to the voluntary compliance with the disposition of a particular norm.

The legislator's actions should be well thought-out and orderly enough to avoid recurrent amendments or changes to a law. Such modifications could adversely affect the trust in the law, as they create a sense of instability and legal uncertainty. The negative phenomena associated with constant changes in law which erode citizens' trust can, however, be counterbalanced by legal principles. The first of these principles is the one expressed in the Latin maxim "*prioritas legis mitrior*", whereby, in the face of continuing legal changes, the law applicable to citizens will be the onewhich is more in their favour rather than the most recent law. This legal principle has undeniably a positive effect on citizens' trust in law, as it makes them believe that regardless of the changes made to the law, it will always protect their best interests.

Next is the principle of "*lex retro non agit*" which prohibits the enactment of laws and legal norms prescribing the application of newly-enacted legal norms to events which took place before their entry into force (Tuleja 2016). As Marek Zubik points out, "the prohibition enshrined in the principle of *lex retro non agit* in fact guarantees that subjects of the law may conduct their affairs being assured that by their actions they will not be exposed to negative legal consequences that they could not foresee" (Zubik 2016). Accordingly, the *lex retro non agit* principle is definitely intended to give citizens a sense of security and a feeling of trust in the law in force, in line with the principle of protecting citizens' trust in the state, and in the law laid down by it.

Exactly the same feeling, i.e., the feeling of trust, is to be evoked by the principle of "*pacta sunt servanda*" which dates back to Roman law, refers to good business practices, and is aimed at protecting acquired rights. According to this principle, a contract that has been duly made cannot be terminated by a decision of one party alone. What we are dealing with here are the basic assumptions of the protection of property. This builds a reality in which even the foreshadowing of a change in the law is not able to undermine the sense of security in a society.

Furthermore, certain circumstances regulated in codes of law that exclude guilt and legal liability are worth a note. An example of the circumstances referred to in the preceding sentence is the institution of an "error as to the unlawfulness of the act" regulated in Article 10 paragraph 3 of the Polish Fiscal Penal Code. According to a literal interpretation thereof, the statutory term "erroneous belief" refers to an error whereby a perpetrator is certain of the occurrence of a given **circumstance excluding unlawfulness**, and the certainty reflects the individual's trust in the law. The conduct of such an individual may be judged as naive or reckless, but isn't naivety basically an excessive trust? The lawmaker creates laws and regulations that positively contribute to citizens' sense of security and degree of trust.

More and more often the law safeguards and protects the interests of citizens as a priority to and over and above those of the state. Accordingly, the significance of the maxim *ignorantia iuri snocet* that young lawyers are taught at the beginning of their legal education is being gradually eroded.

What matters to a rational legislator are the consequences that citizens suffer and how individuals could be protected against them. This protection takes the form of civil rights granted to individuals, offering them the freedom to sue public institutions, appointment of an ombudsman, and, in some countries, even the admissibility of a direct "constitutional action" against the state. Citizens of European Union member states have the right to complain against their home state to a special court in Strasbourg, had their rights been violated by their state.

If law is an authority to citizens, it implies that they are convinced that those who created it are competent and have performed the task entrusted to them with full conscientiousness. Citizens should assume that the law operating in the actual social space is effective. The issue of the effectiveness of legal norms was addressed by Zygmunt Ziembiński, who distinguished between the formal and actual effectiveness. The former is the relative frequency of conduct compliant to the legal norm whenever it is applicable, and the latter is the degree to which the establishment of a given legal norm under the respective conditions has led to the intended outcome (Ziembiński 1980, 454). The public's belief that the law is effective is yet another pillar on which the trust in law rests. Individuals safeguarding their interests and seeking to protect or enforce their rights presuppose that the established legal norms will effectively guarantee the fulfilment of their expectations and requirements. The purpose of law is to regulate social relations in such a way so that citizens can pursue their individual interests without compromising the interests of others and of the state; the law must be effective. In order for the law to be applied, it must work, it must be observed and enforced. According to Jerzy Jakubowski, the effectiveness of a legal norm is tantamount to its observance by its addressees. If a certain legal norm is observed by its addressees, then such norm can be recognized as effective: in the case of primary norms, the addressees observe the norms, and in the case of secondary

norms, they apply them. Then again, those primary legal norms that, despite being in force, are not observed, and those secondary legal norms that are in force, but are not applied, are ineffective (Jakubowski 1965, 318, 320). A frequent recourse to decisions of common courts of law, in all the cases as needed, is a manifestation of individuals' trust in the law and in the administration of justice.

5. FAITHIN A FAIR AND IMPARTIAL JUDICIARY

Trust in law is generally also intensified by faith in the judiciary. Notwithstanding any connections with events taking place in the political arena, these deliberations should begin by reflecting on the constitutional principles of the courts system. Independence and impartiality of courts of law are the foundations for citizens' trust in the judiciary. The corelation between trust and the judicial system is of essence, as in order to avail themselves of legal remedies, citizens must first have trust in the fairness and effectiveness of law. The courts of law are for the people – without citizens and their cases brought before courts of law, the existence of the judiciary would be futile.

The judiciary should work in a predictable manner, without biases, and above alliin accordance with the letter of the law. The various measures put in place to protect the autonomy of courts of law (such as appointment for life or financial independence of judges) are intended to ensure that law is enforced without prejudice (Holmes 1995, 47). If we assume that we can trust the legislators and the normative acts created by them, the next step in the manifestation of citizens' sense of trust in law will be the equitable application of law by the judiciary. "Law may protect civil rights, freedom, and property even in the face of political opposition. Thereby, it may create confidence in the legal system and institutions protecting it can emerge, and it facilitates the expression of trust in other relationships" (Luhmann 1978, 194).

According to Article 178 paragraph 3 of the Polish Constitution, a judge may neither be a member of a political party or a trade union nor engage in public activities incompatible with the principles of judicial independence and impartiality (The Constitution 1997). The independent judiciary is the guarantor of fair judgments, free from undue influence. "Impartiality is, as emphasised in judicial jurisprudence, the condition for building social trust in the judiciary. The high profile of the judiciary largely depends on whether its decisions are perceived as impartial. The authority of judicial decisions is corelated with the authority of the law as such" (Jasiński 2009, 487).

Judges should not only remain independent and impartial, but also competent, in their work. When people entrust their cases to be resolved by judges, they do trust that the outcome will be fair, objective and rooted in the right legal norms. Each and every person appearing before a court has the right to expect that the

court will not be prejudiced against him or her and that its decision will be based solely on admissible and credible reasons (Jasiński 2009, 85).

When the judiciary is composed of trustworthy people, the society will also trust their decisions, which come to be a part of the legal order.

Judges are subordinate only to the Constitution and the statutory law. If we were to assume that citizens have trust in their lawmaker and the laws it has created, they will have confidence that judges, in keeping with the norms established by the lawmaker, will act as needed to protect their interests and issue fair judgments.

One should not, however, overlook the matter that has remained the focus of lively debates in legal scholars' writings since the 1930s, namely judicial discretion. It touches upon the interpretation of law, in particular the division between the "creative" and "derivative" interpretation of "judicial law". Bartosz Wojciechowski points out that "applying the law involves a particular kind of freedom concerning the choice of a legal provision, freedom of interpretation, freedom of evaluation of evidence or the choice of legal consequences" (Wojciechowski 2004, 16). In is noteworthy at this point that the discretionary power of the judge(s) is far from unlimited. Being subordinate to the Constitution and the statutory law is as such a serious limitation to the independence of the judicial power. Public authority bodies act on the basis of and within the limits of the law (Article 7 of the Constitution of the Republic of Poland). It should also be emphasised that their actions (decisions) must be derived from the *iuranovit curia* principle, i.e., the knowledge of the law (Gil 2012, 47).

Courts are free from the suspicion of bias or negligence thanks to the principle of two-instance procedure enshrined in Article 78 of the Constitution, further expanded in Article 176 thereof. The law guarantees to every citizen the right to have his or her case heard by a different judicial panel in a court of higher instance. This no doubt affords a sense of certainty, security, and, above all, assurance of a fair verdict. The principle of two-instance proceedings is the manifestation of the principle of the rule of law which is fundamental to the entire legal system as it constitutes the source of basic rights for a party to the proceedings. Non-appealability of a judgment before a higher instance court would restrict the interested parties' right to a fair trial, which is contrary to the principle of a democratic state of law and without a doubt reduces the degree of trust in the state.

6. SUMMARY

Mutual trust of individuals in each other and of all the citizens of a particular community in the public authorities and the law is fundamental to the proper functioning of an enormous system of interconnected authorities, i.e., the state.

Integrity, trustworthiness, sincerity and a certain degree of trust are essential for an effective public policy. The government and the local administration function within a system of communities organised into a state with its institutions, bodies and the applicable legal regime, including constitutional regulations. Given the importance of the Constitution, it has become a rule that the principal rules of the structure and the functioning of state administration, in particular a number of important component elements of the system and the workings of the administration itself, are set out in the Constitution.

The principle of a democratic state based on the rule of law enshrined in the Constitution also embraces the directive to protect and deepen citizens' trust in the state, its institutions, and its bodies. This directive presupposes, and even imposes, upon the administrative bodies the duty to be at least upright towards citizens: to observe the established rules of conduct, not to withdraw from the commitments made, and not to abuse their position of power or extended powers towards citizens.

Pondering upon the matter of trust in law, it must be unequivocally affirmed that the key task of state authorities is to fulfil the most important objective defined by law and based on the existing social values and the binding ethos. The objective is to attain and safeguard the common good in the state on the basis of, and within the limits of, the applicable laws that at the same time set out the methods and scope of social protection in the individual spheres of operation of the legislative, executive, and judicial authorities. The optics of the public attitudes towards various public administration institutions show that the image of a state is a complex issue moulded not only by a wide range of norms, expectations and individual experiences, but also by a diverse cultural, political, and socio-economic context.

It should be highlighted here that one of the best ways to improve the efficiency of the public sector, to reduce transaction costs and to provide a very strong impetus for those in power to carry out major reforms is to boost trust. Rebuilding eroded or lost trust usually requires more time, vaster resources and greater effort than the planned, continuous preventive measures to develop and maintain, for a long time and at an appropriate level, the reputation and mutual trust between the public administration and the society. It is therefore of the utmost importance that those in power focus precisely on the latter tasks with respect to the people they govern.

The government should persistently monitor, analyse and synthesise the conclusions derived directly from quantitative and qualitative research. Those analyses facilitate the development of nationwide strategies to improve and enhance the trust and credibility of the individual state authorities and to deliver public services in a more effective and efficient manner.

In summary, trust in state institutions and administrative bodies, in states as a whole, and in the law, has a direct bearing on the magnitude of innovative

activities, boosts the intensity of social mobilisation, fosters the development of communities, and is the driving force behind the human potential of the state. When a society develops in an atmosphere of mutual trust, not only does the level of prosperity increase, but the quality of life of its individual constituent units – its citizens – also rises. One could even conclude that their life is somewhat easier. Trust always brings commensurate positive values to the person bestowing it and to the one bestowed with it, and the same applies to citizen-state and society-state relations. When we trust someone, our actions are unpretentious and free from uncertainty. We do not have to control anyone or make sure that everything is as we wish it to be. We can then devote more time and energy to our family, work, intellectual development or charitable activities. A state that has trust in its society also does not need to control it, and can devote the expenditure otherwise spent on state control and direct coercion to pro-social activities and to helping those in need. Hence trust is a priceless value, and it is difficult to imagine any further development or right coexistence of societies and the states and laws they create without trust. It is therefore of the utmost importance to constantly monitor the level of public trust in the state and its particular bodies, and to create new solutions to build, maintain the permanently high level of and to regain lost confidence.

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