

Law and Individualism: Balancing Rights, Responsibilities, and Group Dynamics

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ABSTRACT

Purpose: This article critically examines the interplay between individualism and collectivism in legal systems. It argues that the law remains disproportionately focused on individual rights and duties, even though group dynamics demonstrably shape behaviour. The paper therefore calls for the formal recognition of informal groups and the integration of collective responsibility to reflect current social realities more accurately.

Methodology: Employing a historical-legal and interdisciplinary lens, the study traces the evolution of individualism from Roman law to modern legal frameworks. It combines comparative legal analysis, theoretical critique, and normative analysis to propose legal reforms that reconcile individual autonomy with collective accountability.

Findings: Historically, legal systems have privileged individualism and underestimated the influence of groups. As a result, informal collectives often lack protection and meaningful participation in legal processes. This over-emphasis on the individual hampers effective responses to systemic discrimination, environmental harm, and labour rights violations. Although certain branches—such as corporate and environmental law—implicitly recognise collective responsibility, explicit mechanisms to balance individual and group interests are still required. Flexible legal models can integrate group accountability without eroding personal rights.

Practical implications: Conferring limited legal personality on informal groups would enable them to assert rights without full formalisation. A calibrated balance between individual and collective liability would enhance the law's capacity to address problems that demand shared responsibility. Strengthening collective legal tools—such as class actions, trade unions, and community governance—would improve legal representation, while the use of AI-enabled digital platforms could foster participatory law-making and deliver fairer legal structures.

Keywords: individualism, collective responsibility, group dynamics, informal groups

Pravo in individualizem: uravnoteženje pravic, odgovornosti in skupinske dinamike

POVZETEK

Namen: Članek kritično obravnava preplet individualizma in kolektivismu v pravnih sistemih. Avtor trdi, da je pravo nesorazmerno osredotočeno na individualne pravice in dolžnosti, čeprav skupinska dinamika dokazano oblikuje vedenje. Zato poziva k formalnemu priznanju neformalnih skupin in vključitvi kolektivne odgovornosti, s čimer bi pravo natančneje odražalo sodobno družbeno stvarnost.

Metodologija: S historično-pravnim in interdisciplinarnim pristopom študija sledi razvoju individualizma od rimskega prava do sodobnih pravnih okvirov. Združuje primerjalnopravno analizo, teoretsko kritiko in normativno analizo ter predlaga reforme, ki usklajujejo individualno avtonomijo s kolektivno odgovornostjo.

Ugotovitve: Zgodovinsko gledano so pravni sistemi privilegirali individualizem in podcenjevali vpliv skupin. Posledično neformalne skupine ne uživajo ustrezne zaščite in smiselne udeležbe v pravnih postopkih. To pretirano poudarjanje posameznika ovira učinkovite odzive na sistemsko diskriminacijo, okoljsko škodo in kršitve delavskih pravic. Čeprav nekatera področja – na primer korporacijsko in okoljsko pravo – implicitno priznavajo kolektivno odgovornost, so za uravnoteženje interesov posameznika in skupnosti še vedno potrebni izrecni mehanizmi. Prilagodljivi pravni modeli lahko vključijo skupinsko odgovornost, ne da bi pri tem razvrednotili osebne pravice.

Praktične posledice: Podelitev omejene pravne subjektivitete neformalnim skupinam bi jim omogočila uveljavljanje pravic brez popolne formalizacije. Uravnoteženo razmerje med individualno in kolektivno odgovornostjo bi okrepilo sposobnost prava za reševanje problemov, ki zahtevajo deljeno odgovornost. Krepitev kolektivnih pravnih orodij – kot so skupinske tožbe, sindikati in skupnostno upravljanje – bi izboljšala pravno zastopanje, uporaba digitalnih platform z umetno inteligenco pa bi lahko spodbujala participativno oblikovanje prava in pravičnejše pravne strukture.

Ključne besede: individualizem, kolektivna odgovornost, skupinska dinamika, neformalne skupine

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1 Introduction

Since prehistoric times, humans have lived in collectives, from basic family units and tribal communities to more complex modern forms of association, such as companies, political parties, trade unions, or NGOs. Although the influence of group dynamics on individual agency has long been recognized (and acknowledged) in social science disciplines such as sociology, psychology, and anthropology, legal scholarship remains largely individual-centred; it deals with groups only indirectly or through limited formal structures such as legal persons. This discrepancy between social reality and the legal system

raises the question of whether reality should be adapted to law or vice versa. Whatever the answer, the fact remains that legal scholarship insists on an individualistic approach despite the major role of groups in the lives and behaviour of individuals. Of course, the legal system also recognizes the existence of groups (e.g. families, religious communities, businesses or local communities), but it often does so in a limited and superficial way (legal regimes on the functioning of groups address the governance of individuals within them but rarely include the specificities of group dynamics that can decisively influence the behaviour of individuals within them. The individual is therefore always “blamed” or thanked as an individual, not as part of a group that has influenced his or her “individual” behaviour.

Individualism, as the central paradigm of contemporary legal scholarship, emphasizes the autonomy of the individual, his inalienable dignity and rights. This approach is the result of a historical development that has focused on protecting the individual against abuse of power and ensuring a legal order in which every individual is treated as an equal legal subject. However, this paradigm also has shortcomings about the (failure to) consider the collective influence of groups on the individual. Individuals are inextricably linked to groups such as family, community, cultural and religious groups that shape their behaviours, norms, and values. Legal scholarship that focuses solely on the individual often neglects these connections. Individualism can overlook the needs and rights of groups, such as minority communities or indigenous peoples, whose identity and interests are inextricably linked to the group context. Individualist-based legal scholarship can make collective action to enforce rights, such as trade union struggles or class actions, difficult. Legal scholarship often recognizes only formal groups (such as legal persons), while the influence of informal groups such as interest groups or local communities is ignored. Individualism legally treats responsibility as personal, which can make it difficult to address collective responsibility, for example, in the case of war crimes, environmental disasters, or systemic discrimination. The individualist approach assumes that all individuals are equal before the law but ignores structural inequalities arising from social and economic differences. Considering the above-mentioned problems, this paper will address issues related to the focus on the individual and his/her relationship to groups. The central research question concerns the regulation of the relationship between individual and collective responsibility and ways to regulate more effectively the impact of both informal and formal groups on the individual. The lack of an adequate legal framework to address groups leads to legal and social problems, including collective responsibility and heterogeneity of interests within groups. On the other hand, insisting on individualism risks making law an ineffective tool for ensuring justice in an increasingly complex social environment. After a historical-legal overview of the development of individualism in the next section, Chapter 3 examines the impact of groups on individual behaviour, to move on to the legal treatment of formal and informal groups. On this basis, Chapter 5 sets out the possibilities for future developments, which should also reflect the role of groups in society, followed by a conclusion in Chapter 6.

2 The Historical-legal Development of Individualism

2.1 Roman Law as the Basis of Individualism

Roman law is the basis for modern legal systems because of its focus on individual rights and duties. Its fundamental conception was based on the concept of the subject as a legal subject who had the capacity to be the bearer of rights and duties, which made a key contribution to the understanding and promotion of individualism. It focused on the distinction between persons who were the bearers of rights (lat. *persona*) and the things (lat. *res*) that were the objects of those rights. This distinction allowed individuals to have precisely defined rights, including the right to property, inheritance, and obligations. (Korošec, 1980) While Roman law also included collective structures such as families (lat. *familia*), urban communities (lat. *civitates in municipia*) and merchant associations (lat. *collegia in societates*), these collective units operated through individuals who were individually responsible for the actions of the group.¹ Similarly, corporations and associations have only acted through individuals who have acted on their behalf.² Because of its focus on the individual, Roman law provided a balance between legal certainty and predictability, which allowed for an effective and stable legal order in a complex society such as the Roman Empire. It is therefore reasonable to argue that Roman law, with all its peculiarities, was a key contributor to the development of the concept of individualism that shapes modern legal and social structures.

2.2 The Middle Ages Collective Responsibility and Feudalism

The Middle Ages offer a contrasting insight into the development of legal systems, as it is a period of collective responsibility and feudal regulation. One of the key features of medieval legal systems was collective communal responsibility, where local communities were often punished for the actions of individuals;³ this practice, which recognizes the influence of the individual on the collective, has strengthened the cohesion of the community, while at the same time limiting the rights of the individual and raising questions about the fairness of such an arrangement. Collective punishments burden innocent members of society, encroaching on the individualism that is also familiar in modern law (existing military and other conflicts where innocent victims are recorded, or actions taken against the wider community for the actions of one or a small group of people⁴). In a feudal society, where social classes were clear and impermeable, legal systems ensured that the nobility, peasantry, and clergy were treated differently. The social hierarchy thus created unequal-

1 For example, the "pater familias" had an authoritative position in the family, and his role emphasised individual responsibility for the legal actions of all family members.

2 Urban communities had elected or appointed officials who acted on behalf of the community; thus, contracts for the construction of public buildings (e.g. aqueducts or temples) were awarded by these officials. Associations appointed individuals (e.g. *magister collegii* or *actor*) to manage the day-to-day business and to conclude contracts on behalf of the association.

3 See e.g. (Barber, 2004; Glenn, 2004).

4 If a driver is caught by the police speeding, instead of just punishing him (and impounding the vehicle), the action taken is to reduce the speed of everyone on a given stretch of road.

ities that today (at least legally⁵) would be inappropriate. Nevertheless, the historical context of the medieval system teaches us a lesson about the role of community and collective responsibility. Although anti individualist, such an approach reinforces a sense of community and establishes the foundations for accountability within broader social structures. The question is how modern policies can strike a balance between preserving individual rights and promoting the collective responsibility that the Middle Ages were known for. If the system of collective responsibility was rooted in the need to maintain order, security, and stability at a time when the institutions of state power were weak, communication was slow, and modern legal systems were still underdeveloped, the question of how to integrate a system of collective responsibility into an otherwise prevalent and modern system of individual responsibility remains open.

2.3 Enlightenment and the Individual

Individualism as a fundamental paradigm of legal science is a concept that draws firmly on the philosophical debates of the Enlightenment, which produced thinkers such as John Locke, Thomas Hobbes, and Jean-Jacques Rousseau. In contrast to the doctrine of collectivism, which ignores the importance of individual rights and freedom, individualism offers a robust framework for regulation in modern society that respects the autonomy of the individual and his or her inherent rights. John Locke (1632–1704) is one of the key thinkers of the Enlightenment, whose works laid the foundations of liberal thought. In *Two Treatises of Government* (Locke, 2010), he introduced the concept of natural rights which belong to every individual at birth. These rights include the right to life, liberty, and property. Locke argued that the primary function of government is to protect these rights, with power derived from the consent of the governed, which is the basis of the social contract. If the government violates natural rights, citizens have the right to rebel. Thomas Hobbes (1588–1679) in his work *Leviathan* (Hobbes, 1998) presented a vision of a society where individuals in their natural state live in constant fear of violent death, because life is “lonely, miserable, miserable, animalistic, and short”. To avoid this situation, individuals unite and enter a social contract in which they transfer all their rights to the sovereign in exchange for security and order. Although Hobbes advocates the absolute power of the sovereign, his approach is deeply individualistic, starting from the assumption that individuals act in their own self-interest and that the social order is the result of their rational agreement. Jean-Jacques Rousseau (1712–1778) in the *Social Contract* (Rousseau, 2001) introduced the concept of general will (fr. *volonté générale*), which represents the collective will of all citizens and is directed towards the common good. Rousseau believed that by entering a social contract, individuals become part of a political community where they are subject

5 Despite the constitutional prohibition of caste-based discrimination and numerous reforms, caste still exists as a social and cultural phenomenon in India. The caste system, based on the traditional division of society into four basic varnas (varnas) and numerous sub-castes (jatis), continues to have a profound impact on social relations, marriage, employment and political practices.

to the general will, but in doing so they gain true freedom, since they act in accordance with their own will, which is aligned with the common good. Although he stresses the importance of the community, Rousseau starts from an individualist perspective, where it is the individual who chooses to enter a social contract. Immanuel Kant (1724–1804) in his moral philosophy emphasized the autonomy of the individual as the ability to act in accordance with one's own rational understanding of the moral law. In *Critique of Practical Reason* (Kant, 2003), he introduced the concept of the categorical imperative, which dictates that only those maxims should be acted upon which we can at the same time wish to become general laws. Kant's philosophy is based on the belief that the individual is autonomous and capable of moral judgement, which is the basis for a legal order that respects individual freedom and dignity. The Enlightenment thinkers laid the foundations for the emergence of modern legal systems by emphasizing reason, individual rights, and the social contract. Their ideas influenced the drafting of important documents such as the American Declaration of Independence (1776)⁶ and the French Declaration on the Rights of Man and of the Citizen (1789), which for the first time legally recognized fundamental human rights and freedoms.

2.4 Critique of Individualism

Individualism draws its philosophical-legal basis from the main ideas of the Enlightenment (natural rights, individual autonomy, and the social contract). Legal science, based on the historical-philosophical ideas of the Enlightenment, focuses on the individual as the fundamental unit of rights and duties, rather than on the community. If such an understanding is "classical", this word (lat. *classis*) has inversely developed as 'any one of the five divisions into which Servius Tullius divided the Roman citizenry, armed forces, fleet, group, rank, class' (Krüger, 2023), and from it the term classical as 'serving as a standard of excellence' (Merriam-Webster, 2025) (excellence in relation to class, community). This individualistic approach relies on the natural rights of the individual, which are still placed at the center of the social and legal order. The individual is thus treated in law as an autonomous subject, the bearer of rights such as the right to life, liberty, and property, and duties such as respect for the law and responsibility for one's own actions. Although Enlightenment ideas have shaped modern legal systems, it must be asked whether these ideas are still sufficiently effective in today's increasingly complex society. On the other hand, such an individualistic framework overlooks the fact that man is not an isolated entity most of the time, but a social being (*zoon politikon*) (Aristotle, 1998) who begins and lives life in a community based on relationships and social cohesion. On the contrary, Hobbes, in *Leviathan*, also addressed natural rights, but (differently from Locke (in his vision of the social contract, he believed that natural rights in the state of nature lead to chaos. To avoid this, individuals voluntarily give up part of their natural rights in favour of a sovereign (ruler or government) who provides security and order. According

⁶ In the opening lines of the US Declaration of Independence (1776), Jefferson proclaims that "all men are created equal" and that they are endowed with "unalienable rights", including life, liberty and the pursuit of happiness.

to Rousseau (Rousseau, 2001), individuals do not lose their natural rights by entering a social contract but transfer them to a collective body acting in accordance with the general will (*volonté générale*). The latter is now known in law as the public interest.⁷

Through the cognitive revolution of using language and imagined reality of nations and corporations, which are best exemplified by modern legal fictions, homo sapiens outstripped all other human and animal species mainly with his ability to cooperate (Harari, 2014); although corporate, “fictional”, legal systems have played a key role in this shift, the industrial revolution and the development of capitalist economies on this basis have primarily enabled the legal protection of individuals, owners, and entrepreneurs. Such a legal evolution was not merely a necessity of the moment but an inevitable orientation towards the recognition of the intrinsic value of the individual. Although individualized legal science encourages progress and innovation and the emphasis on individual rights protects against oppression and discrimination and promotes personal responsibility and motivation to participate in the legal and social spheres, the question of the impact of collective action in these areas remains unresolved. In this context, the question arises of whether legal theory and practice should remain within the framework of individualism or introduce a more inclusive approach that also recognizes the importance of the community. The reality of social co-existence certainly involves both individual and collective elements, as well as combinations thereof. Integrating collective aspects into legal thought is not just a theoretical move, but a necessary adjustment to ensure fairer and more effective legal systems that respect both the individual and the community.

2.5 The Evolution of Modern Legal Systems

The development of legal systems in the nineteenth and twentieth centuries, based on Enlightenment principles, is one of the most important milestones in legal history and gives individual rights a key place in the legal paradigm. The continental, as well as the Anglo-American system, and international human rights law focus attention on the individual, with both legal and social benefits. The Code Napoléon (1804) was of great importance for the codification of civil law; its system is based on the concept of individual rights and contractual autonomy, which allowed for greater legal protection of individuals and freedom of contract. Similarly, the Anglo-American legal system, based on case law, plays an important role in protecting individual rights through judicial decisions. By relying on past cases, it creates stability and predictability, which not only protects individuals, but also promotes social development. Finally, international human rights law, through documents such as the Universal Declaration of Human Rights (1948), establishes the individual as the bearer of universal rights that must be protected by every state. This is invaluable in the quest for the equal treatment and protection of all individu-

⁷ Declaration of the Rights of Man and of the Citizen already in Article 1 states that ‘people are born and live free and equal in rights. Social differences should only be based on the general interest’.

als worldwide. While the implementation of these principles has always been somewhat uneven, it is a fact that setting a framework of universal standards is a crucial step towards improving global justice.

Even though the existence of states and modern legal systems is per se based on the idea of the social contract (where individual freedom or security depends on collective regulation, where the protection of individual rights is also in the public interest), the philosophical basis developed through the ideas of Enlightenment thinkers remains at the heart of legal science.⁸ A key change in the evolution of legal systems has been the shift away from collective responsibility and towards greater individualism. Previously, the importance of the community had been emphasized, in the belief that social harmony derives from collective responsibility and solidarity (Durkheim, 1984; Ferdinand Tönnies, 2001; MacIntyre, 2007; Polanyi, 2008). The historical development of attention to the individual, from Roman law to modern legal systems, reflects the development of human rights; despite its importance (which no one denies), this individualistic focus is partly outdated, as in some parts it no longer corresponds to the needs of a complex modern society.⁹ Historical events often reveal conflicts between individualism and collectivism, which are not only of an academic nature, but have important implications for the contemporary understanding of law and social structure. The first well-known example that highlights this conflict is the French Revolution, where the Declaration of the Rights of Man and of the Citizen (1789) marked a turning point in the recognition of inalienable human rights, while at the same time being inextricably linked to the collective movement for equality and freedom. The Revolution thus combined individual ideals with powerful – despite on the emphasis on the individual – collective efforts, which has created a complex dynamic between the individual and the community. On the other hand, the public interest has been and continues to be those who, according to the principle of proportionality and through public services, can interfere with and restrict human rights.¹⁰ The next period of great change, industrialization in the 19th century, brought a different challenge; the capitalist system of the time was based on individual contractual autonomy, which often led to exploitative practices (Thompson, 2002). In response to this, a movement for collective workers' rights began to develop, which was crucial to protect workers from systematic exploitation, and these developments show that collective efforts can improve individual living and working conditions. It is still the case that trade unions are one of the bargaining parties in collective agreements

8 The practical implications of individualism in law are clear: contract law allows individuals to enter contracts that suit their interests; criminal law ensures that liability is personal. This makes everyone accountable for their actions, which promotes accountability and justice; constitutional law protects the fundamental, human rights of individuals from interference by the state or other groups, which is essential to guaranteeing individual freedom and autonomy.

9 One of the innovative aspects of the Nuremberg trials, which were based on the belief that war crimes and crimes against humanity could not be attributed solely to a state or an organisation, but rather to the individuals who made the decisions and carried out the crimes, was the treatment of certain Nazi organisations (*Schutzstaffel*, *Geheime Staatspolizei* and NSDAP) as criminal organisations, which implicitly included collective responsibility (although judgements still required individual proof of the guilt of each member of a criminal organisation, underlining that the law was based on individual responsibility for crimes) (Taylor, 2013).

10 See supra n. 16.

(which by its very name refers to the collective) and labour legislation, both in terms of working conditions and rights arising from work; as such, they apply even to those employees who are not union members and have never bargained for their rights on their own behalf.

2.6 Critique of Historical Development

Despite the attractiveness and usefulness of the individualistic approach, there are also critics who point to some of its inherent limitations. According to Marx, individuals in a capitalist system are inevitably trapped in a class structure (Marx, 2018), which means that individual rights are often insufficient to protect their interests because these rights take place within a broader economic context of inequality and exploitation. Durkheim highlights collective consciousness as fundamental to social cohesion, which is shaped by groups and shared values. He points out that individualistic legal systems often fail to take this collective dynamic into account, which can lead to a lack of social integration and consequently to increased social tension (Durkheim, 1984);¹¹ contemporary feminist theories also question individual autonomy, pointing out that it is often built on social norms that unequally privilege certain groups over others (Hooks, 2014); in this context, individualism is not only limited but also problematic, as it perpetuates systemic inequalities. Inequality is supposed to be the result of political, ideological, and systemic choices, not a natural consequence of economic laws or technological progress; it is the systems, their underlying structure, that enables and sustains inequality.¹² Systems theory, which is well known today, is based on the idea that systems are networks of smaller systems; this multilayered structure of systems is closely coupled with multiple relations at the same time from which emerge something new that parts per se do not have. Holism manifests itself throughout the set and is not present in any part. Hannah Arendt described the inter-

11 Collective consciousness, as defined by Émile Durkheim ("the sum total of beliefs, ideas and moral attitudes common to the average members of society"), plays a key role in shaping the mechanisms of social control: it acts as an invisible force guiding individuals towards conformity to social norms and values. Collective consciousness promotes stability and order in society. In a world where norms and values are often diverse, collective consciousness provides the common ground that allows individuals to interact in a way that minimises conflicting interests. Such a common framework acts as a reference point that enables harmonious action in the community. Collective consciousness is also crucial for internal control and self-regulation of individuals – instead of relying solely on external punishment mechanisms such as laws and regulations, collective consciousness fosters an internal sense of responsibility and duty. This not only strengthens individual moral responsibility but also reduces the need for strict institutional control. Without the basic level of coherence and harmony provided by collective consciousness, social innovation would not be able to flourish due to the lack of a common goal or starting point. Collective consciousness, as conceived by Durkheim, remains a fundamental tool for understanding and implementing mechanisms of social control. Its ability to guide individuals towards cooperation and harmony provides a solid basis for peaceful and orderly social living, which is essential for the progress and development of any society. Durkheim defined a social fact as any mode of acting, thinking or feeling which is external to the individual (is of a collective nature), exercises coercion or influence over the individual, exists independently of the individual's behaviour and is part of the social order. Examples of social facts are laws, norms, traditions, customs, religious rites, language, economics, culture (Durkheim, 1982).

12 A good example is the elephant curve of global inequality, also referred as the Lakner-Milanovic graph or the global growth incidence curve that visually represents how income growth has been unevenly distributed across various global income groups (Lakner and Milanovic, 2013).

twined web of relations that have no weight in isolation, but in their common (if unintentional) connections take on a new appearance, a new result that cannot be attributed to anyone individually, as “nobody’s rule” (Arendt, 1972, p. 137), as perhaps one of the most powerful forms of man’s domination over man, which goes by the name of “bureaucracy”: it is ‘a legally complex system of offices in which no one, not one, not the best, not a few, not many, can be held accountable’. Taken together, these criticisms reveal that the individualist approach, while attractive in design, can be flawed and prone to neglecting the broader social and economic structures that affect individual lives. Legal scholarship should – consistent with the findings of psychology, where the individual unconsciously follows the actions of other people and/or groups (Asch, 1952; Milgram, 2009; Zimbardo, 2008) – reconcile individual and collective perspectives and recognize that groups are an integral part of human identity and rights. In this way, we can achieve a better relationship between the individual and the social community that meets the needs of modern society. Pope Francis speaks of a similar issue when he mentions the globalization of indifference;¹³ his idea could be seen as the continuation of pastor Niemöller’s poem *First They Came*.¹⁴

3 The Influence of Groups on Individual Behaviour

Man is an intrinsically social being. Everyone’s behaviour and thought processes are shaped by interactions with others, which is crucial to understanding human nature. This demonstrates that the groups to which an individual belongs – family, friends, work teams, or wider social communities – inevitably influence the formation of an individual’s attitudes, values, and behavioural patterns. This influence is an indispensable tool to understand dynamics in sociology and psychology. Human behaviour is thus not only the result of individual choice but is also influenced by the groups within which individuals live and work. This was recognized (only) after World War II, particularly in the second half of the 20th century, with the development of the third generation of human rights (also referred to as collective or solidarity rights), as a response

¹³ The culture of comfort, which makes us think only of ourselves, makes us insensitive to the cries of other people, makes us live in soap bubbles which, however lovely, are insubstantial; they offer a fleeting and empty illusion which results in indifference to others; indeed, it even leads to the globalization of indifference. In this globalized world, we have fallen into globalized indifference. We have become used to the suffering of others: it doesn’t affect me; it doesn’t concern me; it’s none of my business (Pope Francis, 2013)!

¹⁴ First, they came for the Communists
And I did not speak out
Because I was not a Communist
Then they came for the Socialists
And I did not speak out
Because I was not a Socialist
Then they came for the trade unionists
And I did not speak out
Because I was not a trade unionist
Then they came for the Jews
And I did not speak out
Because I was not a Jew
Then they came for me
And there was no one left
To speak out for me (Niemöller, 2025).

to global challenges that transcend the borders of individual states. These rights are not only directed at individuals, but above all at communities, nations or even humanity. We often associate them with ideas of solidarity, sustainable development, peace and global justice. Examples include the right to peace, a clean environment, development, humanitarian aid or global justice.

The role of groups is a necessary component to understand the formation of identities and social norms. Recognizing the interactive nature of human existence opens the door to a deeper understanding of the ways in which social policies and programs to address societal challenges foster positive interpersonal relations. That groups influence individual behaviour is difficult to ignore from personal experience, as confirmed by several academic studies: the Asch conformity experiment (Asch, 1952), Milgram's obedience experiment (Milgram, 2009), the Stanford prison experiment (Zimbardo, 2008) or Sherif's experiment on the autokinetic effect (Sherif, 1988). This influence is manifested through various mechanisms, the most important of which are conformity,¹⁵ group polarization,¹⁶ and social impact.¹⁷ The influence of groups on individual behaviour is not only present but also complex. Understanding these mechanisms is the key to creating constructive group environments that also promote critical thinking and individual autonomy within groups. Understanding group dynamics is key to the effective functioning of any group; it is not just a series of processes and changes that take place within groups, but the mechanism through which group goals, values, and norms are shaped and expressed. Collective organizational behaviour is more than the sum of individual behaviours. The group environment has the capacity to (re)shape individual personal behaviour, which has an impact on group cohesiveness and the achievement of common goals. Neglecting group dynamics not only risks ineffective group functioning and lack of coherence among group members but also risks such behaviour against other individuals and groups or authorities.

In an organizational context, group dynamics play a key role in the functioning and performance of teams and organizations, paying attention to certain

15 Conformity is the process by which individuals adjust their behaviour to fit the expectations and norms of the group. People often change their own beliefs and behaviour under pressure from the group; they often choose to conform to the majority opinion, despite internal, personal disagreement.

16 Group polarisation is the result of debate within a group, often leading to the adoption of more extreme views than individuals would have held on their own. See e.g. (Sunstein, 2011) This, in turn, underlines the need for critical reflection on the impact of group dynamics, as polarisation can lead to sub-optimal decisions and limit constructive debate.

17 Social influence is motivated by an individual's desire for acceptance and fear of rejection; it involves processes such as persuasion, social compliance and obedience, which can change an individual's behaviour without his or her full awareness. This raises questions about the autonomy of the individual in social situations and even about subtle forms of manipulation. See e.g. (Harkins, Williams and Burger, 2017; Sunstein, 2021).

group regularities such as the Ringelman¹⁸ or Köhler effect.¹⁹ Interactions between group members lead to collective behaviour that goes beyond the sum of individual behaviours.²⁰ Synergy between team members often leads to innovative solutions and increased productivity. Organizational culture is also a central factor that determines the shape of group dynamics and the nature of relationships between individuals (e.g., Google culture or the Toyota Production System). Strong dynamics allow for the creation of cohesiveness that fosters cohesion and shared values, which in turn promotes collective goals and reduces conflict (Schein, 2016). On the other hand, weak or negative organizational culture can lead to a lack of alignment and increased internal tensions, which inevitably affect the performance of teams. Underestimating the dynamics within groups means losing an important competitive advantage. Institutions that focus on understanding and improving group dynamics often have better working relationships, higher employee satisfaction, and better results.

The influence of reference groups, which plays a key role in shaping individual behaviour, cannot be overlooked. The informational influence of reference groups is not just a passive form of influence, but an active process in which individuals seek guidance and validation for their decisions (Festinger, 1954; Tajfel, 2010). Information obtained from reference groups is often a credible source that can improve an individual's confidence in their decisions. People strive for conformity and social acceptance; people adapt their behaviour to fit the expectations of their reference group, as they want to maintain a positive social status and avoid rejection. This form of influence is particularly pronounced in adolescent groups, where the need to belong is extremely strong (Sherif, 1988). Adults face similar pressures, especially in professional settings where it is important to maintain respect and esteem among colleagues. Identification influence confirms the ingrained human need to identify with certain groups, values, and goals. Identification with a reference group reinforces an individual's personal and social identity, as they actively adopt the behavioural patterns and norms of the group with which they identify. Reference groups therefore play a major role in shaping individuals' behaviour as

18 When individuals work in groups (he studied groups of 7 and 14), their individual effort decreases as a result of a loss of motivation (individuals in groups work less hard because they feel less responsibility for the outcome, i.e. the 'fidgeting' phenomenon) and a loss of coordination (the larger the group, the more difficult it is to coordinate the actions of all members, which leads to inefficiency) (Kravitz and Martin, 1986) or the decrease in individual effort that occurs when the individual works within a cooperative group rather than alone. A group can be better than an individual if its members are well coordinated, motivated and able to communicate and work together effectively. At the same time, reducing losses due to poor coordination, conflict and lack of motivation is key. In the absence of these conditions, a group can perform worse than an individual (Steiner, 1972).

19 The Köhler effect is a psychological phenomenon in which less able members of a group increase their effort when working together with more able individuals to avoid being the "weak link" of the group. The conditions for the phenomenon are a competitive environment (presence of more able members), clear group goals and the possibility to compare one's contribution with others (Köhler, 1926).

20 The original Ringelmann effect is now replaced by the term social loafing: when people work on a task as part of a group, they often tend to disengage or work less enthusiastically than if they were working alone, but they still tend to perform better than an individual (Forsyth, 2019, p. 320).

citizens, voters, consumers, or admirers. Your influence is powerful and can guide your decisions at both conscious and unconscious levels. It is therefore crucial that people can recognize these influences and consciously address them in their decisions.

There are both positive and negative aspects associated with the influence of reference groups. In the latter case, it is a grouping of uncritical, isolated individuals that is a precondition for irrational collectivism with negative consequences. The latter arises under conditions of generalised loneliness, lack of meaning, indefinable anxiety, discomfort, frustration and aggression (Desmet, 2022). When these factors are attached to an idea or a common narrative that is supposed to “save people from anxiety”, a fertile ground for totalitarian forms of rule over atomised individuals with a “higher purpose” is created. (Arendt, 1973) The solutions to this, according to Desmet, are the mirror image of the above conditions: restoring meaning and connectedness, strengthening personal autonomy, building communities connected through shared values, transparency and participation, decentralisation of power and ethical use of technology (Desmet, 2022). Just as every thing can have good and bad sides (the ancient Greeks would have said “not too much of anything”), so too do the masses. Thus, one has to be alert to any deviations that go beyond the basic, fundamental sense, meaning and purpose. One of the solutions to the mechanistic ideology of collective faith in a common idea is the partial incorporation of informal groups into legal frameworks. Examples where this is necessary and justified are discussed in the next chapter.

4 Legal Treatment of Formal and Informal Groups

4.1 Formal Groups

Understanding legal persons is the key to operating successfully in the business environment, as legal persons are the holders of rights and obligations that shape the economic and social environment. Thus, companies, institutions, associations, bodies, and organizations, including religious communities, acquire the status of legal persons by registering in the relevant registers, thus forming the pillars of the legal order. By registering in the relevant registers, legal persons acquire legal capacity, which enables them to enter contracts, acquire property, bring actions, and respond to lawsuits. This capacity, which is granted exclusively to legal persons, also implies liability – the assumption of responsibility for one’s own obligations with one’s own assets, independently of the founders or members. Despite their different objectives, both private and public legal entities, each with its own role, co-shape the legal and economic system. The synergy between them allows for stability and progress in society, and awareness of their functioning and the legal frameworks within which it takes place is key to creating a balanced and fair environment that provides the foundations for growth. Formalizing groups brings advantages such as legal consistency, accountability, and confidence in the socioeconomic environment. Private law entities, such as companies,

associations, and institutions, and public law entities operating in the public interest, ensure orderly and predictable functioning, which is essential for the stability of the legal and economic environment. Legal persons are not merely constructs of legal fiction, but key building blocks of our economic and social reality. Marriage, as perhaps one of the oldest forms of formalized life and action between two persons, should not be overlooked.

4.2 Informal Groups

By privileging formal groups, legal scholarship largely overlooks informal groups,²¹ which also form an important part of the social fabric. This may to some extent lead to the latter being exposed because they lack legal protection, basic rules of engagement, and the possibility to act in the legal arena. In this context, of course, the importance of formal structures such as legal persons, which enjoy a certain degree of protection and accountability in the legal system, cannot be overlooked. Informal groups do not have such elements, which is why it could be argued that informal groups should be registered, but this may not be their intention, or it may be premature: at a given moment in the development of a group, it may be sufficient for it to have only certain rights protected (as is the case, for example, in the case of an extramarital or civil partnership). Informal groups, as associations of individuals without formal legal status, represent a paradox in an increasingly complex environment: even though individuals may live and work predominantly in groups and that they play a key role in society, informal groups remain marginalized by the legal system, which often does not even implicitly recognize their interests and activities. The lack of formal status prevents these groups from acting as legal subjects in legal proceedings, undermining their ability to assert their own interests and protect the rights of their members, which threatens their functioning and survival. In the event of legal disputes or damage caused, the determination of the liability of individual members is also problematic. As the group per se is not legally recognized, individual members are often placed in an unequal position, as they may be held liable for actions taken in the interests of the group. This creates legal uncertainty which may discourage members from participating in such groups. The lack of clearly defined rights and obligations for informal groups also makes it difficult to protect them legally, which may inhibit their contribution to social well-being (e.g., volunteering – this is not usually the case for volunteer fire brigades). Recognizing and regulating the rights and obligations of informal groups would not only better protect their interests but also encourage their active participation in the social dialogue.

An approach that would improve the situation of informal groups should focus efforts on developing mechanisms that would allow a certain degree of

²¹ Some informal groups are nevertheless involved: for example, in order to make more efficient use of forestry machinery and equipment, labour and other productive capacities, natural persons can set up machinery rings in accordance with the rules governing agriculture (cf. The Code of Obligations (Official Gazette of the Republic of Slovenia, No 97/07 – UPB, 64/16 – Decree of the US and 20/18 – OROZ631) also provides for a community (lat. *societas*) if a right belongs to several persons jointly (see Article 1003).

legal recognition also for these structures, without jeopardizing the already established legal standards of formal groups. The legal regulation of informal groups must be adapted to the social situation. Recognition of their existence and role in society would contribute to a fairer and more inclusive legal system, in accordance with the principles of equality and legal justice. Incorporating collective responsibility into a system dominated by individual responsibility can be challenging but would have advantages in situations where individual actions are linked to collective action or where the collective has a significant influence on individual behaviour. Such an approach would require a detailed legal regime that considers (at least) the fundamental legal principles and values of a given society. Ultimately, a responsible legal system serves all segments of society, not just those already formally recognized.

4.3 Options for the Integration of Collective Responsibility into the Legal Frame

As with any need, the need to include informal groups in a legal framework (which would still recognize their informality) needs to be recognized as such. The growing presence of such groups in contemporary society is undeniable; legal recognition and protection of informal groups is essential not only to strengthen the protection of human rights and to effectively prevent discrimination but also to enhance the effectiveness of their objectives and the efficiency of their governance. These collectives, although informal, make an important contribution to the diversity and vitality of the social ecosphere. Living in a community that recognizes, and values informal connections fosters greater social capital and promotes the participation of individuals in social processes. Therefore, a modern legal system must recognize the collective aspects of human existence and action, including their contribution to the creation of social norms and values. Inconsistency in the treatment of these groups only leads to structural discrimination, i.e., a failure to recognize their role and influence and, consequently, a diminution of their benefits by the established system. The inclusion of informal groups in the legal framework, without making them fully formal or separate from existing formal forms, answers the fear of dilution of legal predictability and legal certainty. Such a risk should not per se be a reason to ignore informal interests; flexible legal mechanisms should be developed to adequately address and protect the interests of these groups while preserving fundamental legal principles. The right degree of integration of these groups into the legal framework would not only improve their legal protection but could also contribute to the development of a fairer society, subject, of course, to certain conditions, which we set out below as a starting point.

Determination of specific fields of application (collective responsibility would make sense in situations where the group is a key actor or where the actions of individuals are inextricably linked to the group's performance). Such areas could include environmental damage²² (industrial sectors, communities or

²² Standing (lat. *legitimatio ad processum*), whereby a party has the right to bring a specific dispute (notwithstanding that it is not protecting its rights or obligations), is possible for environ-

companies that collectively contribute to pollution could be held responsible for remediation), organized crime²³ (for crimes committed by an organized group, liability could be extended to the group as a whole), labour law (trade unions or workers' collectives could be held partly liable for violations of rights arising from collective agreements or collective decisions), communities (local authorities or communities could be held liable for failing to act to solve local problems, e.g. The same applies to the State in cases of increased liability for e.g. backlogs of cases, non-compliance with court rulings, blatant inaction by state authorities).

Introduction of a combined liability scheme – the system could combine individual and collective liability, separating direct individual liability from indirect group liability. This could include primary individual liability (the individual who commits the crime or causes the damage is primarily liable) and secondary collective liability (the group is liable in cases where the individual cannot be identified or where the group was directly involved in the act, e.g., inadequate management or supervision).

Establishment of collective funds to cover damages (collective entities such as companies, local authorities, or industrial sectors could establish funds to cover damages arising from collective activities. This would allow collective damage recovery without burdening individuals and reduce the financial risk for individual group members.

Regulating preventive collective liability – collective responsibility could encourage groups to take preventive action to reduce the risk of harm. These would include self-regulatory measures (groups would be encouraged to establish internal rules to control the behaviour of their members), monitoring and reporting (groups would be responsible for reporting breaches or risks). Implementation of "collective fault" within organizations legal liability could be assigned to a group within an organization if the breach was the result of systematic actions or inadequate internal rules (if the damage was caused by group decisions at the management level of the company, the collective body, for example the board of directors, would bear the liability).

Integration into international law (collective responsibility could become an important part of international legal frameworks, especially in areas such as human rights (collective responsibility of states for systemic discrimination or oppression), and environmental obligations (states would be collectively responsible for global warming or environmental degradation). A system of collective responsibility would give groups more incentive to control their members, collective responsibility could encourage the introduction of preventive mechanisms, collective funds or accountability could ensure faster remediation of damage, and collective responsibility could also allow addressing systemic problems caused by collective action. A collective liability system

mental damage under the Aarhus Convention.

23 In predominantly Anglo-Saxon countries, it is possible to bring a *qui tam* action (a type of action that allows a private party to bring a lawsuit on behalf of the state and therefore receive an award).

could complement the prevailing system of individual liability in areas where collective action is key to the creation or prevention of harm. The approach should be considered, proportionate, and limited to specific circumstances where collective responsibility contributes to fairness and efficiency.

These measures must, of course, be approached with a high degree of responsibility; collective responsibility could lead to the punishment of innocent members of the group (which is contrary to the fundamental principles of individual responsibility). The treatment of informal groups, due to their fluidity and lack of formal structure, poses a particular challenge. Determining the responsibilities of the group and allocating the contributions of individuals to the overall result clearly requires a thoughtful reform based on an interdisciplinary basis. However, it is difficult that reality calls for reform and adaptation of the legal system, as the current system is simply not up to the dynamic and increasingly complex social changes that are creating legal voids. Although informal groups could make their own rules, there is too much scope for arbitrary interpretation and exemption from liability. Law is not a homogeneous system based on a single source; it is a variety of hierarchical and substantive normative systems, which, and in combination with each other, derive their identity and authority. Although the legal rules vary according to context, which makes it difficult to treat informal groups in a uniform manner, this does not mean that we cannot speak of a common basis or starting point governing the most important matters of their functioning. The situation brought about by modern legal pluralism calls for innovative approaches to ensure legal certainty and equality for all informal social actors.

4.3.1 Legal Constraints on the Treatment of Informal Groups

Informal groups without legal personality find themselves in a complex situation within an otherwise legal framework that is crying out for legislative change. In a modern society where cooperation and representation of interests is crucial, the informality of these groups can be an obstacle to their effective functioning. Without a formal status, informal groups are limited in their ability to become legally recognized parties in legal proceedings. This directly limits their right to legal protection and advancement of their interests, creates vulnerability, and reduces their influence in social and political debates. The difficulties in regulating informal groups represent a serious legal and administrative gap. Without a defined legal structure, it is almost impossible to determine the responsibility and control of the activities of these groups, which can lead to various legal anomalies. In the absence of clear regulatory frameworks, there is a higher risk of abuse and avoidance of legal obligations. This not only weakens the legal system but also leaves individuals uncertain about legal protection and guarantees. On the other hand, too rapid formalization of social movements can lead to a range of negative consequences that affect the effectiveness of the movement, its appeal to supporters, and its long-term social impact.

The risks of formalization can be loss of the original spontaneity and flexibility, which can slow down the movement and reduce its effectiveness. There is also

the risk of alienating supporters who feel excluded by the formalization of leadership, then there is greater vulnerability to external pressures and (due to financial support) compromises on values and objectives, reducing critical potential. The negative consequences of formalization can be avoided by such movements through gradual formalization, participatory decision-making, a constant focus on the original objectives, and a flexible structure that can respond quickly to change. Formalization should therefore serve the movement's objectives, not hinder them. Considering this, consideration should be given to introducing flexible legal solutions that would allow even informal groups to acquire (only) a certain degree of legal personality. This would strengthen their participation in social dialogue and protect their contribution to collective action, thus ensuring a more fair and inclusive legal system.

4.3.2 Legal Limits on Collective Liability and Heterogeneity of Interests

Collective responsibility is a concept that holds the whole group responsible for the actions of individuals within it. In a legal context, this concept often proves problematic, as legal principles have traditionally been built on the foundation of individual responsibility. The imposition of collective responsibility could risk unfairly sanctioning individuals who were not directly involved in certain acts, as well as, on the other hand, failing to consider the important differences between individuals and their levels of involvement in certain acts. Such an approach could also lead to the social stigmatization of entire groups. The diversity of interests within groups creates tensions that need to be balanced or resolved. General rules that attempt to protect all members of a group in the same way cannot be successful, as they fail to capture the necessary flexibility and specificity of situations. One of the key challenges for the legal treatment of groups is the heterogeneity of interests among the individuals who make up these groups. In this sense, collective bargaining in labour law is something of a paradox. Traditionally, trade unions have been the legal entities that are supposed to represent the interests of workers, but this role is not clearly identifiable. Not all workers have the same views and priorities (as trade unions do), which creates tensions in collective bargaining, especially when workers are not even members of a trade union.²⁴ This misalignment of interests not only makes it more difficult to reach consensus but also weakens the union's power as a negotiator. Another example is informal groups such as social movements.²⁵ Due to their nature, which usually involves a lack of formal structure and clear leadership, it is difficult to establish a common position for such groups. This raises the question of their legal recognition and effectiveness in legal proceedings. Without a clear and unified expression of interests, it is difficult for such groups to act as legitimate subjects in a legal context. A borderline example or so-called grey area are

²⁴ While politicians also make decisions on behalf of all citizens, at least the latter can express their political will in elections, which is not the case with trade unions (even if the individual is not a member of an [albeit representative] trade union, the union co-determines the level of his salary and other things related to his employment).

²⁵ E.g. ecological and climate movements, human rights movements, gender equality and LGBTQ+ rights movements, anti-globalisation and economic movements, technology and digital movements, animal rights movements.

the various consultative bodies of the government (e.g. the latter may have a formal status, but in practice their role is not strictly regulated, is based on informal functioning, and their recommendations are nonbinding. The diversity of interests within and between groups poses a serious challenge to the regulation and implementation of rights. It is of course easier for the legal system to work with single entities, but what is easier is not necessarily right or closer to reality. Law needs to find ways to include and address even the more complex forms of group interests; in this way, it can ensure that the different voices in the legal system are heard and adequately represented.

5 Options for Future Development

Having said that, it should be added that existing legal mechanisms do address collective interests to a certain extent.²⁶ For example, collective actions are an important legal instrument that allows a group of individuals with the same interest to enforce their rights more effectively. This mechanism, although complex and time-consuming, is crucial to ensuring fairness, as it brings together small individual claims into a stronger collective whole, often leading to more positive outcomes in the legal process. Recognition of collective organizations such as trade unions or specialized associations, as well as collective agreements, are also a step forward towards representing members' interests. Such organizations can act as influential representatives in legal proceedings, improving the conditions for achieving adequate legal protection and fair treatment in litigation.

However, given the characteristics of informal group behaviour (which is not contained in legal norms by legal science), the law faces challenges in dealing with such groups. To be more realistic or socially coherent, legal frameworks must always adapt to the dynamic nature of modern groups; this includes collective responsibility and diversity of interests. If the law is to be the foundation of social order, it must be static and flexible. Legal scholarship is (or could be even more so, in line with the speed of its response to changes in real time and space) subject to change, the tracking of which ensures that law remains relevant in the light of an increasingly complex web of social relations and in-

²⁶ *War crimes.* After the Second World War, discussions on the collective responsibility of nations for war crimes emerged as a moral and ethical imperative. Nations were complicit in the conflicts and should consequently bear collective responsibility for atrocities. In contrast, the International Military Tribunal at Nuremberg advocated the concept of individual criminal responsibility, which is crucial from the point of view of legal justice, as it prevents the blanket punishment of entire nations. On the other hand, the law is familiar with the concept of joint and several liability in the case of common causes of damage, or multiple liability for the same damage. Thus, post-war Germany also repaid other countries for their actions in the form of millions of dollars in damages. *Joint and several liability.* Liability for damages may be based on joint and several liability where two or more persons are liable for the damage caused and it is established that each is liable for the entire damage. This concept is derived from civil law and is usually governed by the law of obligations. *Commercial companies.* The concept of "waiver of legal personality" allows liability to be shifted to individual members of the company in certain circumstances, thus breaking with the traditional belief that liability is limited to the assets of the company. This approach seeks to prevent abuses where individuals, under the umbrella of a legal person, would abdicate responsibility for their unethical or illegal activities. Individuals acting under the umbrella of a company should not be immune from the consequences of their actions, which encourages responsible business and ethical behaviour.

teractions. The development of law towards the inclusion of different groups and individuals is not only a necessary, but an inevitable step towards a more cohesive society in which everyone is included in their own, personalized way. Development that considers both individual and collective aspects of social interaction can always be a competitive advantage, which requires further economic study.

5.1 Legal Recognition of Informal Groups

Traditional legal systems have historically favoured formal entities such as companies, foundations, and other legal persons. The need for legal recognition of informal groups in modern society, without formalizing them as such, may be a good step toward both stability and flexibility of the legal system. Informal groups, which include communities of interest, NGOs, and social movements, play a key role in the social fabric, even if they do not have a formal legal status. They are an important part of civil society, whether promoting social justice, contributing to environmental protection, or humanitarian work. Many informal groups also play an important role in social welfare, education, and culture. The inclusion of these groups in the legal framework not only recognizes their value but also their legitimacy, their ability to apply for funding, and (at least occasionally) the legal protection necessary for their activities. At a time when diversity and particularity are increasingly recognized as fundamental attributes of human society, it is crucial that the law also not only pursues universalistic trajectories but also responds to specific and dynamic contexts. It is not a question of limiting equality before the law but of deepening it, including by recognizing the specific needs and challenges faced by different segments of society. Inclusion in the legal framework is also a moral responsibility that always requires equality before the law for all. Equality is not just a principle on paper but must also be implemented in a way that every individual, group, or combination thereof, can exercise their rights, opportunities, or “pursuit of happiness” without discrimination or barriers. Adapting the legal system not only creates a fairer society but also strengthens public trust in institutions.

5.2 Development of Collective Legal Mechanisms

The development of collective legal mechanisms is essential for the more equitable and efficient functioning of the legal system. Extending the possibilities for collective action in areas such as discrimination,²⁷ consumer rights,²⁸ or

27 Mastercard and wage discrimination: in January 2025, Mastercard agreed to a \$26 million settlement over a lawsuit alleging that the company systematically underpaid some 7,500 women, black and Latino workers in the US. The lawsuit alleged that these employees were in lower positions and received smaller raises and fewer opportunities for promotion compared to white male employees. (Wiessner, 2025) McDonald's – Scholarships for Latinos: in December 2024, McDonald's was the target of a lawsuit over its HACER scholarship programme for Latino students. The lawsuit claims that the programme discriminates against non-Latino students, which has sparked debates about the legality of racially or ethnically restricted scholarships following a recent US Supreme Court decision banning affirmative action in college admissions (Francis, 2025).

28 Shein – working conditions: Chinese fast fashion company Shein is facing allegations of labour rights violations, including child labour and poor working conditions in its factories. Although

environmental damage²⁹ is not only recommended but essential. This allows people who have individually suffered harm to come together and seek justice as a group, increasing the weight of their case and improving the chances of success in complex legal proceedings. Conversely, the so-called ‘sample collective procedure’ allows official bodies to jointly deal with already lodged claims, in which rights or obligations are based on the same or similar factual and legal basis. The promotion of collective forms of action strengthens the economic and social power of individuals, that leads to the promotion of economic justice, cooperation, and solidarity among community members. The integration of collective legal mechanisms and promotion of collective models is not only an alternative to conventional legal and economic practices, but a way of strengthening legal equality and economic and social justice. By adopting such approaches, we create the conditions for a more responsive and just society, where individuals are better protected against systemic inequities.

5.3 Mediation and Group Dispute Resolution

The introduction of mediation processes to resolve internal conflicts within groups (e.g., in a company tensions could arise between two departments due to disagreements over work tasks and communication, and management decides to mediate to prevent further deterioration of relations and impact on productivity) is not only recommended, but necessary to achieve good functioning and harmonious co-existence. Mediation could facilitate the unified representation of interests and facilitate cooperation in legal proceedings. It is particularly relevant in the context of labour disputes and conflicts in local communities, where tensions often stem from unresolved misunderstandings (e.g., in the context of the “labour dispute”). In these cases, mediation offers a platform for constructive dialogue, allowing the parties involved to clarify their positions and find common solutions. It is a more economical and quicker alternative than the burden of courts and lengthy legal proceedings, which often do not lead to mutually satisfactory solutions. Mediation speeds up the conflict resolution process and builds a foundation for sustainable cooperation and respect between all parties involved and could therefore become an integral part of dispute resolution structures.

5.4 Interdisciplinary Analysis of Legal Norms

The inclusion of sociological, psychological, and economic research in the development of legal norms is necessary to develop more fair and effective legislative solutions.³⁰ Sociological perspectives offer insights into the behav-

it is not stated whether a class action lawsuit has been filed, these allegations have sparked international outrage and calls for more transparency and accountability from the company (Saunders, 2025).

29 Starbucks – working between the fires: In January 2025, the Starbucks Workers United union accused the company of requiring baristas in Los Angeles to work in dangerous conditions while wildfires were spreading. The union claims that the company is putting profits before employee safety, which could lead to legal action for endangering workers’ health (Zilber, 2025).

30 E.g. laws addressing speed limits on roads could/should be based on research on drivers’ behaviour and their response to penalties. Thus, sociological research could identify the impact of cultural norms and social acceptability of risky behaviour in traffic, psychological research

journal patterns of individuals and groups, allowing a better understanding of how rules influence social structures and how these structures, in turn, influence the implementation of rules. Without this insight, decision makers risk adopting norms that are out of touch with reality, which may lead to their disapplication or even rejection by society. Psychological research reveals the internal motivations and reactions of individuals, which is key to predicting how people will react to new or changed legislation. Taking psychological factors into account ensures that legal frameworks are not only punitive and restrictive but also encourage desired behaviour through reward and positive reinforcement. Finally, economic analysis allows one to assess the financial impacts of legal norms and how they affect economic relations. Legal norms that do not consider economic facts may lead to unforeseen economic consequences, such as a reduction in productivity or economic instability. To exclude interdisciplinary research from the process of developing legal norms is to ignore the complexity of human society. Only through a holistic approach can legislators create just, effective, and sustainable legal systems that serve not only the letter of the law but also the needs and expectations of society.

6 Digitalization and Collective Participation

In today's globalized world, technological innovations have a profound impact on all aspects of life, including the way we participate in democratic processes.³¹ Digitalization, realized through on-line platforms, and the use of artificial intelligence in the analysis of group interactions can also improve the field of participatory democracy (Noveck, 2010, 2015). On-line platforms democratize access to information and enable voting, discussion, and participation, not only increasing citizen engagement, but also making decision-making faster and more transparent. Artificial intelligence can play a very important role in analysing data on group interactions. The use of AI can improve understanding of the dynamics within groups and assess its impact on legal processes. This can mean more informed legislative initiatives, tailored to the real needs and wishes of citizens. (Dignum, 2019) Digitization through online platforms and artificial intelligence in the analysis of collective data represent not only

could examine the impact of warning signs, campaigns and penalties on individual behaviour, and economic research could analyse the cost of road accidents to the country and the effectiveness of different punitive measures in reducing harmful consequences. Such an approach would allow for a more comprehensive understanding of road user behaviour, social impacts and economic consequences of transport policies. By bringing together different disciplines, legislation can be made fairer, more effective and more socially acceptable. Examples from practice are Sweden's Vision Zero and the Netherlands' urban neutral zones. The Swedish Vision Zero: an interdisciplinary approach has involved psychology (changing driver behaviour), sociology (encouraging responsible behaviour) and economics (cost analysis of infrastructure improvements), leading to a reduction in traffic fatalities) (Smart City Sweden, 2025). In the Netherlands, sociological research on pedestrian and cyclist movements has led to the creation of car-free zones, which reduce traffic accidents and improve quality of life (Bicycle Dutch, 2010).

31 See e.g. the Digital Agenda for Europe or the Communications from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Digital Agenda for Europe (COM(2010)245 final), A Digital Single Market Strategy for Europe (* COM/2015/0192 final *), Shaping Europe's Digital Future (COM/2020/67 final) and Digital Compass 2030: Europe's path to the Digital Decade (COM/2021/118 final).

a major technological advance but also an increasingly indispensable instrument for the modernization of democratic processes.

7 Conclusion

For most of history, legal scholarship has been primarily concerned with individual rights and duties, overlooking the real influence of groups on individual behaviour and wider social relations. Today, where individuals are increasingly interconnected and, above all, interdependent, it is becoming apparent that such an approach does not allow for a comprehensive treatment of such realities. The traditional individualist framework is effective in protecting fundamental rights but cannot comprehensively address the issue of group interests and collective influences. The adaptation of legal systems to better address the complexity and dynamics of contemporary group entities is imperative. Efforts to develop more flexible, equitable, and specific legal norms that allow for harmonized procedures in heterogeneous group contexts, particularly in areas such as labour law, environmental protection, and minority protection where legal gaps exist, are essential for their effective functioning. Individuals are sometimes unable to exercise their rights effectively without cooperation with others. Collective action and collective models of cooperation are some of the examples that demonstrate that it is possible to reconcile individual rights and collective interests within legal frameworks.

However, these practices by no means cover all aspects of group dynamics, especially when it comes to informal groups or less organized communities. Modern legal scholarship must move away from traditional individualism and incorporate group dynamics and social into its norms and practices. Modern social relationships are intertwined and complex, which requires a broader approach to legal regulation that not only favours the individual perspective but also considers the role of groups. Ignoring group influences can lead to flawed legal regimes that do not respond to the real needs of society. A legal framework that recognizes the importance of both individuals and groups is essential to promote fairness and equality. Achieving more balanced protection of rights and duties leads to better conflict resolution and reduced social inequalities. Contemporary informal legal thought in the form of articles and opinions should address the full range of influences that shape society, prevent marginalization, and open opportunities for all members of society, while an inclusive formal legal structure in the form of existing regimes should recognize the complexity of human interactions and, on this basis, bring about change in the social fabric. More heads can do more and more hands can do more. And here we are back to the greatness of community.

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