

Understanding Law and Society in Legal Sociology Studies

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Abstract

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This study discusses understanding law and society in the study of legal sociology. Sociology of law is a branch of sociology that examines the relationship between law, legal institutions, and society. The main focus is how law is influenced by and influences social structures, culture, and human behavior. Apart from that, this study highlights the function of law for society, namely functioning as social control, a tool for changing society, as a symbol, political tool and integrator. Law and society cannot be separated. Their existence reinforces and strengthens each other. Indeed, we must consider the sociological component of society when developing legislation. Society and law are two entities that support and encourage each other in achieving the goals of human existence. If there is society, there will be laws. However, if the law is obeyed, society's goals can be achieved

1. Introduction

In everyday life, humans always live in groups and have social interactions with each other, whether they choose to or not because they want to associate with each other. Community members have mutually beneficial relationships with each other. Social interactions become increasingly complex and diverse as a result of the way the law presents a complex network of social interactions that includes and accepts the presence of very diverse communities. The aim of law is to provide legal certainty to society because there are social phenomena that need to be controlled by the laws that apply in society.

Law is like a fine thread that guides human life, it cannot escape the reciprocal influence of society. Law and society are two inseparable elements in human life. The existence of law not only functions as a tool for regulating and enforcing order, but also as a reflection of the norms, values and culture that live in a society. The dynamics of law and society are an interesting subject of study in legal sociology, a discipline that seeks to understand how law is influenced by and influences social structures. In this context, sociological studies provide a rich perspective for exploring the complex interactions between law and society, which often involve a variety

of social, economic, political and cultural factors.

In a sociological lens, law is not only understood as rigid written regulations, but rather a social phenomenon that is dynamic and closely tied to the social context. The norms and values embedded in society become the foundation for the birth of law, and at the same time, law also influences and shapes the social order. Law opens our eyes to the reality that law is not a state tool to regulate and control, but is also a reflection of the power structure, ideology and interests that exist in society. Law can be a tool to strengthen certain groups and marginalize other groups. This is where the importance of understanding the dynamics of law and society lies, so that we are able to criticize the law and fight for more inclusive justice.

Social changes that occur dynamically, such as technological developments, demographic changes and social movements, often require legal adaptations to remain relevant and effective in regulating society. On the other hand, law also acts as an instrument of social change, where legal reform can be used to encourage changes in societal norms and behavior. Therefore, understanding the dynamics of law and society through a sociological lens is important for identifying

challenges and opportunities in efforts to create a just and inclusive legal system.

The dynamics of law and society is a concept that focuses on the interaction between law and society, as well as how changes in the law affect society and vice versa. The dynamics of law and society can be defined as a process that involves changes in people's behavior that are influenced by the law, as well as changes in the law that are influenced by people's behavior. In this context, law not only functions as a system that regulates people's behavior, but also as a system that interacts with society. Changes in law can take the form of changes in people's attitudes, values and behavior towards the law, as well as changes in legal interpretation by judges and changes in applicable legal norms.

2. Research Methods

The research method used in this research is literature study. Literature study is a series of activities related to methods of collecting library data, reading and taking notes, and processing research materials. This research method is used to study and analyze the relationship between law and society, as well as the function of law for society. This research was carried out in stages: collecting library data, reading, taking notes, studying stages: and collecting concepts. collect library data, read, take notes, study, and collect concepts. The manuscript outlines and data and materials are collected regarding the main issues of the research.

3. Discussion of Research

Legal sociology was essentially born from the results of the thoughts of experts in the fields of legal philosophy, science and sociology. One of the tasks of legal sociology is to reveal the causes or background to the emergence of inequality between the ideal societal order and the existing social conditions in society. In the study of legal sociology, the dynamics of law and society refer to the interaction and interrelationship between law and society in social life. Law and society have a complex and interrelated relationship, with

society as a resource that gives life and drives the law, and society lives the law with values, ideas and concepts.

In the legal sociology paradigm, society is seen as a resource that gives life and drives the law. Society also lives up to the law by fostering legal awareness (legal culture) in society for social changes and legal changes. However, social change and legal change do not always occur together. In certain circumstances, legal developments may lag behind developments in other elements in society, which can result in Social Lag

3.1 Legal and Community Relations

Society and law are two different things. Each has a specific purpose and role in life. However, because the two depend on each other, they cannot be separated. The presence of society is also necessary for the existence of law. In contrast, a lawless civilization is just a group of wild animals. Law and society cannot be divorced because of this. This implies that for law to function, society must actually exist in order to exist. Meanwhile, law is necessary for society to build a moral and stable order.

Society and law are two entities that support and encourage each other in achieving the goals of human existence. If there is society, there will be laws. However, if the law is obeyed, society's goals can be achieved. Satjipto Rahardjo (1980) emphasized that the easier it is for the law to regulate values, the more these values will be unified if the law is understood as the values that exist in society.

In legal sociology, the relationship between society and law is a dynamic and multifaceted idea. Society and law interact and impact each other. Law shapes society, and society shapes law. In relation to social change, law must change together with society so that it remains an efficient tool in controlling people's lives. Law and society are interdependent, where law influences social interactions in society which are influenced by law. Law in society can also be viewed as a long-term process in which laws are established and developed through social and cultural

interactions. Thus, law not only functions as regulations implemented by the government, but also as a tool used by society to regulate itself and society through a long and dynamic process. Law and society have a mutually beneficial relationship and are always changing. Law can change social behavior through regulations and law enforcement, but social developments, cultural values, and economic structures can influence the formation and change of law.

Soerjono Soekanto (1977), said that there is a close relationship between law and the social and cultural aspects and values of society. For him, good law is law that reflects the values that exist in society. This shows how urgent the social and cultural position of society is in the process of law formation. Legal construction should accommodate social values, so that in the process of law enforcement there are no contradictions with society, making it difficult for the law to develop and live in society. The objectives of law in society are:

- a. As a tool for regulating social relations: in a sense, law functions to show which people are good and which are bad, so that everything can run in an orderly and orderly manner.
- b. As a means of realizing social justice physically and mentally: the law can provide justice, in the sense that it can determine who is wrong and who is right, and can force regulations to be obeyed with the threat of sanctions for violations.
- c. As a means of driving development: the binding and coercive power of law can be used or utilized to drive development. Law is a tool to create a better society.
- d. As a detailed allocation of authority to determine who can implement (enforce) the law, who must obey it, who chooses appropriate and fair sanctions: such as the concept of state constitutional law.

In the dynamics of personal, family and social life, circumstances always require certain attitudes between fellow humans in social life itself, namely to achieve and maintain

a goal. Therefore, in order for social life to run well and in an orderly manner, regulations must be established in this regard, meaning that we must be able to pay attention to the norms or regulations, or rules of life that exist in society itself, namely known as law. It must be acknowledged that in social and community life, each individual is bound by various social norms that develop in society (Sholahuddin, 2011). The social norms referred to here are laws, both written and unwritten. According to Esmi Warasih as in Umar Sholehuddin (2011), social and legal institutions substantially share the aim of achieving stability and order so that the goal of a prosperous, peaceful and enjoyable life can be realized.

In Indonesia, for example, there has been a shift in society's ideals, from traditional to modern. The question is, which values will be abandoned, and which new values will replace them. As a result, this process of changing values will certainly give rise to logical consequences, especially social unrest. The sociology of law paradigm views society as a resource that gives life (to nature) and drives law. Society lives up to the law with values, ideas, concepts, besides that, society also lives up to the law by contributing to the community to carry out the law (Sholahuddin, 2011).

Therefore, according to Roscoe Pound (in Soekanto, 2009), law must be seen or viewed as a social institution that functions to fulfill social needs and the task of legal science is to develop a framework in which social needs can be maximally met.

3.2 The Function of Law for Society

In general, law functions to regulate social relations between members of society (Warassih, 2011). In this context, social ties can be manifested in the form of behavior that is permitted or not carried out. Because everything that each member of society does has an impact on other members of society. Social relations can also refer to political actions including the distribution of power based on who may carry them out and who must obey them. This means solving social

problems and ensuring that society can adapt to changing environmental conditions.

This is in accordance with Roscoe Pound's opinion, as in Zainuddin Ali (2006), that law in society is a control and at the same time an agent of change. In this context, law means containing principles, concepts and rules, standards of behavior, doctrine, ethics, professions, and everything that is done by individuals in society. Pound argued that in order for law to be used as an agent of social change, his opinion was strengthened by William James who stated that in the midst of a limited world with human needs that are always developing, the world will never be able to satisfy human needs.

Law is the law that regulates society and is intended to resolve all problems that arise. Problems or disputes cannot be completely eliminated on the surface of the earth; however, we still need rules to manage society and limit problems or conflicts that arise as much as possible. Because what would the world be like if these regulations didn't exist?

The applicable law has a purpose. The objectives of the law can be achieved if the law can function in society. The functions of law according to Achmad Ali are:

1. Law as social control

The function of law as social control is to provide limits on deviant social behavior and the consequences it causes. For example, granting a ban, demanding compensation, and so on. The use of law as a tool of social control may mean that the law regulates society's behavior, or that the law functions to limit the behavior of members of society who are deemed to deviate from the rule of law. According to Achmad Ali, the function of law as a tool of social control is not alone in society, but carries out this function together with other social institutions which also carry out social control functions, besides that it is also a passive function, namely law that adapts to the reality in society.

2. Law as a tool for changing society

This function is as a means of social

engineering, namely changing society by creating changes in society towards planned progress, meaning reorganizing people's lives in a planned manner in accordance with the goals of nation development, but people's lives always experience changes or change very quickly. dynamics. This shows that there are almost no groups in this world whose social life is static. Any society will definitely experience change, either due to external pressures or due to natural processes in society. Therefore, lawmakers must continue to be aware of legal changes that occur in society.

The definition of a tool of engineering proposed by Soerjono Soekanto above is a "pioneer of change" carried out by a person or group of people who have gained the trust of the community as leaders who are pioneers of change. Legal rules as a tool for changing society have an important role, especially in desired changes or planned changes (intended change or planned change).

3. Law as a symbol

This function is intended to simplify a particular set of actions or events to facilitate general understanding. The symbolization used by the law will clearly make it easier for its implementers and the public to understand each other about the meaning of an event that occurs in the interaction of members of society. The use of law as a symbol greatly facilitates communication between law implementers and the community, as well as the process of legal socialization itself. Symbolically, simplifying a legal norm so that it is easily understood by the general public is a critical step, as if everyone knows that the norm is certain. Symbolic includes processes that require everyone to be able to translate or describe a series of legal events in one short and simple term.

4. Law as a political tool

The purpose of legislation as a political tool is to strengthen political power or make state power more effective. Looking at this function shows that there is a written law that

is created procedurally. In reality, it is impossible to separate the existence of law and politics because the existence of law as written rules is a political message; However, once its implementation is determined, it can no longer be interpreted politically and based on interests; rather, it must be interpreted legally.

6. Law as an integrator

The function of law as an integrator means that the law functions as a tool to integrate society and direct individual behavior so that it is in accordance with the values and principles accepted by society. In this context, law functions as social control that regulates human behavior, determines what can be done and what is prohibited, and guarantees stability and certainty in society.

4. Closing

Law and society cannot be separated. Their existence reinforces and strengthens each other. Indeed, we must consider the sociological component of society when developing legislation. Because law and society have a complementary relationship. Laws were created to provide laws for the existence and interpersonal behavior of every member of society, ensuring that they do not deviate from existing religious and social standards. Law and society have an inseparable relationship. Humans who live in groups in a network of society need rules/laws. The relationship between society and law lies on the basis of the formation of law which originates from society's need for rules that regulate the way of life so that every individual in society can live in harmony. Law has a function for society, namely, as social control, a tool to change society, as a symbol, political tool and integrator.

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