



SOCIOLOGY AND LAW

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ABSTRACT

Due to the fact that both sociology and law provide distinctive perspectives on the workings of human behaviour and social order, the intersection of these two areas has been the topic of a substantial amount of academic research and discussion. This study will investigate the link between sociology and law, focusing on the ways in which these two fields are intertwined, influenced by one another, and mutually beneficial to one another. The purpose of this study is to shed light on the ways in which our knowledge of legal systems, social norms, and the intricacies of society as a whole may be improved with the help of sociology by analysing the inter-disciplinary nature of the link between the two. In addition to this, it investigates the ways in which the law in turn influences social structures, power relations, and individual behaviour. In the end, the research highlights the relevance of using a multidisciplinary approach, specifically highlighting the need for sociological viewpoints inside the sphere of law and legal institutions.

Keywords: Sociology, Law, Constitution, Public etc.

INTRODUCTION

Sociology and law are two separate academic fields that each provide a unique perspective through which a society and its institutions may be seen and comprehended. Sociology is the study of social connections, norms, and institutions, with the goal of comprehending the complex network of interactions that determine human behaviour and the organisation of society. On the other hand, the formal rules and regulations that control human behaviour and help maintain social order are referred to collectively as "law." Despite the fact that these professions may seem to be separate

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from one another, they are really deeply interconnected, with each giving distinctive insights into the workings of society and the legal systems that govern it.

The early writings of renowned sociologists like Émile Durkheim, Max Weber, and Karl Marx, who recognised the role of legal frameworks in influencing social phenomena, may be credited with laying the groundwork for the link between sociology and law. This relationship can be traced all the way back to the early works of these sociologists. For example, Durkheim placed a strong emphasis on the function of the law in preserving social cohesiveness and solidarity, while Weber investigated the relationship between law and bureaucracy. On the other hand, Marx saw the law as a tool of power that reflected the interests of the dominant social class. Since that time, a significant number of academics working in both fields have participated in beneficial debates in which they investigate the effect of social variables on legal systems and vice versa. The discipline of sociology offers an insightful and critical perspective on the social environment in which laws are formulated, put into effect, and policed. This research studies how social norms, values, and power dynamics form legal frameworks. It focuses on the role that social inequality, racism, gender, and class play in the creation and implementation of law.

In addition, sociology may provide light on the effects that different legal frameworks have on society. This aspect of the discipline focuses on how different social groups are affected differently by laws and how effective laws are in correcting social inequalities. It investigates the ways in which legal systems may reinforce existing inequities or work to eliminate them, define social identities, and affect individual behaviour. On the other hand, the law has the ability to shape social norms, behaviours, and attitudes via its effect on society. Legal frameworks provide the groundwork for social order, define people's rights and responsibilities, and govern the interactions that take place between different persons and organisations. The law not only reflects the values and moral convictions of society, but it also has the capacity to mould and change those values and beliefs. It is essential to have a firm grasp of the reciprocal link that exists between society and the law in order to have a complete comprehension of the workings of legal systems and the effects such systems have on society.

The purpose of this study is to investigate the complex link that exists between sociology and law, with a particular focus on the importance of interdisciplinary viewpoints. By examining the ways in which sociology and law impact one another and contribute to one another, we may get a more all-encompassing comprehension of the intricacies that exist within societal structures as well as the legal system. With the help of this multidisciplinary approach, we are able to conduct an in-depth analysis of judicial systems, pinpoint areas of social inequality, and suggest improvements

that are in line with the ideals of justice and equality. In its most basic form, the intersection of sociology and law offers an effective framework for investigating and resolving social problems in a comprehensive way.

WHAT IS SOCIOLOGY?

A "society" is a group of people who are joined by a normal bond for a specific reason such as culture, thought, belief, or custom. Through these, they made a social relationship among them, and the study of this action is referred to as sociology.¹ The study of sociology, which looks at society and explains significant community issues, our personal lives as well as the world, is an exciting and fascinating field of study. Global phenomena like economic expansion, migration and population growth, and so forth are studied in sociology.

WHAT IS LAW?

Society needs rules and regulations to maintain discipline and regulate behavior among people, these rules, control and regulate the action of human beings in society. If there is a society and social relationship, the law is necessary to maintain behavior among people.² This set of rules and regulations, which are made by society itself or government institutions, is known as the law.

With the above definitions of both subjects, we got a brief idea about how these two are interconnected. Let's see further to understand better. We always heard about crime, and illegal practices which are against human society around us, to control these, a set of norms is required, which society has to follow. Society and laws are the two topics that stand together. Every institution follows certain laws. Where there is society, there will be law, and where there is law, there will be society. Therefore, the law is an essential part of society. If we tried to imagine a society without law, we could compare it to a jungle.

Every social institution like family, polity, individual, etc. needs the law to keep them on track, we can say the law is the social controller of society. When some people take these laws lightly and ignore therefore we have to build law enforcement agencies, and the judiciary, when something is happening against the law, these agencies look after that issue. Let's see some perspective on these topics- German socialist 'Niklas Luhmann' stated that the law is a functional unit or system of society,³

¹ F. M. Anayet Hossain and Md. Korban Ali, 'Relation between Individual and Society' [2014] OJSS.

² Robert D. Hare, *Without Conscience: The Disturbing World of the Psychopaths Among Us* (Guilford Press, 1999).

³ Dimitris Michailakis, 'Law as an Autopoietic System' [1995] Sage Pub. 323.

"All collective human life is directly or indirectly shaped by law. Law is like knowledge an essential and all-pervasive fact of the social condition." -Niklas Luhman

Now we see different branches of law in society. Law has many branches of law at different levels of society.

- **Public law**

This law is to govern the connection between an individual and the government. Law related to crime, administration, and tax are related to public law. "Rule of law" is an authority that can take action within the boundary of law.⁴ If citizens are unhappy with a decision of the administrative authority, they can ask the judiciary for judicial review, and the law may be changed as per the wishes of society.

- **Constitutional law**

This law is known as "the rule of law," and it establishes supreme law. A government with its different branches and division of power. It is a law of the governing body of society.⁵ This law is responsible for providing basic human rights, which are for everyone. It also ensures the jurisdiction of a different government system.

- **Criminal law**

This law deals with crimes, defines crimes committed by individuals or institutions, and imposes punishments and sanctions to ensure social justice and peace.

- **Administration law**

This law is related to administration in government, which governs decision making, enforcement of policies. It controls the political system, economic regulations, and social action of society.

By the above types, we can know that, everything in society there is a law. For every matter, there is the law. My perspective on the subject is that living in a society with rules and discipline is essential because we cannot imagine our surroundings without them. Our family, for instance, adheres to a set of rules. Like these, all institutions follow rules to regulate their function, for

⁴ Jeremy Waldron, 'The Rule of Law', (2020) The Stanford Encyclopedia of Philosophy <<https://plato.stanford.edu/archives/sum2020/entries/rule-of-law/>> accessed 10 May 2023.

⁵ Robert A. Stein, 'What Exactly Is the Rule of Law?' [2019] Hous. L. Rev. 10.

example, all school has their rules which students and staff have to follow to regulate school, like dress code, holiday rules, conversation rules like these all much more. Why are these all rules and regulations important to maintain behavior? We can also say that the law has played the role of a catalyst in the process of social change among people by diluting inequalities in vulnerable sections, and by providing a dignified existence in society. Social change means an alteration of society; its values, belief, and so on. But social change doesn't affect all aspects of people in the same manner.⁶

CONCLUSION

From the above context, we can conclude that law and sociology are interconnected subjects that are linked to each other. These topics are inseparable. Both are not autonomous but embedded in each other. Today's laws are made based on human conditions, therefore it is very hard to separate both topics from each other. Society is like an engine of laws.⁷ Today's reality is that people who live in society are heterogeneous thoughts, they destabilize the balance of natural society. Law is essential for bringing people together, it helps to maintain the morality of individual thoughts and societies. Social change relies heavily on the law.⁸ The law is the agent for social change from a primitive to a market society, it is an agency or medium which is responsible for social change. We can say the law plays a crucial role in the introduction of new social structures and relationships.

⁶ Theo Spanos Dunfey, 'What is Social Change and Why Should We Care?' (2019) SNHU < <https://www.snhu.edu/about-us/newsroom/social-sciences/what-is-social-change> > accessed 10 May 2023.

⁷ Roger Cotterrell, 'Why Must Legal Ideas Be Interpreted Sociologically?' (1998) 25(2) *Jour. Law & Soc.* < <https://www.jstor.org/stable/1410686> > accessed 10 May 2023.

⁸ Hans Haferkamp and Neil J. Smelser, *Social Change and Modernity* (University of California Press 1992).