Legal Sociology Approach: A Critical Study on Understanding The Law

Kaharuddin[1]

[1]Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta, Assistant Deputy for HR Development Secretariat of the Vice President E-mail: Kaharuddin@upnvj.ac.id

ARTICLE INFO	ABSTRACT
	The need for legal certainty as progress and change in societal life. This article seeks to provide a description of legal practices in society that emphasizes a legal sociology approach to comprehending the laws, whether they are appropriate, different from or even at odds with the laws in the law book, or unwritten laws that are accepted as legitimate by society. This change has continued since antiquity, modern times, and even this age of civility or globalization. There are many approaches and methods or approaches that can be used in building justice, including in the sociology of law approach. Studies related to the method approach have recently experienced a dynamic development along with the needs and demands of the community. Theoretical studies and empirical research seek to answer various problems about the effectiveness of the work of law in the entire institutional structure of law in society. This legal sociology approach expects to describes the state of society complete with interrelated social structures and symptoms. It is used because the normative goal of the law is to have a good balance in society, the process of law is in the society itself, thus it can be said that society is the source of law, and the law cannot be separated from the social environment. It emphasizes the study of the relationship between law thinking and its social base and does not see the law as an esoteric area. The study of legal sociology using various approaches may give a positive contribution in understanding and developing law products and build a guaranteed life in accordance with applicable laws and regulations as well as community compliance with the law.

1. Introduction

Legal sociology is one of the branches of the development of legal science that existence is relatively new in Indonesia. In fact, the law cannot only be viewed from a normative juridical side, because by understanding the sociology of law, we will also obtain knowledge of the law in an empirical juridical sense.[2]

---

[2] Banakar, Reza. (2015). *Normativity in Legal Sociology. Normativity in Legal Sociology.* 23.

This becomes important because, in the flow of *rechtsidee* or the legal mind in its concrete embodiment in addition to referring to legal formalism, society is also an important factor that determines whether the law has been effective or not.

A society that is undergoing a transition like Indonesia, in its social life often experiences changes in the system the value, including in attitudes and patterns of behavior, in a transition period, the new value system that has been selected applies in conjunction with the enactment of the old value system that is to be abandoned. Law is a pattern of life in society because society wants a normal social process, which means harmony between the interests of group life and the interests of people's or personal lives.

The idea of achieving harmony between the interests of the group and the interests of individuals, among others, is manifested in the purpose of the law to achieve harmony between order and justice, so it is often said that the law aims to achieve *rechtvaardigeordening der samenleving*.[3] Thus, the process of law lies within society itself, therefore society is the source of the existence of law.

Indonesian society today is in a rapid and fairly basic current of change. The occurrence of changes from a society that was originally agrarian-based is now transferred to an industrial society, of course, it is always followed by adjustments in terms of legal life, both in the form of positive law and adjustments in the field of theory and conception and understanding.[4] In the 20th century, the structure of society has become increasingly complex, and the specialization and part of any field in society is increasingly intensively developing and advancing. Thus the arrangements made by the law must also follow the development of the ever-evolving circumstances of the times.

In another pattern as an independent nation, the Indonesian nation is a subject of independent law, meaning that as a nation, the Indonesian nation is fully involved in aspects of the implementation and implementation of the law. This is certainly different from the legal life during the Dutch East Indies period. At that time the Indonesian nation did not have full responsibility in matters of planning, development, maintenance, and law enforcement. The Indonesian nation is only a spectator and becomes the object of control of the law, all

---

[3] Lihat Soerjono Soekanto. (1989). *Kegunaan Sosiologi Hukum bagi Kalangan Hukum*. Bandung: Citra Aditya Bakti. 47.

[4] Přibáň, Jiří. (2017). *A Sociology of Legal Distinctions: Introducing Contemporary Interpretations of Classic Socio-legal Concepts*. S1-S18.

decisions and legal development strategies are determined by the government of the Kingdom of the Netherlands.[5]

Furthermore, demands emerged that the law could be used as a tool to make changes in line with the politics of canyon development. Thus the legal issue now is no longer talking about formal legality[6], about its interpretation and the proper application of articles of law, but rather moving towards the conscious use of the law as a means to help structure the new life system.[7] Law no longer views it only as a logical and consistent system, which is separate from its social environment but must see the law as an institution that is always related to the order of society, law is always required to pay more attention between the law and social reality that lives and develops.[8]

The law should not be allowed to become the domain or territory of a certain group of people, which can only be and can be entered by policymakers, lawmakers, and lawyers, even though his specialist mind which usually only dwells on "regulation and logic" until now such a way of thinking and carrying out laws is still dominant, which in legal sociology is known by the term *analytical jurisprudence* or *rech dogmatiek.[9]*

By thinking that way, the application of the law is only limited to the realm of regulation and regulatory logic. No, the law also needs to be pulled out into the realm of daily life with all the hopes, unrest, and needs of the community. In short, the law should not just be a pun but needs to have a social meaning. Laws must be incarnated in the order of society and social behavior [10]. An already expensive democratization would be more expensive if the laws used to maintain it were only institutions that struggled with rules and logic, but the people still lived in poverty that needed attention.

The legal perspective in the lens of legal sociology, not only thinking the rule of law has been realized by showing the busyness of applying regulations using logic. No, if this happens, there is no point in us promoting the rule of law, because the law will only be the play of the political elites, the rulers, and

---

[5] Dalam Satjipto Rahardjo. (1977) . *Pemanfaatan Ilmu-ilmu Sosial bagi Pengembangan Ilmu Hukum.* Bandung: Alumni. 4.

[6] Jaffey, Peter. (2017). Two ways to understand the common law. 435-460.

[7] *Ibid*, hlm. 16.

[8] Nasution, Dicky Kurniawan, and Ahmad Fauzi. n.d. the Land Act Maker Deli Serdang. *Veteran Law Review*. 120–29.

[9] Satjipto Rahardjo. (2004). Hukum Progresif untuk Pemilu Presiden. Artikel *Harian Kompas,* tanggal 20 September 2004.

[10] Pavčnik, Marijan. (2017). Questioning the moral understanding of law. *Danube*. 111-116.

lawyers, far from providing welfare, justice, and happiness to the people. Even more than that, sometimes the law becomes a *safe haven* or a safe haven for corruptors, this often happens through the spectacle of how the law is difficult to deal with corruption and all its problems in this country.

The law that the community expects is one that tries to overcome various shortcomings, the community wants to withdraw the law and exclude it from a special realm in the region or a certain group of people and make it an institution of social significance. The law not only became a monopoly of the elites, but wanted to open up and socialize, shake hands with the people, socialize with the people, cultivate the community environment, and want to provide social services to the people. Law means delivering justice and well-being to its people.

Therefore, the consequence is that legal scholars are required to be able to understand all aspects of social life which mean that the law should understand and master the sciences that deal with these problems, one of which is the social sciences. It was at this point that it began to put forward sociological views on law, which were supported by various schools of legal philosophy, with their various views on law and the development of law. For this reason, this paper wants to elaborate on the sociological thinking towards the law with the approach to understanding the philosophy of law, a sociological view of the law of impact and consequences, so as to obtain a better understanding of how the concept of law actually is according to the school of legal philosophy which is ideological.[11] So in the discussion below will be described the views of these philosophers.

2. Method

This article uses critical descriptive qualitative methods. This method is used to express real phenomena that occur in social practice about positive laws and legal sociology that apply in the life of the nation and state. Furthermore, regarding the use of paradigm, this critical theoretical study seeks to critically capture the current application and practice of positive legal concepts that apply in everyday life.[12] In this theoretical conceptual article, it is not accompanied by design as found in rigid empirical research with a complete design, but a descriptive method that seeks to critically explain themes supported by the latest theories relevant to the topic and focus of study.

---

[11] Febbrajo, Alberto. (2018). *Law, Legal Culture and Society: Mirrored Identities of the Legal Order*. *Law, Legal Culture and Society: Mirrored Identities of the Legal*. 34.

[12] Chris Thornhill. (2016). *A Sociology of Transmitional Constituions: Social Foundations of the Post-National Legal Structure*. the University of Cambridge: *Cambridge University Press*.

Furthermore, the support of reputable sources and books and articles as reference sources to strengthen as a basis for making arguments and propositions as scientific justification. According Marzuki in Eka NAM Sihombing (2019) By looking at theories, conceptions of legal principles, norms, rules of legislation, court decisions, and agreements, the normative juridical legal research technique takes an approach that is based on the major legal material. Prescriptions supplied in legal sociology expect to analyze based on the features of legal science which is the nature of the article used in this work. The result of legal narrative is therefore at least a new argument, even if it does not establish a new legal concept or theory.[13]

3. Results & Analysis
3.1 Sociological Thinking Towards Law: An Understanding of the Philosophy of Law

The philosophy of law had its own understanding for the birth of the sociology of law. Philosophical thought always seeks to penetrate things that are close and constantly seeks answers to complete questions (*ultimate*). Therefore, the philosophy of law far precedes the sociology of law,[14] when the philosophy of law questions the validity of positive law. Why should it be positive? Where does positive law gain its legitimacy from? Why should people be obedient to the law? Here many philosophical questions are also repeated by the sociology of law i.e. questions that relativize positive law.[15]

Philosophical thoughts paved the way for the birth of legal sociology because it is complete and critical as is customary in the disposition of philosophy, using the legal system of legislation as outlined above. Such philosophical thoughts can start from a distant point that does not directly challenge positive law. This is for example what Gustav Radbruch did with the thesis "Three basic legal values", that is, fairness, usefulness, and legal certainty.[16] The so-called Radbruch with the basic value of usefulness places the law in relation to a

---

[13] Sihombing, RiEka N.A.M, Cynthia Hadita, and Muhammad Yusrizal Adi Syaputra. (2019). Legal Securities Against Covid-19 Patient Privacy Data in Indonesia. *Veteran Law Review*. 275–82.

[14] Pavčnik, Marijan. (2017). Questioning the moral understanding of law. *Danube*. 111-116.

[15] Thornhill, Chris. (2016). *A Sociology of Transmitional COnstituions: Social FOundations of the Post-National Legal Structure*. the University of Cambridge: Cambridge University Press. 76.

[16] Ortynskyi. (2021). Features of the Socio-Political and Theoretical Foundations of the Philosophical Understanding of Law from the Middle Ages to the Present. *Wisdom* 19 (3). 204–16.

larger social context.[17] Thus the philosophy of law is an opening for legal studies that pay attention to the interaction between law and society.

The thought of the law is presumably strongly influenced by the atmosphere that surrounds it, that is to say, the thoughts that arise are inseparable from the state of society as a result of social construction. The history of thinking about the law can be seen as a manifestation of the attachment of legal thought to the forerunners of the existing society.[18] The legal world is not *an esoteric* insight, that is, it cannot be released only by the sollen world. On the contrary, legal interference also increasingly extends into areas of people's lives causing its interrelationships with social problems to become increasingly intensive. This situation causes the study of law to also pay attention to the relationship between legal order and broader social order. The restrictions and arrangements carried out by law in areas that concern aspects of human personal life, such as marriage, education, and so on, must be confronted with social attitudes and values traditionally embedded in society.[19]

The function of the law as a means to carry out the renewal of society (*social engineering*).[20] Legal rules as a means to carry out *social engineering* have an important role, especially in the changes that are desired or planned. The process of social engineering requires a pioneer of change that is a person or group of people who gain the trust of society as the leader of one or more social institutions.

Legal science only looks at the symptoms of law as can be observed by the five senses of man regarding human deeds and community habits. Meanwhile, the consideration of the value behind these legal symptoms escapes the observation of legal science.[21] Legal norms (rules) do not include the world of reality (*sein*), but being in another world (*sollen*) so that legal norms are not a

---

[17] Satjipto Rahardjo. (1961). *Sociology of Law for the Development of Methods and Problem Choices*. Surakarta: Muhammadiyah University Press. 15.

[18] Přibáň, Jiří. (2017). A Sociology of Legal Distinctions: Introducing Contemporary Interpretations of Classic Socio-legal Concepts. S1-S18.

[19] Satjipto Rahardjo. (1986). *Hukum dan Masyarakat.* Bandung: Angkasa. 16.

[20] Mochtar Kusumaatmadja. (1976). *Hukum, Masyarakat, dan Pembinaan Hukum Nasional.* Bandung: Penerbit Binacipta. 5. Baca juga Soetandyo Wignjosoebroto. (2008). *Hukum dalam Masyarakat Perkembangan dan Masalah Sosial sebuah Pengantar kearah kajian Sosiologi Hukum.* Malang: Penerbit Bayumedia. 240. That social engineering is a concept known in political science and and lately also in legal science to provide a systematic effort by the development of state power to influence the attitudes and behavior of the people on a wide scale.

[21] Hartati, Sintara, and Maryani. (2020). A Sociology of Jurisprudence. 74-88.

world of legal science investigation. [22] Considering that the object of legal philosophy is law, the problems or questions discussed by the philosophy of law, among others, revolve around what is described above. Among these problems are the relationship between law and power, the relationship between natural and positive law, what is the cause of people obeying the law, what is the purpose of the law the problems of legal philosophy that are widely discussed today by some people called the problem of contemporary legal philosophy.

On the one hand, the law has an interest in the results it will obtain through regulation, therefore, it must understand the ins and outs of the problems it regulates, while on the other hand, it must also be aware, that factors and forces outside the law will exert a burden of influence on the law and the process of its work. This atmosphere of reciprocal relations requires an approach to the law that is not one-sided, focusing only on the logical fusion of legal systems.[23] Beyond the science of law, the social sciences have also directed their attention to the law as the target of their investigation. The growth of the study of the social context of law has influenced the large number of results of theoretical work that make a practical contribution, thereby disputing the assumption that only empirical theoretical studies alone are capable of providing such results.[24]

The study of the sociology of law is still something relatively new, the sociology of law is a branch of the science of sociology. These two fields (sociology and law) actually still tell their own problems, because sociology as a field of science seeks to understand the dynamics of relationships that occur in society, and does not question the good and bad of a relationship, because social facts are not related to an assessment, while the field of the law wants to elaborate on the good and bad of a relationship or social fact.[25] Although there have been differences between legal scientists and sociology in the past, those differences at this time have undergone a shift, this is due to the space between the two to meet and become a separate science discussion.

Sociologists who are interested in law, have a tendency to study law as a symptom that is not separate from society. Most likely the tendency arose

---

[22]Abdul Ghofur Anshori. (2006). Philosophy of Law: History, Tradition and Meaning. Yogyakarta: Gadjah Mada University Press. p. 4.

[23] *Ibid.*

[24] Lihat, Mulyana W. Kusumah. (1986). *Perspektif, Teori dan Kebijaksanaan Hukum*. Jakarta: Rajawali. 1.

[25] Syarifuddin Jurdi. (2006). Sosiologi Politik dan Hukum: Pendekatan Normatif, Teoritik dan Empirik. *Jurnal Sosiologi Reflektif* , (UIN Kalijaga Yogyakarta) 1(1). 94.

because at first there was a strong assumption that legal life was isolated from other social symptoms. Many issues related to legal issues can be answered positively, by studying law as a social phenomenon, legal norms will manifestly determine human behavior in society.

The comprehensive ethical theorist discourse on law and society is still limited, but within that limitation, there are some experts who have put forward empirical propositions regarding the law in society, which seem to complement each other. Among the experts concerned *with* law and society, are; Donald Black dan Roberto Mangabeira Unger. In his book entitled "*The Behavior of Law*", Donald Black seeks to elaborate theories about the law that can explain the law from a cross-national perspective, as well as those that apply to individuals in various societies. In his book, Black expresses his opinion, that *Law is governmental social control*[26] which is to say that the law is the social control *of the* government, which uses legislation, *litigation,* and *adjudication*. Black also distinguishes between behaviors controlled by other forms of social control, such as manners, customs, and bureaucracy.

In this case, Black considers the law as a variable quantitative that can be measured on the basis of the frequency of occurrence of laws and regulations, the announcement of the enactment of certain regulations, complaints, prosecution of crimes, compensation, and punishment in certain social situations. Thus, the quantity of laws varies according to the society, to which they apply.[27] Furthermore, Black explained the quantity, direction, and style of law connected with 5 (five) variables of social life that can be measured, such as; stratification, morphology, culture, organization, and social control.[28] Stratification in the sense of differences in wealth can be measured by examining differences in wealth and differences in levels of social mobility. Morphology, which includes aspects of social life can be measured by social differences or degree of dependence, for example, the breadth of the division of labor in society. Culture will be measurable on the basis of its volume, level of complexity, and process in a given period.[29] The organization will be measurable on the basis of the degree of centralization of the administration of the collective movement in the political and economic spheres.

---

[26] Donald Black. (1976). *The Behavior of Law*. New York: Academic Press. 2.

[27] Efendi, Yose Rizal, Ramlan Ramlan, and Ferry Susanto Limbong. (2021). Sustainability, Legal, Of Object, Gadai Execution, By A Porrietary, Assets That, Are Debt, Guaranteed Without, and Agreement. *Veteran Law Review*. 40–53.

[28] Read his book, Donald Black,The Behaviour of Law. (1976). New York: *Academic Press*. 2

[29] Grey, Janet. (2016), Book Review - Understanding Construction Law, pp. 99-100.

Black, seeks to draw a conclusion on the law changing directly and according to stratification, the rank of position, integration, culture, organization, and respect. The quantity of laws varies in opposition to other forms of social control within the masses. Thus a society with complicated stratification has more complicated and numerous laws, when compared to a simple earthen society. Rich citizens have broader laws when compared to poor citizens.[30]

The style of law varies according to its direction, in relation to stratification, then the law of a criminal nature moves downwards in stratification, while the severed one moves upwards, and is *conciliatory* in nature and applies to people of equal standing. In relation to morphology, the law *tends to be an acumen*, if it applies between people who do not know each other, but is therapeutic if it applies to each other. Unorganized people are more easily exposed to criminal law, while people who are members of a good organization can control themselves on the compensator's law.[31]

Meanwhile, Roberto Mangabeira Unger stated, that the development *of the rule of law*, which is a law that is bound to general and autonomous legal norms, is only possible if groups in society compete with each other to control the legal system and if there are universal standards that will be able to pass state law.[32] Unger's analysis puts pressure on the historical perspective, the goal is an understanding of modern law and society. Unger examines the nature of society and compares various societies that contradict its characteristics, by relating it to various special types of laws, including; *first,* customary law, Unger, describes customary law or interactional law as follows.

> "...*simply any recurring mode of interaction among individuals and groups, together with the more or less explicit akin, acknowledgment by these groups and individuals that such patterns of interaction produce reciprocal expectations of conduct that ought to be satisfied.*"[33]

Secondly, imperative law or bureaucratic law consists of explicit rules prescribed and applied by a particular government, which are not a universal characteristic of social life. *Third,* legal order or legal system of a general and

---

[30] *Ibid,* hlm. 7-9.

[31] *Ibid*, hlm. 16-12.

[32]Ulum, M.. (2019). Protection, Legal, For Victims, and Of Criminal. *Veteran Law Review*. 58-76

[33] Roberto Mangebeira Unger. (1976). *Law and Modern Society, Toward a Criticisxm of Sosial Theory.* New York: The Free Press. 49.

autonomous nature, public and positive.[34] From an evolutionary perspective, the various types of laws are stages, since one type is based on the other type.[35]

Against these 2 (two) great philosophers' thoughts, it basically gets the initial backdrop of the opinion put forward by Friedrick Carl von Savigny as a figure from the philosophical school of Legal History, which refuses to glorify one's reason. This historical tradition is a reaction to the 2 (two) mighty forces of its time, namely; *first,* the rationalism of the 18th century, the power of ratio with its first principles that gave birth to a theory of law that by way of deduction; secondly, it was the conviction and spirit of the French revolution that greatly glorified the intellect and the ability of man to rule the circumstances.[36] As a reaction, then the historical tradition emphasizes the special qualities inherent in the legal system of a nation, on the legal feeling of a nation as opposed to legislation or legal decisions that are seen as dead letters secondly, it was the conviction and spirit of the French revolution that greatly glorified the intellect and the ability of man to rule the circumstances. As a reaction, then the historical tradition emphasizes the special qualities inherent in the legal system of a nation, on the legal feeling of a nation as opposed to legislation or legal decisions that are seen as dead letters.[37]

Von Savigny stated that the law was not made and stated that it was found in society. Therefore, this school is often called by people with legal pessimism. If rationalists have made the mistake of glorifying the time to come, then this historical approach is considered wrong because it glorifies the past. His distrust of lawmaking, especially when codified, suggests a spectator view of man's will and doubts the success of man's efforts to rule the world around him.[38]

So the essence of von Savigny's views, can be summed up in his own words stating: "At the beginning of history, the law already had fixed features, peculiar to the people such as its language, its customs and its consitutions. This symptom does not stand alone but is the ability and inclination of a particular society, united inseparably in character and in our view has clear attributes, what binds all of them in one whole is the commonality of the

---

[34] Williams, George M. (2016). *Modes of understanding the law, Law and Literature*. 157-166.

[35] Lihat Donal Black. i*bid.* 54-59.

[36] Rights, Consumer Fulfill. (2019). Consumer Rights in Indonesia. *Veteran Law Review*. 275–82.

[37] Satjipto Rahardjo. (1977). *Pemanfaatan Ilmu-ilmu Sosial bagi Pengembangan Ilmu Hukum*. Bandung: Alumni. 41.

[38] Nasiri and Miftahul Ulum. (2019). The Concept Of Maslahah By Al-Imam Malik And Al-Imam Al-Tufi (Comparative Study OfMaslahah Al-ImamMalik and Al-Imam Najm Al-Din Al-Tufi). *Veteran Law Review.* 58–76.

founding of the people.[39] The same inner consciousness needs to discard all thoughts of a coincidental and uncertain origin, the law develops with the development of the people and becomes strong with the strength of the people, and eventually disappears if the people lose their nationality, that is how the law really is.

3.2 The Sociological View of the Law: Its Effects and Consequences

This sociological approach to law began to surface along with demands that legal science could be more used to contribute to Indonesia's changing society. This approach begins to be necessary when we have begun to see the law not merely as an autonomous institution within society,[40] but rather as an institution that works for and in society. In this case, according to Satjipto Rahardjo, our interest is mainly attracted to 2 (two) things, i.e. *First*, the process of law is not seen as an event undergoing insulation, but rather we see it as a process of realizing greater social goals. *Second*, for laws within society, that is, what functions are carried out by law?[41]

This certainly requires a shift and change of views towards a closer direction to the social sciences. The original law was only orientated on practical matters and dispute resolution on the basis of practical norms and dispute resolution on the basis of norms that are assumed to have absolute validity to do so[42], while at the same time having to eliminate oneself on the broader underpinnings of the broader rationale of the preparation of theories on the basis of the social realities at hand.[43]

The existence of a sociology of law within an academic framework is intended as an attempt to allow the formation of legal theories of a sociological nature. That is an attempt to rectify the dogmative law, according to the juridical-traditional way of mind, which sees and examines law as a state of the law as a process. The sociology of law is a nomogative whose job is to record and assess things that happen in the empirical world and then try to provide an explanation, this is very meaningful to the world of praxis, especially to help with quality decision making, both in lawmaking and in law enforcement.[44]

---

[39] Freeman, Michael D A. (2006). *L Aw and Psychology Current Legal Issues 2006. 65.*

[40] van Domselaar, Iris. (2022). Law's regret: on moral remainders, (in)commensurability and a virtue-ethical approach to legal decision-making. *Jurisprudence.* 230-239.

[41] Satjipto Rahardjo. *Pemanfaatan Ilmu-ilmu Sosial bagi Kalangan Hukum. Op. Cit.* 26.

[42] No Name. (2006). A Sociology of Jurisprudence. *A Sociology of Jurisprudence*

[43] *Ibid.*

[44] Rohayu, Rina Absori. (2019). Utilizing the Values of Local Wisdom. *International journal of social sciences and humanities*. 91-101.

The sociology of law aims to provide an explanation of legal practices such as in the making of laws and regulations, applications, and courts. The sociology of law seeks to explain why the practice occurs, its causes, influential factors, background, and so on. The sociology of law exists to test the empirical of a rule or the unification of laws, as well as the sociology of law approaches the law in terms of objectivity and provides an explanation of phenomena that are really happening in society.

This is possible because legal sociology uses descriptive optics. Such a view is not intended to provide a guideline or direction of conduct in the community, but merely to provide an explanation of the ins and outs of the position and work of the law in society. For this reason, initially not being partial to positive law, legal sociology uses *detached concern.* If the sociology of law confronts positive law, then it is accepted as a reality, among the various kinds of realities contained in society.[45] Through the use of such an approach, it is hoped that legal scholars will be created who are able to creatively place their legal systems in their respective societies.

The sociological approach is based on a positivistic view of the social sciences that clings to the theory of correspondence about truth. According to this theory, truth is the similarity between theory and the world of reality which means that the central relationship within science is the relationship between the subject (scientist) and the object (the world of reality). A theory that successfully corresponds to the world of reality produces objective knowledge as its product. His scientist works from an external perspective, meaning that he approaches the world of reality as an observer who digitizes what he sees, which does not meet these criteria and cannot be said to be legal science but only as an educated legal skill. This view gained its justification from the model of ideal science according to Logical Atomism and Logical Positivism.

According to this teaching of logical atomism developed by Bertrand Russell and Ludwing Wittgenstein, knowledge can be said to be scientific, if it gives an exact picture and parable of observable reality. This can only happen if that knowledge can be directly returned to the elements revealed in the observation which is definitely undoubtedly true. For that, one must restore reality down to the basic elements that are often called atomic facts that are the object of direct dissolution. Thus knowledge is very empirical. What cannot be observed (sensorily) such as the rules of law and all that is normative cannot be known.

---

[45] Satjipto Rahardjo. *Pemanfaatan Ilmu-ilmu Sosial bagi Pengembangan Ilmu Hukum,* Op. Cit.. 92-93.

All the verdicts made so are subjective and cannot be called truthful, they rest more on speculation.

There are 2 (two) very important conditions that must be met by the scientific decision: *First,* the judgment rests on a direct discourse on the facts of the automaker in reality. *Second*, the entirety of scientifically shaped rulings must match one with the other consistently logically. This is a condition that must be met by an ideal scientific theory. Meanwhile, the teachings of logical positivism developed by Rudolf Carnap and Moritz Schlick, cling to the empirical nature of scientific knowledge. According to them, the knowledge of the other is not objective. To test the truth they base on the principle criterion of verification, which states that only scientific verdicts that can be empirically verified can be considered true, that is to say, those that can be tested with reality as well as those that can be observed sensorily.[46] If people test a scientific verdict and the result of the verdict is in accordance with reality, then the verdict has been verified, meaning that the truth has been corroborated.

The method of induction corresponds to both views because it proposes the material of the depiction of facts that can be observed at a more general level using a language that is logically consistently constructed into a scientific theory. Their empirical methods are the only methods that can undermine scientific knowledge. Whereas other methods produce subjective and speculative knowledge because only empirical methods allow others to an objective way and very precisely test the scientific results found.

4.   Conclusion
Based on the explanation presented above, it can be drawn conclusions.
The Sociological View of law, emphasizes more on the attachment of legal thought to the existing societal background, which views the law, not as *an esoteric* area, which should only be entered by a group of powerful people who dwell on the range of regulations and logic alone, but the law needs to enter the realm of daily life with the realities, expectations, unrest, and needs of society. In short, the law should not just be a pun but have a social and down-to-earth meaning in society.

In short, the law should not just be a pun but have a social and down-to-earth meaning in society. The sociological view of the law, in enforcing law and justice, is based on *descriptive* optics, that is, an optician who intends to describe and explain, the ins and outs of the position of authority and the work

---

[46] Domselaar, Iris van. (2022). Law's Regret: On Moral Remainders, (in)Commensurability and a Virtue-Ethical Approach to Legal Decision-Making. *Jurisprudence.* 13 (2). 220–39.

of the law in society. It is a *detached concern* against positive law. In addition, a sociological view of the law that is based on inductive logic seeks and it's supporting by the correspondence theory of truth and justice.

The law is not only concerned with *rule and logic* but *social structure and behavior*, meaning that law cannot only be understood narrowly, in the perspective of rules and logic but also pay attention to and involve social structure and behavior. Therefore, the sociology of law is not only a matter of justice but also a matter of social, economic, political, and others. The sociology of law does not give judgments, but rather approaches the law in terms of sheer objectivity and provides an explanation of real legal phenomena.

References

Alberto. (2018). *Law, Legal Culture and Society: Mirrored Identities of the Legal Order. Law, Legal Culture and Society: Mirrored Identities of the Legal Order*. https://doi.org/10.4324/9781351040341.

Anshori, Abdul Ghofur. (2006). *Filsafat Hukum*: *sejarah, Aliran dan Pemaknaan*. Yogyakarta: Gadjah Mada University Press.

Banakar, Reza. (2015). *Normativity in Legal Sociology. Normativity in Legal Sociology*. https://doi.org/10.1007/978-3-319-09650-6.

Black, Donald. (1976). *The Behavior of Law*. New York: Academic Press.

Domselaar, Iris van. (2022). Law's Regret: On Moral Remainders. (in)Commensurability and a Virtue-Ethical Approach to Legal Decision-Making. *Jurisprudence* 13 (2). 220–39.https://doi.org/10.1080/20403313.2021.2014709.

Efendi, Yose Rizal, Ramlan Ramlan, and Ferry Susanto Limbong. (2021). Sustainability, Legal, Of Object, Gadai Execution, By A Porrietary, Assets That, Are Debt, Guaranteed Without, and Agreement. *Veteran Law Review"*. 40–53.

Febbrajo, Alberto. (2018). *Law, Legal Culture and Society: Mirrored Identities of the Legal Order. Law, Legal Culture and Society: Mirrored Identities of the Legal Order*. https://doi.org/10.4324/9781351040341.

Freeman, Michael D A. (2006). *LAw and Psychology Current Legal Issues 2006*. *Current*. Vol. 9.

Grey, Janet. (2016). Book Review - Understanding Construction Law. *Construction Economics and Building* 16 (4). 99–100. https://doi.org/10.5130/ajceb.v16i4.5289.

Hartati, Sintara, and Maryani. (2020). A Sociology of Jurisprudence. 2006. *A Sociology of Jurisprudence*. https://doi.org/10.5040/9781472563552: 74-88.

Hartati, Sri, Dani Sintara, and Halimatul Maryani. (2020). Utilization Of State

Property By Partners In The Perspective Of Utilitarianism Legal Theory. *Veteran Law Review* 5 (1). 74–88.

Jaffey, Peter. (2017). Two Ways to Understand the Common Law. *Jurisprudence.* 8 (3): 435–60. https://doi.org/10.1080/20403313.2017.1361696.

Jurdi, Syarifuddin. (2006). Sosiologi Politik dan Hukum: Pendekatan Normatif, Teoritik dan Empiris. *Jurnal Sosiologi Reflektif*, UIN Kalijaga Yogyakarta. 1(1).

Kusumaatmadja, Mochtar. (1976). *Hukum, Masyarakat, dan Pembinaan Hukum Nasional.* Bandung: Penerbit Binacipta.

Kusumah, Mulyana W. (1986). *Perspektif, Teori dan Kebijaksanaan Hukum.* Jakarta: Rajawali.

Nasiri and Miftahul Ulum. (2019). The Concept Of Maslahah By Al-Imam Malik And Al-Imam Al-Tufi (Comparative Study OfMaslahah Al-ImamMalik and Al-Imam Najm Al-Din Al-Tufi). *Veteran Law Review.* 5 (1). 58–76.

Nasution, Dicky Kurniawan, and Ahmad Fauzi. n.d. the Land Act Maker Deli Serdang. *Veteran Law Review.* 120–29.

Ortynskyi, Volodymyr, Stepan Slyvka, Nadiya Scotna, Oksana Levytska, and Ivanna Shcherbai. (2021). *Features of the Socio-Political and Theoretical Foundations of the Philosophical Understanding of Law from the Middle Ages to the Present.* Wisdom, 19 (3). 204–16. https://doi.org/10.24234/WISDOM.V19I3.488.

Pavčnik, Marijan. (2017). Questioning the Moral Understanding of Law. *The Philosophy of Law Far Precedes the Sociology of Law.* 8 (2). 111–16. https://doi.org/10.1515/danb-2017-0008.

Přibáň, Jiří. (2017). A Sociology of Legal Distinctions: Introducing Contemporary Interpretations of Classic Socio-Legal Concepts. *Journal of Law and Society.* 44 (October). S1–18. https://doi.org/10.1111/jols.12046.

Rahardjo, Satjipto. (1986). *Hukum dan Masyarakat.* Bandung: Angkasa.

------------. (2004), *Hukum Progresif untuk Pemilu Presiden,* dalam Artikel Harian Kompas, Tanggal, 20 September 2004.

------------. (1977), *Pemanfaatan Ilmu-ilmu Sosial bagi Pengembangan Ilmu Hukum,* Bandung: Alumni.

------------. (2002). *Sosiologi Hukum Perkembangan Metode dan Pilihan Masalah*, Surakarta. Muhammayah University Press.

Rohayu, Rina, and - Absori. (2019). Utilizing the Values of Local Wisdom. *International Journal of Social Sciences and Humanities.* 3 (1). 91–101. https://doi.org/10.29332/ijssh.v3n1.263.

Sihombing, RiEka N.A.M, Cynthia Hadita, and Muhammad Yusrizal Adi Syaputra. (2019). Legal Securities Against Covid-19 Patient Privacy Data in Indonesia. *Veteran Law Review Consumer Rights in Indonesia.* 275–82.

Soekanto, Soerdjono. (1989). *Kegunaan Sosiologi Hukum bagi Kalangan Hukum.* Bandung: Citra Aditya Bakti.

Sustainability, Legal, of Object, Gadai Execution, By A Porrietary, Assets That, Are Debt, Guaranteed Without, and Agreement Of. 1974. *Veteran Law Review.* 7. 40–53.

Thornhill, Chris. (2016). *A Sociology of Transmitional Constituions: Social Foundations of the Post-National Legal Structure*. the University of Cambridge: Cambridge University Press. https://doi.org/DOI 10.1017/CBO9781139833905.: 1-505

Ulum, M. (2019). Protection, Legal, For Victims, and Of Criminal. *Veteran Law Review.* 58-76

Unger, Roberto Mangebeira. (1976). *Law and Modern Society, Toward a Criticism of Social Theory.* New York: The Free Pres.

------ (2006). *A Sociology of Jurisprudence.* A Sociology of Jurisprudence. https://doi.org/10.5040/9781472563552.

Wahyudi, Slamet Tri, Syamsul Hadi, and Aji Lukman Ibrahim. (2020). *Veteran Law Review.* 5 (1): 74–88.

Wignjosoebroto, Soetandyo. (2008). *Hukum dalam Masyarakat Perkembangan dan Masalah Sosial sebuah Pengantar kearah kajian Sosiologi Hukum.* Malang: Penerbit Bayumedia.

Williams, George M. (2017). Modes of Understanding the Law. *Law and Literature.* 29 (1). 157–66. https://doi.org/10.1080/1535685X.2016.1246920.