

Legal Relationship and Social Changes and Their Impact on Legal Development

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Abstract- The life of modern society and traditional society requires a legal order in it. It is a challenge for the law to be able to adapt to social changes. Law and social change are closely correlated because they are interdependent. On the one hand, there are demands for social change that must be following legal rules, and on the other hand, legal rules must adapt to social changes. Through the analysis of the concept of law as a reality or social engineering, the impact obtained by law is the emergence of legal developments that adapt to social change, and on the other hand, acceptance of the law becomes the basic foundation of social change accepted by society. This is in accordance with *ubi societas ibi ius*, which means where there is a community, there is a law; if society changes, the law also changes.

Keywords- Legal impact, Social transformation, Social Engineering.

I. INTRODUCTION

As we all know, in the process of human life or community in a broad sense, both those belonging to modern society and traditional society always experience changes in their lives. Change occurs because of social interactions that produce the goals of the ongoing interaction process. The reality of life that involves people's interactions with one another impacts the scale of social changes that occur, namely changes that are visible or changes that occur slowly in the process. Considering that the 21st century has been claimed as the modern century, the development of social change today is so complex and significant that its existence is felt.[1]

The development of social change felt by the community, one of which is aided by technological advancements that elevate life to a new level in comparison to what they knew previously.[2] Through technological advancements, some of the progress felt by the community has an effect on aspects of culture, lifestyle, and the community's dreams, both positive and negative, which should be anticipated by the existence of the law in order to remain within the proper rules while also taking into account the reality that social life cannot be divorced from the existens.[3] Additionally, the continued existence of modernity has begun to cast doubt on anything traditional, and additional factors such as

natural disasters and the current Covid-19 pandemic color the social changes that occur in society.[4]

Social changes that occur, of course, there are expected and also not expected. However, several trends cause social change to occur: First, the reality that no human is stagnant. Second, changes that occur in certain social institutions are followed by other social institutions. Third, social changes that occur rapidly lead to disorganization in adapting. However, all social changes are generally caused by population growth, technological discoveries, and scientific developments.[1]

Community life is governed by norms, and a slew of existing institutional regulations have required that people adhere to a variety of applicable regulations.[5] However, the community's collective behavior compels them to constantly think and demand specific actions. Naturally, given the life of a pluralistic society, they will experience social change, and change becomes a necessity in this case. It becomes interesting to discuss how social changes in society are related to laws that are constantly reviewed. Based on the description of the background above, the formulation of the problem that will be discussed in this paper is "How is the correlation between social and legal changes and their impact on legal developments in society?"

II. FINDING AND DISCUSSION

1. Legal Concept as Reality (Social Engineering)

Legal perspectives as social engineering or law as reality regard the existence of law as a non-autonomous region. This is because the law is inextricably linked to societal problems such as social, economic, political, cultural, and religious issues. As Satjipto Rahardjo stated, it is no longer necessary to view law in isolation because it must be connected and understood functionally, or in other words, there are always interdependent links with other spheres of society. This reality has been demonstrated to have an effect on changes in society in the twenty-first century brought about by modernization and industrialization, resulting in legal changes.[6]

In general, the primary purpose of law is to safeguard the social interests that exist. According to Pound, three types of interests must be protected by law: public, individual, and personal. Additionally, Mochtar Kusumaatmajda stated the role of law as a development

tool, stating that law serves two functions: as a means of maintaining public order and as a tool for community change. In this context, the law can be used as a tool for social change, or "law as a social engineering tool." [7] This is also reinforced by Hugo Sinzheimer, who stated that legal changes are necessary if there are perceived gaps between the conditions, events, and relationships in society and the law that governs them, because the rules of law cannot be divorced from changing conditions, events, and relationships. Naturally, such a situation necessitates legal amendments to ensure that the law remains effective in its regulation and function. [8]

2. Social Change and Its Correlation with Law

Change is generally defined as the existence of something that did not exist previously. On the other hand, it is also defined as the act of erasing or destroying something that existed previously. However, not all of these changes can be classified as social changes because some of them involve relatively minor (trivial) social changes, although these minor changes can occasionally snowball into something significant (substantial). [5] In simple terms, social change refers to a community's participation in an activity that results in a different pattern of relationships than previously existed. Individuals within a community group face choices about how to adapt to new situations, such as technological advancements, ideas, values, and ways of life. [5] Thus, social change can be defined as a series of shifts in people's attitudes and behaviors toward others and the government on social, cultural, political, economic, and other levels. [7] This is reinforced by Samuel Koenig's assertion that social change refers to changes in the pattern of human life that are influenced by both internal and external factors. [9]

Social change will inevitably create problems as a result of a mismatch between social acceptance and the social reality that exists in society. While the law, as explained in Roscoe Pound's concept of Sociological Jurisprudence, is said to have its life in its implementation. Pound defines law as an order of behavior that is aimed at achieving the good and is capable of satisfying a large number of parties. That is, law is a technique for resolving social problems. Pound's concept of social engineering is to create a social structure that maximizes decisions or needs while minimizing conflict. Pound views and understands the law in this process as a regulator, or, in other words, as a mediator in cases of willful conflict. Additionally, if a law is in place to regulate desires in accordance with social compliance requirements, the law must be adjusted or function according to specific functions in order to accomplish the desired goals.

The relationship between social change and law is still quite contentious, as there are two schools of thought: on the one hand, social change causes the existence of law; on the other hand, social change is determined by the inherent laws of society. Numerous perspectives assert

that the development of law is determined by social change; however, this appears to overlook the fact that the historical record, particularly the institutions that oversee the law, demonstrates a distinct role, not something that gropes for social change. In contemporary society, the role of law has influenced a variety of social spheres, from education, housing, rational relations, protection, and transportation, to the use of energy, which has unconsciously become an indispensable support in many spheres of life.

As Dor stated, the law has played an indirect role in social change by forming social institutions that have an impact on society. However, this paper will focus on how social change affects law, rather than on how law affects social change. In contemporary life, the shift in morals, values, and lifestyles appears difficult to reverse. This then disregards something that was believed in the past but is now considered obsolete. Without realizing it, people forget that social change must adhere to established norms or, in a formal relationship, must be governed by applicable societal or state laws. This is a challenge because existing law in society, particularly formal or written law, is typically rigid and has a low tolerance for deviation. In the next sub-chapter, we will discuss how social changes affect the law due to modernity.

3. Impact of Social Change on Law

Satjipto Rahardjo stated that the legal world, which initially was esoteric and claimed its autonomous territory, could not be maintained for several reasons. To begin, the law's inability to become a means of the present is a result of societal and political changes, which result in the law losing its hold on society. It is undeniable that the current of development is increasing, which necessitates the existence of law that is adaptable to existing social changes. If the law is incapable of adapting to existing social changes, the law's substance will lose its hold on people's lives. Second, as stated in the Repelita, there are requirements for becoming an industrial society. This means that the law is required to participate in building order in society. In terms of establishing social order, the law plays a critical role in preparing people for a new way of life. [6]

Furthermore, Soerjono Sekanto said that the success of using the law to change behavior depends on the institutional process and areas that want to be changed, namely something neutral or personal. The problem is, currently, the use of law in responding to social changes that occur in society there are indications of overlapping by the interests of irresponsible elements in it so that in people's lives today, trust in the law is no longer reliable because they believe in the law. There are only two directions: blunt upward and sharp downward. Effectiveness in instilling law is also harmed because society becomes more cohesive when several laws are deemed incompatible with development goals, and not infrequently due to social interactions that occur in

society that result in a large mass group conducting demonstrations when laws or laws are issued that do not meet expectations.

In addition to the negative impacts that have been described previously, there are also negative impacts from social changes to the existence of the law. Nowadays, it is not uncommon for the law to always be involved in responding to social changes that occur in society because through the law, changes can be well planned and following legal rules related to the function of law as a tool of social engineering. Recognition of the role of law as an instrument in social change will strengthen society because social change through law is the most basic trace in today's modern world, which shows that the relationship between law and social change is interrelated and dependent on each other. That way, the social changes that occur remain within the rule of law and can change positively.

III. CONCLUSION

The relationship between law and social change has a very close correlation because they are interrelated and dependent. The existence of demands where social change must be under legal rules, and on the other hand, legal rules must adapt to social changes, making opinions between the two still controversial to this day. In the concept of law as a reality or social engineering, the impacts obtained by the law include the decline of the law as a means of the present, because it is considered to have reduced its grip, the existence of demands that require the law to adapt to the social changes that occur, and the weakening of public legal trust, given that social changes are increasingly complex, especially with the social relations of the community to one another and on the other hand also affected by the positive impact where the law is getting stronger, because it is a condition for social change to be accepted by the community. This acceptance becomes the essential foundation for social change that occurs as expected. Both social and legal changes complement each other. This is in accordance with the thinking of *ubi societas ibi ius*, which means that where there is society there is the law. If society changes, the law also changes.

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