

The Role of Sociology of Law in Realizing Social Justice: A Socio-Legal Perspective

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Abstract

This study examines the role of the sociology of law in realizing social justice through a socio-legal perspective. Sociology of law views law not merely as a set of formal and written norms, but as a social institution that is closely intertwined with societal values, culture, and power relations. The objective of this research is to analyze how legal systems can effectively promote social justice by considering the social, economic, and cultural contexts in which they operate. This study employs a normative legal research method combined with a conceptual and sociological approach, focusing on the interaction between law in the books and law in action. The findings indicate that the realization of social justice is not solely determined by the quality of legislation, but also by factors such as legal awareness, legal culture, access to justice, and the role of law enforcement institutions. Sociology of law plays a significant role in identifying gaps between normative legal provisions and their implementation in society, particularly in relation to vulnerable and marginalized groups who often face structural barriers in accessing justice. Furthermore, the socio-legal approach contributes to the development of responsive and inclusive legal policies that prioritize substantive justice over formal equality. In conclusion, sociology of law serves as a crucial analytical and practical framework in bridging the gap between legal norms and social reality. By integrating social perspectives into legal processes, law can function more effectively as an instrument of social engineering and a means to achieve equitable and sustainable social justice for all members of society.

1. Introduction

Law as a rule or social norm cannot be separated from the values that prevail in society; thus, it can be said that law is a reflection and concretization of the values that at a certain time apply in society. The existence of law that lives within society is therefore highly needed to regulate daily life. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a state based on the rule of law, and as a consequence of being a legal state, if a violation of law occurs, the law must be enforced by taking action against the perpetrator in accordance with applicable provisions, and if a dispute arises, it must be resolved through legal mechanisms as regulated in Indonesia's positive law, namely criminal law.

The existence of the Criminal Code

(KUHP) and the Criminal Procedure Code (KUHP) in Indonesia does not necessarily guarantee that law enforcement in Indonesia meets the expectations of the Indonesian people in the implementation of a state based on the rule of law, which aims to protect the entire Indonesian nation and its homeland. Bagir Manan stated that Indonesian law enforcement can be described as "communis opinio doctorum," meaning that current law enforcement is widely considered to have failed in achieving the objectives mandated by law.

Social justice is one of the main goals of the implementation of law in society. Law is expected to be able to create a balance between rights and obligations and to protect all citizens fairly. However, in reality, law often does not fully reflect the sense of justice felt by society

because it is influenced by various social, economic, and cultural factors.

The sociology of law emerges as an approach that views law not only as written norms but also as a social phenomenon. By understanding the social conditions of society, law can be applied more justly and in accordance with real needs. Therefore, the sociology of law plays an important role in realizing social justice.

Basically, law should not only be understood as a collection of written rules but also as part of social life that grows and develops within society. In practice, normative law often fails to fully address the issues of justice perceived by the public. Social inequality, differences in access to justice, and weak law enforcement at various levels of society indicate that law cannot be separated from the social context in which it operates.

This is where the sociology of law plays a crucial role. The sociology of law is a branch of science that studies the reciprocal relationship between law and society, including how law is formed, implemented, obeyed, or even violated in social life. The sociological approach to law helps to view law not merely as an abstract norm but as a social phenomenon influenced by values, culture, social structures, and power dynamics within society.

Social justice as the main goal of law requires equality, protection of rights, and an equitable distribution of legal benefits for all citizens. However, in reality, many groups in society—particularly vulnerable and marginalized groups—still do not receive optimal legal protection. This demonstrates a gap between law in the books and law in action. The sociology of law seeks to bridge this gap by examining how law actually works in real life and how social factors affect its effectiveness.

Through the perspective of the sociology of law, it can be understood that the success of law in realizing social justice is not determined solely by the quality of legislation but also by the legal awareness of society, legal culture, law enforcement officials, and the underlying socio-economic conditions. Thus, the sociology of law serves as both an analytical tool and a strategic

approach in formulating legal policies that are more responsive, inclusive, and just.

Based on the explanation above, the study of the role of the sociology of law in realizing social justice is important to understand how law can effectively function as a tool of social engineering as well as an instrument for protecting the rights of society. This approach is expected to contribute to the development of a legal system that not only ensures legal certainty but also brings real social justice to society.

Based on the above background, there are several problem formulations in this scientific writing, namely: What is meant by the sociology of law? What is the concept of social justice from the perspective of the sociology of law? And what is the role of the sociology of law in realizing social justice in society? The objectives of this study are to explain the meaning of the sociology of law, to understand the concept of social justice in law, and to analyze the role of the sociology of law in creating social justice.

2. Literature Review

The study of the sociology of law and its relationship with social justice has been widely discussed in socio-legal scholarship, emphasizing that law cannot be understood merely as a set of formal rules but must be analyzed in its interaction with social structures, cultural values, and power relations within society. This body of literature highlights that the realization of social justice depends not only on legal norms but also on how law operates in practice (law in action).

Cotterrell provides a comprehensive theoretical foundation for understanding law from a sociological perspective. He argues that law is a social institution that both shapes and is shaped by society. From this viewpoint, legal norms cannot be separated from social, economic, and political contexts, and therefore, the effectiveness of law in achieving justice depends on its alignment with societal values and social realities.

Munasir similarly emphasizes that sociology of law serves as an important analytical tool for understanding the

relationship between law and society. He explains that law is not merely a coercive instrument of the state but also a reflection of social norms and collective consciousness. This perspective supports the idea that legal policies must consider social conditions to ensure fairness and legitimacy in their application.

Badalu discusses the role of law in realizing social justice, arguing that law should function as a means of protecting vulnerable groups and reducing social inequality. He highlights that formal legal equality is insufficient if structural inequalities in society persist. Therefore, a socio-legal approach is necessary to ensure that law contributes to substantive justice rather than merely procedural justice.

Walsh and Hemmens further strengthen this argument by emphasizing that justice must be understood within a broader socio-legal framework. They assert that law and justice are deeply interconnected with social structures, particularly in terms of power, access to legal institutions, and socio-economic disparities. Their work suggests that achieving social justice requires not only legal reform but also social transformation.

Hartanto, in his reflection on sociology of law in law enforcement, argues that legal institutions do not operate in a vacuum but are influenced by social, cultural, and political factors. He emphasizes that law enforcement often reflects existing social inequalities, which can undermine the ideal of justice. This highlights the importance of integrating sociological insights into legal practice.

DM, Siregar, Wahyudi, Prakasa, and Saragih view sociology of law as a form of social control that helps maintain social order while promoting justice. They argue that legal norms must be understood within the context of societal behavior and collective values, reinforcing the idea that legal compliance is influenced by social awareness rather than solely by coercive sanctions.

Kamaludin and Saebani similarly examine sociology of law as an instrument of social control. They emphasize that law should not only regulate behavior but also reflect societal

morals and ethical standards. This aligns with the notion that just law must be responsive to social needs rather than rigidly formalistic.

Sari analyzes the gap between legal ideals and social reality, arguing that there is often a disconnect between law in the books and law in action. She highlights that legal systems may appear just in theory but fail to deliver justice in practice due to structural inequalities, weak legal awareness, and unequal access to justice.

Septiani, Lestari, and Saebani focus specifically on the role of Islamic sociology of law in realizing social justice in modern society. They argue that Islamic legal principles emphasize equality, social solidarity, and protection of the weak, which align with contemporary concepts of social justice. Their work illustrates how cultural and religious values can contribute to a more inclusive and just legal system.

From a constitutional perspective, the 1945 Constitution of the Republic of Indonesia, particularly Article 1 (3) on the rule of law and the fifth principle of Pancasila on social justice, provides a normative foundation for the integration of sociology of law into legal policymaking. Similarly, Law No. 39 of 1999 on Human Rights emphasizes the importance of equality and protection of vulnerable groups, reinforcing the socio-legal approach to justice.

Based on this literature, it can be concluded that the sociology of law plays a crucial role in understanding and realizing social justice. The literature consistently shows that justice cannot be achieved solely through formal legal mechanisms but requires an understanding of social conditions, power relations, and cultural values. Therefore, analyzing law from a socio-legal perspective is essential to bridge the gap between legal norms and social reality, ensuring that law truly serves as an instrument of justice for all members of society.

3. Research Methods

The writing of this scientific work employs a normative legal research method with a conceptual and sociological approach. Normative legal research was chosen because

this study focuses on legal norms, theories, principles, and concepts related to the sociology of law and social justice.

The conceptual approach is used to analyze various concepts and theories that have developed in the sociology of law, particularly those related to the relationship between law and society and the role of law in creating social justice. This approach emphasizes the thoughts of legal scholars, legal doctrines, and the development of theories that explain how law functions as a means of social control and as a tool of social engineering.

In addition, a sociological (socio-legal) approach is also used to understand law within the context of social reality. This approach does not only view law as written rules (law in the books) but also as a social practice (law in action) that is influenced by values, culture, social structures, and the economic conditions of society. Through this approach, the study is able to describe how the sociology of law helps bridge the gap between legal norms and their implementation in realizing social justice.

4. Results and Discussion

4.1. Definition of Sociology of Law

Sociology of law is a branch of science that studies law as a social phenomenon, including how law is formed, applied, and obeyed or violated by society. Sociology of law emphasizes the reciprocal relationship between law and social structure.

Sociology of law is a relatively new field of knowledge, which is a combination of sociology and law. Sociology and law are distinct disciplines because sociology describes problems occurring in society both individually and collectively, whereas law consists of norms and sanctions aimed at controlling human behavior in order to maintain order, justice, and prevent chaos. The growth of culture and social phenomena in a society is natural; such culture adapts to place and time. A particular region will have its own culture influenced by its geographical location, and it will change over time. Cultural and social changes in society are actually more influenced by the inclinations of its members to act in certain ways.

Islamic law, in terminology, refers to the commands of Allah SWT or the sayings of Prophet Muhammad (peace be upon him) that relate to all actions of legally competent individuals (mukallaf), whether they contain commands, provisions, prohibitions, or choices. Thus, the sociology of Islamic law is a social science that studies all legal phenomena aimed at explaining legal practices that regulate reciprocal relationships among various social phenomena in Muslim societies as communities that adhere firmly to Islamic law (sharia).

The following are opinions of sociologists regarding the sociology of law:

- a. Soerjono Soekanto states that sociology of law is a branch of knowledge based on analytical and empirical methods that studies phenomena occurring in society where there is a reciprocal relationship between law and social phenomena.
- b. R. Otje Salman states that sociology of law is a science that studies the relationship between law and society through social conflicts using an empirical approach.
- c. Satjipto Rahardjo states that sociology of law is legal knowledge that studies patterns of behavior occurring in society within their social context.

In sociology of law, the main focus is the reciprocal influence between legal change and social change. Legal change can affect society, and conversely, social change can lead to changes in law. According to Zanden, social change is essentially a fundamental change in cultural patterns, structures, and social behavior over time.

4.2. Concept of Social Justice

Social justice is a condition in which every member of society obtains rights and fair treatment in accordance with human dignity. Social justice does not only mean equality before the law but also considers social and economic conditions to prevent inequality.

Justice derives from the word “adil” (fair). According to the Indonesian Dictionary, fair means not arbitrary, impartial, and balanced. Justice fundamentally implies that decisions and actions are based on objective norms.

Justice is a relative concept; what is considered fair by one person may not be fair to another. When someone claims to act justly, it must be relevant to public order in which a certain scale of justice is recognized. This scale varies from one place to another and is defined and determined by society in accordance with its public order.

According to Thomas Hobbes, an act is considered just if it is based on an agreed-upon contract. From this, it can be concluded that justice can only be achieved when there is agreement between parties. The notion of agreement here is broad, not limited to business contracts or leases, but also includes judicial decisions between judges and defendants, as well as legislation that is not biased toward one party but prioritizes public interest and welfare.

Social Justice from the Perspective of Sociology of Law. Sociology of law views social justice as the result of interaction between law and social structure. This means that justice is not only determined by the content of legislation but also by how law is applied in society. Several key perspectives of sociology of law on social justice include:

- Law as a Social Institution
Law originates from values and norms that exist in society. Therefore, law must reflect the sense of justice that develops in social life.
- Substantive Justice vs. Formal Justice
Formal justice emphasizes equal treatment before the law, while substantive justice emphasizes fair outcomes by considering socio-economic conditions. Sociology of law places greater emphasis on substantive justice.
- Influence of Social Structure
Economic inequality, education, and power can affect a person's access to justice. Therefore, social justice requires that law favor disadvantaged groups.

4.3. The Role of Sociology of Law in Realizing Social Justice

- a. Understanding Social Conditions of Society
Sociology of law helps lawmakers understand social realities such as poverty,

educational inequality, and cultural differences so that laws become more responsive to societal needs.

- b. Protecting Vulnerable Groups
Sociology of law encourages protection of vulnerable groups such as the poor, women, children, and persons with disabilities to ensure equal access to justice.
- c. Improving Access to Justice
The socio-legal approach emphasizes the importance of accessible legal institutions, affordable costs, and non-discriminatory legal services.
- d. Assessing Legal Effectiveness
Sociology of law evaluates whether law truly provides a sense of justice or merely operates formally. Effective law is law that is perceived as fair by society.
- e. Bridging State Law and Social Values
Sociology of law ensures that state law aligns with values living in society to prevent conflict between formal law and social justice.

Sociology of law examines the gap between law in the books and law in action. Normatively, law guarantees equality before the law, but in reality, access to justice is often influenced by economic, educational, and power factors.

Through a sociological approach, social barriers that hinder certain groups from obtaining justice—such as high legal costs, low legal awareness, or structural discrimination—can be identified. Understanding these gaps allows legal reforms to be directed toward a more just and inclusive system.

Law enforcement does not operate in a vacuum but is influenced by social structure, culture, and power relations. Sociology of law helps explain how social status, economic position, and power relations affect legal processes.

In the context of social justice, this analysis is crucial to ensure that law does not only favor powerful groups but also protects the weak, thereby promoting more balanced law enforcement.

Sociology of law provides a foundation for creating laws that are not only normative but

also responsive to social conditions. Good law is law that aligns with societal values, needs, and dynamics.

By understanding social conditions, lawmakers can design fairer regulations, for example in labor protection, social security, or small business protection, which directly contributes to social justice.

Social justice does not depend solely on law enforcement officials but also on public legal awareness. Sociology of law studies how values, norms, and culture influence legal compliance. Through this understanding, legal education and outreach strategies can be developed to enhance public awareness of rights and obligations. High legal awareness fosters active public participation in upholding justice.

From the perspective of sociology of law, social justice cannot be guaranteed merely through written rules. A deep understanding of social conditions is needed for law to be applied fairly and effectively. Sociology of law serves as a bridge between legal norms and social reality so that law truly becomes a means of realizing social justice for all.

5. Conclusion and Recommendations

5.1. Conclusion

Based on the discussion of the role of sociology of law in realizing social justice in society, it can be concluded that law cannot be understood merely as normative rules but as part of a social system that lives and develops within society. Sociology of law helps reveal how law works in reality (law in action), including social, economic, cultural, and power factors that affect its effectiveness and fairness.

Sociology of law plays an important role in exposing the gap between legal provisions and actual practice, analyzing the influence of social structure on law enforcement, and encouraging more responsive laws that address societal needs. Through this approach, law not only maintains order but also reduces inequality and protects vulnerable groups.

Thus, social justice can only be achieved if law enforcement considers social conditions, is

supported by a strong legal culture, and upholds substantive justice. Sociology of law serves as a bridge between legal norms and social reality to ensure that law truly delivers justice for all layers of society.

5.2. Recommendations

Based on these conclusions, the following recommendations are proposed:

- a. Lawmakers should consider social conditions in drafting legislation so that laws are more responsive and just.
- b. Law enforcement officials should not only focus on formal application of law but also consider substantive justice, especially for vulnerable groups.
- c. The government should enhance legal education and community empowerment programs to raise legal awareness and expand access to justice.
- d. Society should increase active participation in understanding and obeying the law and courageously pursue their rights through legal channels.
- e. Academics should continue developing socio-legal studies as a basis for formulating more inclusive and socially just legal policies.

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