



The Contribution of Legal Science to The Formation of Legal Norms in Indonesian Society: A Review from A Social Perspective

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Abstract

Legal science has a very significant role in dealing with social dynamics by adjusting legal norms to remain relevant to the needs of a growing society. This study aims to explore the contribution of legal science in forming legal norms that are adaptive and responsive to social change, technology, and global values, while maintaining the basic principles of justice and humanity. The method used in this study is the normative juridical method, with a statutory and conceptual approach. The statutory regulatory approach is used to analyze existing regulations, while the conceptual approach is used to understand the legal theories underlying the formation of legal norms in Indonesia. The results of the study show that legal science not only reflects social change, but also plays an active role in formulating and updating legal norms by the development of the times, so as to be able to create a harmonious and just social order.

Keywords: *Legal Science; Social Dynamics; Society.*

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INTRODUCTION

Humans in living in the world certainly need a guideline or rule called a law. The law itself can be interpreted as a collection of various norms and rules that are deliberately compiled and enforced by institutions that are given the authority to exercise these powers in society, and all of these actions are needed to ensure the maintenance of order, justice, and social balance (Adi, 2012). The existence of law itself, along with its development, has undergone a lot of changes, and with these changes, all aspects of people's lives today have been touched by the law, so that there are regulations that regulate various things in people's lives.

These various developments themselves can be seen from various arrangements or forms of law that exist today, such as criminal law which regulates prohibited acts and their sanctions, civil law which in this case is prepared to explain the relationship between individuals, constitutional law which regulates the structure and institutions of the state, international law which regulates the relationship between states and other international entities to administrative law that regulates the relationship between citizens and other citizens or in this case regulates the relationship between citizens and the government that governs them. In addition to various types of laws as explained, laws also continue to develop to give rise to various other laws such as currently there are laws that specialize in special discussions on business, health, or technology.

The various developments as explained above are not possible to happen just like that, but in this case, the development itself can only be achieved because there is a science that allows this to happen, while in this case, the science as referred to is called legal science. Legal science itself here can be interpreted as a branch of science that studies law as a social phenomenon, norms, and systems that govern human life in society. This science aims to understand, analyze, and explain laws in both theoretical and practical aspects. The existence of this legal science has resulted in the development of law to what it is today.

The existence of legal science itself in its implementation runs optimally in Indonesia, considering that Indonesia itself is a state of law as stated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia of 1945 (hereinafter referred to as the 1945 Constitution) (BAB, n.d.). With the fact that Indonesia is a legal entity, of course, it explains that law plays an important role in regulating people's lives, creating justice, and ensuring social order. However, in practice, the law not only serves as a control tool but also as an instrument of social reform. For this reason, legal science has a strategic role in supporting the formation of legal norms that are relevant and adaptive to the dynamics of Indonesian society, so that with this fact, legal science can continue to develop and produce various new laws that we can see today.

The existence of legal science here itself has developed since as a science, legal science does not only focused on the text of legal texts or normative rules, but also on how the law is understood, applied, and accepted by society (Lukito, 2022). In the context of Indonesia's culturally, socially, and religiously diverse context, a legal approach is essential to understand effective legal norms. This includes studying how legal norms are shaped based on local values and how they are applied in society. With such a nature of law, it is not strange if the law in Indonesia continues to develop, considering that the law is the result of the interaction that occurs in society and along with the more able legal science to accommodate the results of the interaction that exists and occurs in the society, the effectiveness of the existing law in Indonesia will be better and the existing law will also develop.

Law also has an important role because, when viewed from the perspective of social science, law has a very important role. After all, it provides insight into how law can be used to influence people's behavior (Lauren, 2023). Good legal norms must not only be under social values, but must also be able to motivate people to comply with these rules. Therefore, legal science helps formulate

legal norms that are not only regulatory, but also educational. In addition, legal science contributes to identifying the gap between ideal legal norms and social reality (Yudhayana & Aziz, 2024). In Indonesian society, there are often discrepancies between the laws made by the state and the norms that apply in society. This can cause social resistance to laws that are considered irrelevant. With an interdisciplinary approach, legal science helps bridge this gap.

In simple terms, legal science can be explained to have a very crucial influence on the implementation of the life of the nation and state. This is because legal science always follows the times and always strives to help countries, such as Indonesia, to be able to face various challenges that arise in the process of forming legal norms. These challenges include not only the complexity of social problems that continue to develop, but also rapid technological changes and the pressures of globalization that increasingly dominate various aspects of life.

In dealing with such situations, legal science makes a very important strategic contribution by providing a framework that includes both theoretical and practical approaches to formulating adaptive and progressive legal norms. This approach allows the law to remain relevant and effective in responding to the needs of society and supporting the creation of social justice. Furthermore, legal science also plays a role in ensuring legal stability, protecting individual rights, and creating harmony between various interests, both at the national and international levels. Thus, legal science is not only a regulatory tool but also a major driver of social transformation oriented towards sustainable and inclusive development.

RESEARCH METHODS

This study uses a normative juridical method based on literature studies (Zainuddin & Karina, 2023). This method aims to analyze the concepts, principles, and theories of applicable laws and regulations to understand the contribution of legal science in the formation of legal norms in Indonesian society from a social perspective.

1. Research Approach

The normative juridical method in this study includes several approaches, namely:

- **Statute Approach:** This study examines various relevant laws and regulations, such as the 1945 Constitution, the Criminal Code, the Civil Code, and other sectoral laws related to the formation of legal norms in society.
- **Conceptual Approach:** Examines legal theories, such as progressive legal theory, legal system theory, and legal sociology theory, to understand the relationship between legal science and the formation of legal norms.
- **Historical Approach:** Traces the development of legal norms in Indonesia over time, including social, cultural, and political influences in their formation.
- **Sociological Approach:** Identifying and analyzing the interaction between legal norms and social norms that apply in society, by looking at the social context of Indonesian society.

2. Data Source

This study uses secondary data consisting of:

- **Primary legal materials:** Laws and regulations, court decisions, and other official documents.
- **Secondary legal materials:** Books, scientific articles, legal journals, and previous research results that are relevant to the research theme.
- **Tertiary legal materials:** Legal dictionaries, encyclopedias, and other sources that provide additional definitions and references.

3. Data Collection Techniques

Data were collected through literature studies with the following steps:

- Identify legal materials: Collect primary, secondary, and tertiary legal materials relevant to the research topic.
- Data classification: Grouping data based on themes, such as legal concepts, legal norms, and the contribution of legal science to the formation of legal norms in society.
- Literature analysis: Conduct an in-depth study of the legal materials that have been collected to obtain a comprehensive overview of the research topic.

4. Data Analysis Techniques

Data analysis is carried out qualitatively with the following steps:

- Description: Describe the results of the study of relevant legal materials.
- Interpretation: Providing interpretation of legal concepts and principles related to the contribution of legal science in the formation of legal norms.
- Evaluation: Criticizing the relevance and effectiveness of legal science in shaping legal norms in Indonesian society, especially from a social perspective.

RESULTS AND DISCUSSION

The Contribution of Legal Theories and Teachings in the Formation of Legal Norms that Reflect the Social Values that Develop in Indonesian Society

Theories and teachings contained in legal science in the implementation of the life of the nation and state have a very significant role, and this role is very crucial. With the existence of legal science which contains various methods such as dogmatic methods that systematically analyze legal issues, sociological methods that look at law in a social context and its impact on society, philosophical methods that seek to explore the basic values behind the law to various other methods, of course, resulting in the formation of a legal norm that reflects social values in Indonesian society. With the existence of legal science here, a rule was created that is not only based on formal rules but also based on or based on values that live and grow in society. In simple terms, legal science can be explained to have a contribution to various rules that reflect social values, because with the existence of legal science, existing rules or norms can be arranged in such a way as to become a legal product that regulates the life of the nation and state.

One concrete example of the contribution of legal science is in the formation of agrarian law in Indonesia. Agrarian law, regulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) reflects the social values of the Indonesian people, such as cooperation and respect for customary rights (Lubis, 2021). The UUPA is the result of the integration between customary law and national law, which is supported by legal studies. In addition, legal science also plays a role in formulating legal norms that are responsive to social changes (A. Wibowo & Mariyam, 2021). For example, in the context of the development of information technology, legal science contributed to the formation of Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE). The legal norms in the ITE Law are designed to respond to new challenges that arise due to technological developments, while still reflecting the ethical and moral values that prevail in society (A. M. Wibowo et al., 2024).

In addition to the above explained, when viewed from the perspective of legal sociology in Indonesia itself, law also has a significant role or contribution, which in this case the contribution of law has a very important role considering that law has a role in the form of providing insight into how law is accepted and applied in people's lives, which is very important considering that the law is not applied in the formation or preparation of the law, what will happen in this case is the inconsistency of the law with values and also norms in society and with this discrepancy will certainly have an impact on the non-acceptance of the law in society and with the non-acceptance

of the law, of course the law can be said to be not obeyed by the community so that the law will not be effective to be carried out.

The contribution of legal science can also be studied by utilizing an interdisciplinary approach, which, when viewed from an interdisciplinary approach, can be explained that legal science can contribute in order to help in the identification of social values that have relevance to the foundations that are important in the formation of legal norms. For example, in this case, it can be seen from the existence of the study of legal anthropology as one of the branches studied in law that can be used in order to gain insight into cultural diversity in Indonesia, which must be respected in the formation of legal norms. Thus, the resulting legal norms are not only universal, but also contextual.

The results of the contribution of legal science can also be seen from the important role of legal science in order to analyze the impact of legal norms in a law and regulation on society. For example, in this case, it can be seen in the case of the implementation of the valuation of the Job Creation Law, showing how legal norms can affect the welfare of society and economic dynamics (El et al., 2023). In this case, legal science contributes by providing data and analysis to improve legal norms that are considered unfair or ineffective. Departing from the explanation described above, it can be explained that legal science has a significant role because in this case legal science can help in understanding, analyzing and also drafting legal norms so that with the existence of legal science existing laws can really be carried out and also promulgated by the values of the local community without having to sacrifice legal ability to be able to answer existing global challenges so that with Thus, later legal science can be explained that it can continue to contribute to the creation of legal norms that are adaptive, inclusive and also able to reflect justice.

The existence of the explanation as explained above certainly explains that legal science has a very important role, as the reasons why legal science has a role as explained itself are due to the following things:

1. Legal science serves as a guideline for the preparation of legal norms. in this case, legal science guides creating legal norms that are fair and by universally recognized basic values, such as justice, humanity, and balance. In the Indonesian context, legal science allows adjustments between legal norms and local values that exist in society.
2. Legal science has a function and also benefits in harmonizing the legal system, the role of legal science here is very important considering that Indonesia is a country that has legal pluralism which in this case can be interpreted that Indonesia has various applicable laws such as customary law, religious law and national law so that in this case a legal science is needed that can play an important role in harmonizing these various legal systems so that they do not conflict with each other and still respecting the cultural diversity of the community.
3. Legal science is the basis for the process of legal reform to answer the growing social, economic, and political needs. For example, progressive law offers an innovative approach that prioritizes substantive justice over mere formalistic rules.
4. Legal science is useful in terms of providing a philosophical basis and also a theoretical basis in the formation of law so that with these foundations later it can be explained and also given a legal understanding of legal evaluation procedures such as in this case whether the applicable legal norms are effective or not in achieving the desired goals, such as justice and social order. Through this evaluation, legal norms can be improved to be more relevant and adaptive.
5. Law also has a considerable role here, inseparable from the fact that law has a role in the preparation and provision of legal education. In this case, if a legal education is based on good legal science, the impact is that it can produce a law graduate who is critical, innovative, and

ethical in carrying out his duties, which is a very important thing in terms of the implementation of law in community life.

Departing from the explanation of the role of legal science above, it can be explained that legal science has a very important function in the life of society and the state. In this case, legal science not only serves as an analytical tool that helps understand various legal and social phenomena, but also as an instrument of legal renewal that ensures that legal norms are able to keep up with the dynamics of the times. The role of legal science does not stop at renewal alone; This science is also the main pillar that ensures sustainability, consistency, and legal relevance in answering the challenges of a society that continues to develop.

The function of legal science as a guardian of sustainability and legal relevance includes various aspects, such as ensuring that the law is able to provide fair protection to all levels of society, supporting the creation of good governance, and promoting the values of justice, humanity, and democracy. More than that, law also plays an important role in bridging various interests that may conflict with each other, both at the local, national, and global levels. This is what explains, or even affirms, the reason why legal science is a very fundamental element in the implementation of law in the life system of society and the state. Without the strategic role of legal science, legal norms can lose their relevance and potentially create injustice and disharmony in society. Therefore, law is not only a discipline, but also a foundation that supports the creation of a civilized, inclusive, and development-oriented society.

The Role of Law in Responding to Social Dynamics in Creating Legal Norms Relevant to the Needs of Indonesian People in the Modern Era

Legal science, with an important role as explained above, certainly also has a very significant role in order to respond to social dynamics that exist in people's lives, because with the existence of legal science here, a legal norm that is relevant to the needs of the Indonesian people can be created. With its flexible nature and ability to adjust to the needs of society, of course, legal science can be used as a guideline to compile a legal product that can answer various problems in society that continue to change due to technological developments, globalization, and changes in social values; the law must remain responsive. Law provides a theoretical and practical approach to answer this need. This itself is by the legal basis applicable in Indonesia, which in this case is as stated in Article 27 paragraph (1) of the 1945 Constitution, which states that "all citizens are in the same position in the law and government and are obliged to uphold the law and government without exception" (Herliah et al., 2024). The existence of the regulation itself explains equality in law so that later the formulation of legal norms can truly reflect the value of social justice.

In connection with the existence of social dynamics as explained above, law also plays a role in responding to the challenges of globalization, which has a great influence on the national legal system. For example, in international trade, the law must be able to ensure legal certainty while protecting national interests. A concrete example of a law that can answer the social dynamics here itself can be seen from the existence of the regulation of Law Number 7 of 2014 concerning Trade, where the existence of the promulgation of the law which is based on the sciences contained in the law can reflect the need to adapt to international standards without sacrificing local values (Azmi, 2019).

From the perspective of legal sociology, legal science helps to understand how legal norms are applied in society. Concepts such as legal culture are an analytical tool to assess whether the legal norms formulated are by developing social values. Legal norms that reflect social needs will be more acceptable and effective in their implementation. In addition, legal science contributes to the harmonization of national law with customary law. Article 18B paragraph (2) of the 1945

Constitution emphasizes that the state recognizes and respects the unity of customary law communities and their traditional rights as long as they are alive and by the development of society. Relevant legal norms are those that are able to integrate traditional values with modern legal principles (Bramantyo & Setiono, 2022). An interdisciplinary approach is also key in the role of legal science. For example, the study of legal anthropology helps identify cultural values that are still alive in society, so that it can be the basis for the formation of legal norms. A concrete example is the recognition of customary rights of indigenous peoples in the management of natural resources regulated in Law Number 41 of 1999 concerning Forestry (Gunawan, 2021).

In the field of economics, law plays an important role in responding to social changes triggered by the development of financial technology (fintech). The legal norms in the Financial Services Authority Regulation (POJK) regarding information technology-based money lending services reflect efforts to adapt the law to the needs of modern society while protecting consumers. The importance of legal science is also seen in the reform of criminal law in Indonesia. Law Number 1 of 2023 concerning the newly passed Criminal Code (KUHP) is an example of how criminal law is adapted to developing social values, such as recognition of religious and cultural diversity (Alvi Syahrin et al., 2023).

In the context of human rights protection, legal science guides the formulation of legal norms that respect and protect these rights. Article 28I of the 1945 Constitution is the main basis for ensuring that legal norms do not violate human rights principles. In addition to this, the law also has a role in legal education. Quality legal education produces legal experts who are able to respond to social changes with relevant legal norms. In this regard, legal academics play an important role in the research and development of adaptive law.

In connection with the role of law in responding to social dynamics itself, the data explains that several important aspects are very important to explain to understand the role of law in dealing with social dynamics:

1. Law as an Instrument of Regulation

Law has a function to create order and justice in community life. As a legal instrument itself, it has the nature of regulation, it can help in terms of protecting human rights and also ensure that social norms can be implemented properly. However, the application of the law often faces challenges, such as cultural diversity and different local values. Departing from the explanation as explained above, the legal system is required to be responsive to the needs of the community and this is what explains that the law correlates with social dynamics in community life (Al Kautsar & Muhammad, 2022).

2. Law and Social Change

The role of law in driving social transformation can be seen through its ability to create institutions that are able to determine the direction of change in society. In this context, the law not only adapts to the changes that occur, but also functions as the main driver through the formulation of regulations that are by the needs of the times. For example, legal reforms can serve to remove various forms of injustice and expand access to justice for underserved communities.

3. Legal and Community Dynamics

Changes that occur in society always require adjustments in the applicable legal system. When society undergoes development, both in social, economic, and cultural aspects, the law must be able to function not only as a regulator, but also as a tool that can direct changes in people's behavior and maintain social harmony and stability. In this context, the law plays a role in creating an order that is responsive to change, while ensuring that the basic values in society are maintained (Abdurrahman, n.d.).

This indicates that the relationship between law and social change is reciprocal and mutually affective. Changes that occur in society, whether in the form of social innovation, shifting values, or new challenges, can drive changes in the law to respond to these needs. Conversely, changes in the legal system, whether through legal reforms or stricter law enforcement, can also influence people's behavior patterns and drive broader social transformation. Thus, law is not only a reflection of social change, but also an active instrument in shaping the direction of change itself.

4. Challenges in Law Implementation

While the law has great potential to drive social change, its implementation is often hampered by a variety of factors, including resistance to new values and legal uncertainty. Therefore, it is important for policymakers to formulate laws that are not only in accordance with the values of society but also able to provide certainty and benefits for their citizens. (Samsudin, 2018)

Departing from the explanation as described above, it can be explained that law has a role in responding to social dynamics, where this role arises because, in this case, law can play a role as a regulator and also a driver of change in order to answer social dynamics. This role itself is also directly related to the success of the legal system, in which case, the success of the legal system is highly dependent on its ability to adapt to the changing needs of society without neglecting the basic principles of justice and humanity.

CONCLUSION

Legal science plays a very important role in dealing with social dynamics by adjusting legal norms to be relevant to the needs of a growing society. As a regulatory instrument and driver of change, the law must be able to adapt to social, technological changes, and global values while still maintaining the basic principles of justice and humanity. The implementation of laws that are responsive to social changes, both in the context of national, customary, and international law, can create a harmonious and just social order. Thus, legal science not only reflects the changes that occur but also plays an active role in shaping the direction of social change through legal reform that reflects the values of justice and welfare for society. Legal science has a very important and crucial role in the implementation of community and state life. With various methods used, such as dogmatic, sociological, and philosophical methods, legal science contributes to creating legal norms that are in accordance with the social values of society, as well as responsive to the changing times. For example, law plays a role in the formation of agrarian law, information law, and electronic transactions, as well as regulations that respect cultural diversity through an interdisciplinary approach. Legal science is also the basis for legal reform to answer the growing social, economic, and political challenges.

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