

# Dynamics of socio-legal jurisprudence

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**ABSTRACT:** Socio-Legal jurisprudence and the concept are also the result of the anti-wave system produced by the school of analysis and history. The relationship between good law and the interests of justice also affects the legal environment. The social environment of control has already arisen due to the emergence of various conceptions of laws. Sociological considerations though have a significant impact on legitimate legal thinking. Law and morality are always endorsed by the thinkers of natural law which is also true.

**Keywords:** Socio-Legal jurisprudence, social justice, law and society, political, religious, human rights, philosophical

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## I. INTRODUCTION

The biggest challenge for the authors and thinkers of sociological jurists is to consider the legal and social impact of the other. They see the law and regulations as a tool for community development. The relationship between good law and the interests of justice also affects the legal environment. The social environment of control has already arisen due to the emergence of various conceptions of laws. The victim of the school of economic sociology believes in the law as a social thing. They are closely linked to legal relations in other existing public institutions<sup>1</sup>. They emphasized that legal experts should know that they are more interested in the social goals and interests that the law provides than the people and their rights<sup>2</sup>. In the light of this trick the important rule should be the consultation of men's cooperation in social groups. whether ancient or modern or modern. This philosophical approach not only solves the current social problem with all the methods and methods that include the methods that raise the balance in the public interest.

## II. Nature and Meaning

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<sup>1</sup>Pranjape, N. V., "Studies in Jurisprudence and Legal Theories", Central Law Publication, Edition. 2001, p 59

<sup>2</sup>Paton: Jurisprudence (1964) at p 21

Socio-Legal jurisprudence and the concept are also the result of the anti-wave system produced by the school of analysis and history. As the two approached they had their own process on their own. In the process of analyzing the true operation of the law it is taken from the legal provider<sup>3</sup>. But in the history of the legal system it comes into effect due to the slow and steady system of culture and culture.<sup>4</sup>

As a result the primary concern of law is to find and fulfill the interests<sup>5</sup> of the party and the people. This relationship between law and society is studied through public and public inquiry.

This kind of approach has recently been done as some studies are based on nature or legal system really working. The social school constitutes a legal tool for the exercise of social and social control.

## III. PRINCIPLES OF SOCIO-LEGAL JURISPRUDENCE

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<sup>3</sup>Lectures: obafemi Awolowo University, Ile – Ife Jurisprudence and Legal Theory Class, 1997.

<sup>4</sup>Julius Stone: Province and Function of Law (1946), at p 393

<sup>5</sup>Dhyani S. N., Fundamental of Jurisprudence – the Indian Approach, Edition. 1997, p 199

Social legal philosophy has its broader social, political, religious and human rights implications<sup>6</sup>. The main characters of this philosophy operate under the following headings<sup>7</sup>.

1. Sociologists believe strongly in the practice of law in spite of the nature of the law.
2. The law is treated as a social institution that can be intentionally created and altered, modified or retained a basis of understanding.
3. Refusal of treatment and legal penalties instead give added value to social purposes and purposes.
4. These jurists place great emphasis on the doctrines and practical principles of legal principles. satisfying the greatest happiness of the greatest number
5. Judgment of judges is given time for emphasis.

In the nineteenth century the method of studying law from a social perspective came into its own without other. It was a legitimate rebellion against the sterile practice of commentators and the confidence of the historical approach. Socio-economic law envisages the realization of new hopes, needs and interests of the average person that grow as a result of economic conflicts and social unrest, which is also a threat to the unity of the social community.

#### IV. FOUNDERS AND PILLARS OF SOCIOLOGICAL APPROACH

This approach to law is primarily in terms of benefits and ends, functions and goals. It is about controlling and controlling human behavior based on social judgments.

Dr. S.N. Dhyani, from the historical point of view, is divided into four stages of sociological jurisprudence: 1. mechanical phase 2. biological phase 3. psychological phase and 4. integration phase.

The first author of the mechanical stage was Auguste Comte (1798 - 1851). Sociology is also known as founding science.<sup>8</sup> His main emphasis is on empirical methods, which form social facts based on observations and experiences. His main emphasis is on scientific methods to study the social sciences. Comte believes in the fundamental law of the development of the mental state, and accordingly all branches of humanity are one of three stages: the primitive second medieval and the third the modern positive or scientific stage. Mathematician Comte's model of society was greatly influenced by mechanical similarities. The next stage of the development of the school of sociology is biology, in which Darwin is the first victim, whose theory rejects the claims of absolute reality. Herbert Spencer suggested that law change with community development.

Scholars<sup>9</sup> who have contributed to the development of sociological jurisprudence are summarized as follows.

Law is never a universal, but a socially regulated norm.

1. Problems that rely on economics and society cannot be solved by the law in force.
2. No law is an unlimited and fixed set of rules in the context of their time, but they are relative to time, society and a particular place.
3. Social justice is not static but dynamic optimism<sup>10</sup>.

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<sup>8</sup>Tripathi, B.N., Jurisprudence Legal theory, Allahabad Law Agency, 14<sup>th</sup> Ed. 1999, p 34.

<sup>9</sup>Stone, the Province and Function of Law 299-316 (2nd ed. 1950)

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<sup>6</sup>Dennis Lloyd, The Idea of Law, , p 207.

<sup>7</sup>Dias – Jurisprudence, 4th Edition ., p 581

4 The importance of sociological school of law may be immediately noticed when the approach of law and state strategy is measured

## V. SOCIOLOGY VERSUS LAW

There are some policies in the sociological school, as the end of the century is looming. These methods are more varied than uniform. The main study of a lawyer who has done such tactics is to see the impact that law and society have on one another. This attitude makes the law a tool for social progress.<sup>11</sup>

So, it also has to do with values. And many lawyers argue that the sociology of law should also study the relationship between emergency law and the ideals of law.

Some lawyers<sup>12</sup> define the sociology of law, but as most of them do above. The single definition of law covers a wider study. That is why every school attorney needs a representative approach to the form.

## VI. DRAWBACKS AND REFORMS

Relationships between the individual, the community member and the state have always been shown to be progressive. Therefore, their various approaches are also changing. In early times societies were governed by rituals and rituals were embodied in them. During the church period, the priesthood was dominated. Due to the influence of the Church, all the institutions that secured the secular kingdom were affected. Such a powerful state dates back to the Renaissance. They are thinking in terms of the freedom of individuals and their rights and

freedoms. Nazism in Germany and Fascism in Italy are just a few examples of political upheavals<sup>13</sup>. All this has led to a review of the theory of justice to maintain a balance between state, society and individual interests. Socialization of legal institutions and law for the common good and interest of society.<sup>14</sup>

## VII. SOCIOLOGICAL JURISPRUDENCE AND PRESENT LAW

There is a fine line between sociological jurisprudence and sociology. Sociological jurisprudence is a functional study of the law applicable to concrete social issues in order to make law an effective tool of social control in order to consolidate the conflicting interests of individuals in society.

Sociological jurisprudence is the functional or practical study of law applied to concrete social situations and problems in order to transform the law into an effective tool of social control in order to safeguard and satisfy the various interests pressing for recognition, reconciliation and satisfaction over a period of time. Place and society. The sociology of law, on the other hand, is a detailed study of law and the law firm of a community. It is an empirical study of sociologists to understand and understand the growth, development and work of law firms.

According to Hall, "the sociology of law is a theoretical science that encompasses the generation of social phenomena, so far as they refer to things, benefits, application and effects of legal rules". According to Dr. Timasheff, "The sociology of law is a special science, but sociological jurisprudence is just a branch of jurisprudence. However, both view society as the matrix

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<sup>10</sup>Dhyani, S.N., Jurisprudence Indian Legal Theory, Central Law Agency, 4th Ed. 2002,

<sup>11</sup>Pound, The Scope and Purpose of Sociological Jurisprudence, 24Harv. L. Rev. 591 (1911)

<sup>12</sup>Income Tax Management Act (1961) (as amended) Cap 173 Laws of the Federation, 1990.

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<sup>13</sup>The Bankruptcy Act, Cap 30 (1970) Laws of the Federation

<sup>14</sup>Lloyd Denis: Jurisprudence (1959), at p 177

of their common interest. "The desire for an ideal relationship among the men we call justice leads us to think in terms of the ideal relationship, rather than the means." With the rise of modern science, there is a unanimity of belief in lawyers and the possibility of applying "scientific method" to the study of law and legal philosophy.

### **VIII. POUNDS THEORY AND LAW MAKING**

Dean Roscoe Pound emerged in the U.S.A. His front-runners focused their philosophy on social good and social justice. Pound saw law in four ways:

1. Functional jurisprudence, in which his attitude is essentially functional and law-measuring and why you have studied what is good for you.
2. Social Engineering Law. The Risk of Social Order refers to a heartfelt attempt to prevent or at least improve the conflicts that result from conflicts of interest. Finding ways to claim more with minimal friction and less sacrifice.
3. Act as Perspective and Need-Based. Pound finds law to be of practical importance, which motivates judges, legislators and lawyers to make and adjust legislation to suit the needs and interests of the community. Because society is always changing, the law must constantly adapt to the needs of the individual and society.
4. An avid Roy. Pounds define interest as arguments or desires or desires, which men are realistically insisting that the law must do some work for organized societies to bear.

### **IX. A. POUND COMPARED SOCIOLOGY TO OTHER LEGAL SCHOOLS OF LAW**

In particular they consider (1) its work rather than the abstract content of the law; (2) treat the law as a social institution, which may be enhanced by human endeavor, and an attempt to find and influence such development; (3) put pressure on the social ends of the law rather than sanctions; (4) requesting the use of legal principles as guides to socially desirable outcomes rather than inflexible vowels; And (5) their philosophical views are heterogeneous, usually in some branch of positivist or socio-philosophical school<sup>15</sup>.

### **X. POSITION IN INDIA**

In India, this school operates to more for achieving social and economic goals of society. In India the law is being modified to fit the needs of the individual and the interests of the people and the interests of the people. Before 1947 this was not followed while new laws were enacted.

Social change was at its lowest ebb, as legislation was conceived in the form of an analysis based on the British Parliament The role of judges was not to find 'super-structures' or 'feel the needs of the people' but to interpret the law in its logical form despite its impact on social justice<sup>16</sup>. The law was very much on the highest authority. They had no roots installed in Indian soil.

### **XI. CONCLUSION**

<sup>15</sup>Roscoe Pound: Jurisprudence, Vol. I, (1959), at p 344

<sup>16</sup>Jhering's, Principle work is *DER ZWYCK IM RGCHT*, translated in English as 'Law as Ameans to an End" (Husik transl. 1913). Good short accounts of Jhering's philosophy are found in the following sources;

## AUTHOR'S BIOGRAPHY

It might be well analyzed from the divergent views of various social thinkers that seem to have some strange points that the current law needs to be read when communicating<sup>17</sup>. Sociological considerations though have a significant impact on legitimate legal thinking. But it should be remembered that some programs have not been deleted. Law and morality are always endorsed by the thinkers of natural law which is also true. After independence India manifested a change in the view of the law itself. New constitutional amendment that guarantees the enactment of social - economic, economic and political justice. The old method of analysis referred to in the law is not discarded but by the punitive system it is still retained.

## REFERENCES

- [1]. Pranjape, N. V., "Studies in Jurisprudence and Legal Theories"
- [2]. Paton: Jurisprudence
- [3]. Lectures: obafemi Awolowo University, Ile - Ife Jurisprudence and Legal Theory Class,.
- [4]. Julius Stone: Province and Function of Law
- [5]. Dhyani S. N., Fundamental of Jurisprudence – the Indian Approach, Edition.
- [6]. Dennis Lloyd, The Idea of Law,.
- [7]. Dias – Jurisprudence, 4th Edition
- [8]. Tripathi, B.N., Jurisprudence Legal theory, ,.
- [9]. Stone, the Province and Function or Law
- [10]. Pound, The Scope and Purpose of Sociological Jurisprudence
- [11]. Income Tax Management Act
- [12]. The Bankruptcy Act,
- [13]. Lloyd Denis: Jurisprudence
- [14]. Jhering's, Principle work is *DER ZWXCK IM RGCHT*
- [15]. Friedmann, Legal Theory

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<sup>17</sup>Friedmann, Legal Theory 213-217 (2nd ed. 1949)

