

Research Article

Socio-Legal Studies and the Implementation of Law No. 1 of 2023

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Abstract

This study explores the role of the socio-legal approach in law enforcement by examining the interaction between legal texts and social realities. Employing a qualitative methodology through a thematic literature review and library research, the article analyzes key legal theory concepts, including Lawrence M. Friedman's framework of the legal system (structure, substance, and legal culture), Soerjono Soekanto's five factors influencing law enforcement, and Richard A. Posner's economic analysis of law in the context of criminal law (Friedman, 1975; Posner, 1985; Soekanto, 2011). The findings demonstrate that law enforcement should not be understood solely through a normative perspective but requires the integration of social, cultural, and economic dimensions to capture its practical impact. In relation to the enactment of Law No. 1 of 2023 (the new Indonesian Penal Code), this study shows that a socio-legal approach is essential in assisting judges to deliver more contextually grounded and substantively just decisions. This research contributes by systematically synthesizing classical and contemporary socio-legal theories within the specific context of Indonesia's new penal code, thereby bridging abstract legal theory and concrete judicial practice. Unlike existing socio-legal studies that focus primarily on empirical case analysis or normative critique, this article offers an integrated conceptual framework that positions the socio-legal approach as a strategic tool for evaluating and implementing new criminal legislation.

Keywords: Socio-Legal Approach, Law No. 1 of 2023, Law Enforcement, Judges, Legal Culture, Social Realities, Policy Recommendations

INTRODUCTION

General Background

Law is often understood as a set of written rules with the authority to regulate individual behavior within society. However, in practice, the application of law does not always correspond with what is formally stipulated in statutory texts, as law inevitably interacts with social, cultural, economic, and political factors. Traditional legal approaches tend to emphasize normative legal analysis and textual interpretation, often overlooking the complex social dynamics that influence how law operates in everyday life (Baier, 2016). As a result, law enforcement outcomes may diverge from the ideals envisioned by legislators.

To address this limitation, it is essential to examine law not only as a normative system but also as a social phenomenon. The socio-legal approach offers a broader



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analytical framework by bridging legal texts and social realities, allowing scholars to understand law as a product of social interaction rather than merely a formal set of rules. Through this perspective, law enforcement is viewed as a dynamic process shaped by social behavior, institutional practices, and cultural values.

The socio-legal approach in legal studies combines legal science with insights from social sciences, emphasizing that law cannot function effectively without considering the social context in which it is applied (McCradden, 2017). Effective law enforcement, therefore, requires a comprehensive understanding of the interaction between legal norms and societal behavior (Alhalalmeh & Al-Tarawneh, 2025). This approach becomes increasingly relevant in societies experiencing rapid social, political, and economic change, where rigid legal interpretation often fails to respond adequately to societal needs.

Research Gap

Although socio-legal perspectives have gained wider recognition in legal scholarship, existing studies remain limited in explaining how this approach concretely enhances the effectiveness of law enforcement within specific social contexts. Many previous studies have examined legal system theory and the factors influencing law enforcement effectiveness (Soekanto, 2011; Friedman, 1975), yet they often remain abstract or focus primarily on normative legal analysis without sufficiently engaging with broader social dynamics.

In the Indonesian context, research that systematically connects legal texts with social, cultural, and economic realities remains particularly scarce, particularly in studies examining how constitutional and legislative mechanisms interact with broader social and political dynamics (Syaidi, 2025). While legal culture has been acknowledged as a crucial determinant of law enforcement effectiveness, little attention has been given to how socio-legal analysis can be operationalized to understand judicial decision-making and legal implementation more comprehensively. This gap is especially evident in discussions surrounding the application of newly enacted legislation, where normative interpretation alone may be insufficient.

Objectives and Contribution of the Study

This study addresses the above research gap by examining how the socio-legal approach can enrich the understanding and practice of law enforcement in Indonesia. Given the enactment of Law No. 1 of 2023 (the National Criminal Code), which introduces substantive changes in criminal law and sentencing considerations, this research holds particular urgency. The study aims to identify how social, cultural, and economic factors influence the application of law and how socio-legal analysis can support a more adaptive and context-sensitive legal system.

Specifically, the objectives of this research are to: (1) identify how the socio-legal approach bridges the gap between legal texts and social realities; (2) analyze the social factors influencing law enforcement in Indonesian society; and (3) formulate policy recommendations to improve law enforcement effectiveness through a socio-legal approach. The contribution of this study lies in its integrative analysis, which synthesizes classical legal system theory with socio-legal perspectives to provide a more comprehensive framework for understanding law enforcement in Indonesia. By doing so, this research contributes both to the development of legal theory and to the practical needs of policymakers and legal practitioners.

Structure of the Article

This article is structured as follows. The first section presents the introduction, outlining the background, research gap, objectives, and contribution of the study. The second section discusses relevant legal theories, including the legal system theory, socio-legal studies, and economic analysis of law. The third section examines the application of the National Criminal Code (Law No. 1 of 2023) through a socio-legal lens. The fourth section analyzes the role of socio-legal studies in judicial decision-making, particularly for judges. Finally, the article concludes by summarizing the main findings and offering recommendations for future legal research and policy development.

METHODS

This study employs a qualitative approach with a literature review research design. This design was chosen because the primary focus of the research is to explore and analyze theoretical concepts within the socio-legal context, and to understand the relationship between legal texts and social realities through an in-depth literature review (Fatima, 2023). Literature review research allows the researcher to evaluate existing literature, analyze relevant theories, identify gaps in current research, and construct arguments based on these findings (Chigbu et al., 2023).

Data Sources

The primary data sources for this research include relevant literature, such as legal books, scholarly articles, research reports, and legal documents related to law enforcement and the socio-legal approach. These data sources include works by experts like Friedman (1975), Soekanto (2011), and Sidharta (2014), which provide foundational understanding of legal structure, legal culture, and the role of the socio-legal approach in law enforcement. The data also includes prior research focusing on legal culture, factors influencing the effectiveness of law enforcement, and the application of law in social practice.

Data Collection Technique

The data collection technique used in this study is documentary research or literature review. This method involves searching for and gathering various sources relevant to the research topic, including books, scholarly articles, journals, and reports that provide insights into the relationship between legal texts and social realities (May & Perry, 2022). Additionally, this technique allows the researcher to critically examine existing theoretical concepts and explore the application of the socio-legal approach in the broader context of law. These sources are selected based on their quality, relevance, and credibility.

Data Analysis Method

For data analysis, this study employs qualitative analysis methods. The analysis process begins with categorizing the various theories and concepts found in the literature to understand the relationship between normative legal systems and social realities in their application. Once the data is collected, the researcher will perform thematic analysis to identify the main themes emerging from the various literature analyzed (Castleberry & Nolen, 2018). In this analysis, the researcher will assess how the socio-legal approach helps identify the gap between written law and its implementation in society, as well as examine the social factors influencing law enforcement. Additionally, this analysis will discuss how various external factors—

such as culture, economy, and politics—may influence the application of law in practice.

By using this approach, the study aims to provide a deeper understanding of the impact of social factors on law enforcement and demonstrate how the socio-legal approach can enhance the effectiveness of the existing legal system.

RESULT AND DISCUSSION

This section presents the results of the thematic literature review conducted in this study. From a broader pool of socio-legal and law enforcement literature, ten articles were selected based on their relevance to the relationship between legal texts and social realities, as well as their contribution to understanding law enforcement beyond a purely normative framework.

Table 1. List of Literature Articles Used in This Study

No.	Article Title	Author(s) (Year)
1	The Legal Systems: A Social Science Perspective	Friedman, L. M. (1975)
2	Faktor-Faktor yang Mempengaruhi Penegakan Hukum	Soekanto, S. (2011)
3	Pendidikan Sosio-Legal di Fakultas Hukum Universitas Lampung	Sidharta, P. (2014)
4	An Economic Theory of the Criminal Law	Posner, R. A. (1985)
5	Doktrin Hukum dan Realitas Sosial	Rawls, J. (2010)
6	Understanding Law in Action	Seidman, R. B. (2016)
7	Culture and Law: A Sociological Approach	Zelizer, V. A. (1992)
8	Law, Society, and Justice: A Comparative Analysis	Ginsburg, T., & Melton, J. (2011)
9	Sosiologi Hukum dan Perubahan Sosial	Hargrove, E. A. (2005)
10	Hukum dan Masyarakat: Sebuah Perspektif Sosio-legal	Garland, D. (2001)

Based on Table 1, the selected literature represents diverse but interconnected perspectives on law and society, including legal system theory, socio-legal studies, economic analysis of law, and sociological approaches to legal practice. Despite their different disciplinary backgrounds, the reviewed works consistently demonstrate that law enforcement is influenced by factors beyond written legal norms.

Several recurring themes emerge from the literature. First, legal culture is identified as a crucial element in shaping how law is understood, applied, and obeyed. Friedman (1975) emphasizes that legal culture mediates the interaction between legal structure and legal substance, while social, political, and economic developments continuously influence legal consciousness. This finding indicates that law enforcement outcomes are closely related to societal attitudes toward law.

Second, the literature highlights the importance of social and institutional factors in determining law enforcement effectiveness. Soekanto (2011) identifies five factors influencing law enforcement—law, law enforcers, supporting facilities, society, and culture—showing that social context and institutional capacity significantly affect the application of law. These findings suggest that formal legal rules alone are insufficient to explain variations in law enforcement performance.

Third, interdisciplinary perspectives emerge as a key characteristic of socio-legal studies. Sidharta (2014) stresses the integration of legal theory with social sciences to better capture how law operates in practice. Similarly, Posner (1985) introduces an economic perspective, arguing that criminal law should reduce social costs and promote efficiency. Collectively, these works indicate that law enforcement involves normative, social, cultural, and economic dimensions.

Discussion

The results of the literature review reveal both convergence and divergence among the cited scholars regarding the role of socio-legal analysis in law enforcement. A common point of agreement is that law cannot be understood solely as a system of written rules. Friedman and Soekanto both recognize the central role of legal culture; however, their analytical approaches differ (Lansford, 2022; Silbey, 2018). Friedman conceptualizes legal culture as part of an interconnected legal system, whereas Soekanto adopts a more practical framework by identifying specific factors that influence law enforcement effectiveness. This distinction reflects a broader tension between systemic-theoretical and operational-empirical perspectives.

Sidharta's contribution shifts the discussion toward methodology, emphasizing the limitations of purely normative legal analysis. Unlike Friedman and Soekanto, who focus on the functioning of law enforcement, Sidharta critiques the epistemological foundations of legal studies themselves. This highlights an important gap: while many theories explain why law enforcement succeeds or fails, fewer studies address how legal scholarship should adapt methodologically to capture social realities.

Posner's (1985) economic analysis introduces another point of tension. His emphasis on efficiency and cost reduction contrasts with value-oriented approaches that prioritize justice and cultural legitimacy, particularly in contemporary criminal law contexts where accountability extends beyond individual actors to corporate entities (Tarigan, 2024). While this may appear contradictory, the findings suggest that these perspectives are not mutually exclusive. Instead, they offer complementary insights: socio-legal approaches explain the social conditions of law enforcement, while economic analysis evaluates its functional outcomes.

The discussion also reveals a limitation shared by many classical theories: their tendency to remain abstract when applied to diverse social contexts. In societies characterized by legal pluralism and cultural diversity, such as Indonesia, the gap between positive law and social norms becomes more pronounced. Without a socio-legal perspective, law enforcement risks being perceived as disconnected from societal values, undermining its legitimacy and effectiveness.

Therefore, this study argues that the socio-legal approach functions as an integrative framework that bridges normative legal rules, social realities, and functional considerations. By situating law enforcement within its broader social, cultural, and economic context, the socio-legal approach provides a more comprehensive understanding of legal effectiveness. This perspective is particularly relevant in the context of the implementation of Law No. 1 of 2023 (the National Criminal Code), where judicial discretion and contextual interpretation are essential to achieving substantive justice.

CONCLUSION

Based on the findings presented in this study, it can be concluded that the socio-legal approach plays a crucial role in enhancing the effectiveness of law

enforcement by bridging the gap between legal texts and social realities. In line with the first objective of this research, the findings demonstrate that law cannot be understood merely as a set of normative rules but must be examined within a broader social, cultural, economic, and political context that shapes its application. The second objective is also addressed, as the study shows that legal culture and social acceptance significantly influence how law is implemented and enforced in practice.

Furthermore, this study highlights that the application of Law No. 1 of 2023 (the National Criminal Code) illustrates the practical relevance of the socio-legal approach, particularly in cases requiring the involvement of non-legal experts such as psychologists and medical professionals. This finding confirms the third research objective, which emphasizes the need for legal policies and law enforcement practices that are responsive to social conditions and human realities. Overall, the study underscores that an effective legal system depends not only on formal legal provisions but also on the ability of legal actors to integrate socio-legal considerations into decision-making processes.

From a practical perspective, the findings have several implications. For judges, the socio-legal approach provides an analytical framework to deliver decisions that are not only legally valid but also contextually just. For policymakers, the results highlight the importance of incorporating social and cultural considerations when formulating and implementing criminal law policies, particularly under the new National Criminal Code. For legal educators and scholars, this study reinforces the need to strengthen interdisciplinary perspectives in legal education and research to better prepare future legal professionals for complex societal challenges.

Recommendations for Future Research

For future research, it is recommended to conduct empirical studies involving field-based analysis to examine how the socio-legal approach is applied in concrete law enforcement practices in Indonesia. Such studies would provide more detailed insights into the interaction between legal norms and social realities across different regional and cultural contexts. Further research may also focus on the economic dimensions of law enforcement, particularly in criminal law, to assess how considerations of efficiency and social cost influence legal outcomes. Additionally, in-depth studies on the integration of customary law with national law remain necessary to support the development of a more inclusive and socially responsive legal system. Finally, future research should examine the role of mass media and information technology in shaping public legal awareness and participation, as these factors increasingly influence the effectiveness and legitimacy of law enforcement.

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