

Social Norms and Legal Norms: A Comprehensive Study Of Their Differences, Functions, and Interrelationships in Society

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Info Articles	Abstract
Article History Received: 2024-09-09 Revised: 2024-09-18 Published: 2024-09-30 Keywords: <i>Social Rules; Legal Norms; Social Control; Social Order; Social System.</i>	As social beings, humans can fulfill their own needs without interacting with others, so rules are needed to govern communal life. These rules are known as social norms, which are normative and motivating guidelines for behavior that create order and protect human interests. Social norms grow and develop along with the dynamics of community life and function as a means of social control to prevent conflicts of interest. According to Sudikno Mertokusumo, social norms consist of four types: religious norms, moral norms, politeness norms, and legal norms. Religious norms stem from belief in God and regulate human relationships with the Creator, others, and oneself. Moral norms originate from the human conscience, encouraging good behavior and eliciting regret when violated. Politeness norms arise from customs and traditions within society, aimed at maintaining social harmony. Meanwhile, legal norms are official rules established by the state with strict and enforceable sanctions. These four norms are interrelated and inseparable because together they create order and balance in social life.

I. INTRODUCTION

Law, as a social rule or norm, is inseparable from the values prevailing in society. It can be said that law is a reflection and concretization of the values that prevail in society at any given time. The existence of law within society is therefore essential for regulating daily life.

Human life in social interactions is encompassed by norms, which are rules of conduct that influence human behavior within society. Humans naturally perceive the existence of these rules, which impose limitations on how they navigate life. Within society, there are diverse groups and sects, each with its own interests. However, the common good necessitates order in social life.

Therefore, norms (rules) will provide boundaries for rules that are commands and recommendations, or prohibitions. Prohibitions apply to actions that, if carried out or not carried out, could endanger communal life, while commands are intended to encourage actions that can bring goodness to life.

II. RESEARCH METHODS

The research method used in this journal is a normative juridical method, namely legal research conducted by reviewing library materials or secondary data consisting of primary, secondary, and tertiary legal materials. The approach used is a conceptual approach and a legislative approach, by examining various literature, theories, and opinions of experts such as Sudikno Mertokusumo and Satjipto Rahardjo related to social rules, norms, and law in community life. Data sources in this study were obtained from law books, scientific journals, and other academic references relevant to the topic of discussion. Data collection techniques were carried out through library research, namely by reading, reviewing, and analyzing various written sources related to the object of study. Furthermore, data analysis was carried out qualitatively by systematically describing and interpreting the data to gain a deep understanding of the role of social rules in regulating human life in society and the relationship between law and other social rules.

III. RESULTS AND DISCUSSION

A. Research result

Humans are essentially social creatures as well as individuals who cannot meet their own needs without the help of others. Therefore, humans live in groups within society. Within this society, rules or norms emerge as behavioral guidelines to regulate relationships between individuals. Social rules serve to create order because differences and even conflicts of interest often arise in social interactions. These rules are binding and mandatory, so every individual is expected to comply with them.

Social norms consist of several types, namely religious, moral, polite, and legal norms. Religious norms originate from God and regulate human relations with the Creator. Moral norms originate from the human conscience and relate to personal morality. Polite norms stem from societal customs and regulate social interactions. Legal norms, meanwhile, are official rules established by the state and carry strict sanctions and can be enforced. These four norms complement each other in regulating human life.

In social life, social norms serve to protect human interests and maintain social order. Interactions between individuals often lead to conflict, so clear rules are necessary to maintain balance. Furthermore, social norms are supported by social institutions and social control mechanisms that ensure compliance with these rules.

Legal norms differ from other social norms, particularly in terms of strict and coercive sanctions. However, legal norms remain closely linked to religious principles, morality, and decency. All three help shape individual awareness, thus encouraging obedience to the law. Therefore, law cannot stand alone but requires the support of other norms.

Ultimately, law is a norm that lives within society and is inseparable from human life. Law is also closely related to power, as it functions to regulate and limit the use of power to prevent arbitrary action. With social norms, particularly

law, social life can proceed in an orderly, just, and harmonious manner.

B. Discussion

By nature, humans are social creatures who cannot live alone without the help of others. As individuals, humans have limitations in meeting their needs, so they must coexist and interact with other humans in a society. Historically, human life has always been marked by the existence of social groups, demonstrating that social interaction is a fundamental need in human life (Rahardjo, 2021).

In social life, various rules or norms emerge that serve as guidelines for behavior. These rules emerge and develop along with the increasingly complex nature of human social interactions. Divergent interests between individuals often lead to conflict, necessitating rules capable of creating order and balance in communal life. Therefore, social rules exist as a mechanism to regulate human behavior and foster order in society (Mertokusumo, 2020).

Social norms can be understood as rules of life that govern how humans should act in society. These norms are not only descriptive and prescriptive, but also normative, embodying imperatives that must be adhered to. Thus, social norms serve as guidelines for protecting individual and group interests by creating social order (Soekanto, 2022).

Furthermore, social norms reflect the cause-and-effect relationships in human behavior. This means that every action will have consequences, whether in the form of moral, social, or legal sanctions. For example, dishonest actions will lead to regret, or violations of the law will result in criminal sanctions. This demonstrates that social norms play a crucial role in shaping societal behavior patterns (Ali, 2021).

The existence of social norms is crucial because it serves as a guideline for life in society, the nation, and the state. Not only society but also the government is obliged to comply with these norms to prevent abuse of power. Thus, social norms play a role in preventing arbitrary actions and maintaining social justice (Tamanaha, 2020).

According to Mertokusumo, social norms are divided into four types: religious norms, moral norms, rules of politeness, and legal norms. Religious norms are derived from God's teachings and regulate human relationships with God and with each other. Moral norms are derived from the human conscience and aim to foster good morals. Polite norms are derived from societal customs and regulate social etiquette. Meanwhile, legal norms are rules officially established by the state and are accompanied by strict, enforceable sanctions (Mertokusumo, 2020).

From another perspective, Rahardjo divides social norms into three levels: customary, legal, and moral. Customary norms are rooted in repeated practices within society, while legal norms are formal rules that are beginning to deviate from customary norms. Moral norms, on the other hand, are oriented toward ideal values that must be realized in society (Rahardjo, 2021).

In essence, humans are social creatures who cannot live alone without the help of others. As individuals, humans face various limitations in meeting their needs, including biological, economic, and social needs. Therefore, they must coexist and interact with other humans in a society (Rahardjo, 2021). From a modern sociological perspective, social interaction is not only understood as relationships between individuals but also as a dynamic process that shapes social structures, values, and behavioral patterns within society (Soekanto, 2022). Therefore, the existence of society is inevitable in human life, because through society, humans can optimally develop their potential.

As human social life evolves, various rules or norms emerge that serve as guidelines for behavior. These rules emerge in response to the need for order in communal life, particularly when the interests of individuals or groups do not always align (Mertokusumo, 2020). In such circumstances, the potential for conflict is unavoidable, necessitating rules capable of creating balance and order within society. In the context of modern society, which is increasingly complex due to

globalization and technological developments, social norms are becoming increasingly important as a tool to control human behavior so that it does not deviate from prevailing values (Ali, 2021).

Social norms are essentially rules of life that govern how humans should act in society. These norms are not only descriptive, describing social reality, but also prescriptive, providing guidance on what should be done, and normative, containing mandatory compliance (Soekanto, 2022). Thus, social norms serve an important function as guidelines for protecting individual and group interests and maintaining social order. Furthermore, social norms also serve as a tool for social integration, capable of uniting diverse interests within a heterogeneous society (Rahardjo, 2021).

Furthermore, social norms reflect the causal relationship in all human behavior. Every action taken by an individual will result in certain consequences, either in the form of rewards or sanctions (Ali, 2021). These sanctions can be moral sanctions, such as guilt or regret; social sanctions, such as censure or ostracism; or formal legal sanctions that can be enforced by the state. In modern legal developments, sanctions are seen not only as a means of punishment but also as an educational tool to foster legal awareness in society, encouraging greater compliance with applicable norms (Tamanaha, 2020). This demonstrates that social norms function not only as a means of social control but also as a means of shaping character and behavior in society.

The existence of social norms is crucial in social, national, and state life. Social norms not only bind individuals but also groups and even the government as the state administrator (Tamanaha, 2020). In the concept of a state based on the rule of law, every government action must be based on applicable law to prevent abuse of power. Therefore, social norms, particularly legal norms, serve as a tool to limit power and ensure justice for all. Furthermore, social norms also play a role in maintaining social stability and preventing disintegration within society (Ali, 2021).

According to Mertokusumo, social norms can be divided into four main types: religious norms, moral norms, rules of politeness, and legal norms (Mertokusumo, 2020). Religious norms are derived from God's teachings and are absolute in nature, as they regulate human relationships with God and with each other. Moral norms are derived from the human conscience and aim to foster good morals, thus being closely related to moral values. Politeness norms stem from societal customs and regulate social etiquette. Legal norms, on the other hand, are formal rules established by the state and accompanied by strict, enforceable sanctions. These four norms play a complementary role in creating social order, as effective law enforcement depends not only on sanctions but also on the moral and cultural awareness of the community (Soekanto, 2022).

From another perspective, Rahardjo divides social norms into three levels: customary norms, moral norms, and legal norms (Rahardjo, 2021). Customary norms are norms formed through repeated practices within society, thus becoming part of the culture. Moral norms are oriented toward moral values considered good and right by society. Meanwhile, legal norms are formal norms established by the state to regulate social life more firmly and systematically. These three levels demonstrate that social norms have broad dimensions, ranging from the informal to the formal. In modern society, these three levels frequently change due to rapid social dynamics, necessitating adjustments to norms to remain relevant to current developments (Ali, 2021).

Furthermore, in the current era of globalization and digitalization, social norms face various new challenges. The development of information technology has changed the patterns of social interaction, no longer limited to physical spaces but also extending into the digital realm. This has given rise to various new problems, such as the spread of false information (hoaxes), privacy violations, and cybercrime, which require regulation through adaptive and responsive legal norms (Tamanaha, 2020). Therefore, social norms must be able to

adapt to changing times to remain effective in regulating human behavior.

Furthermore, social norms also play a strategic role in realizing social justice. In society, social inequality often occurs, which can trigger conflict. In this regard, legal norms serve as a tool to distribute justice equitably, ensuring that each individual receives their rights proportionally (Ali, 2021). However, the success of legal norms in realizing justice depends heavily on public legal awareness and the integrity of law enforcement officials. Therefore, synergy between legal norms and other social norms, such as morality and decency, is necessary to create a just and harmonious society.

Thus, it can be understood that social norms are a crucial element in human life that cannot be separated from the dynamics of society. Social norms serve not only as guidelines for behavior but also as a tool of social control, a means of integration, and an instrument for realizing justice and order in society, the nation, and the state (Soekanto, 2022).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the above discussion, it can be concluded that social norms are fundamental guidelines in social life that function to regulate human behavior in order to create order, balance, and protect the interests of individuals and groups. The existence of social norms, which include religious norms, morality, politeness, and law, shows that every aspect of human life is inseparable from binding norms, whether sourced from conscience, customs, or formal state regulations. Although they have differences in purpose, source, and sanctions, all these norms are interrelated and complement each other in shaping social order. In this case, legal norms have a more assertive role because they are equipped with enforceable sanctions, but still depend on the support of other social norms for their effectiveness. Therefore, law as a living norm in society functions not only as a tool of social control, but also as a means to realize

justice and limit power to prevent arbitrariness in national and state life.

B. Suggestion

Based on the discussion outlined above, the author recommends that the public increase legal awareness and understanding of various social norms, namely religious norms, morality, decency, and law, as guidelines for life in society, the nation, and the state. Furthermore, the government is expected to enforce the law fairly, firmly, and non-discriminatoryly to prevent abuse of power and to create social justice in society. Legal education also needs to be strengthened from an early age so that normative values can be instilled in each individual, thus creating a generation that is ethical and law-abiding. Thus, harmonization between social norms and legal norms can be effectively realized to maintain order, peace, and prosperity in communal life.

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