

# The Role of Law Under the Social Structure

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**Abstract.** This article delves into the indispensable role that law plays in shaping and maintaining the fabric of society. Law serves as a mirror, reflecting the values and principles that a society holds dear, while also functioning as a crucial tool for regulating human behavior. It is instrumental in preserving social order, providing a framework for resolving disputes, and ensuring that interactions within society are conducted in an orderly and predictable manner. The article meticulously examines the historical evolution of legal systems, highlighting how these systems have been pivotal in either facilitating or impeding social change. It explores the ways in which laws have sometimes exacerbated social inequalities, serving to entrench the power of certain groups while marginalizing others. Conversely, it also looks at instances where legal reforms have been catalysts for positive social transformation, promoting equality and justice. By shedding light on these aspects, the article underscores the critical importance of continuous legal reform. It argues that in order to ensure justice and equity in complex social environments, laws must be continually reassessed and updated to reflect the evolving needs and values of society. This process of legal evolution is essential for maintaining social harmony and addressing the myriad challenges that arise in a dynamic and ever-changing world.

**Keywords:** The role of law; social structure; influence.

## 1. Introduction

As an important basic component of social structure, law plays an irreplaceable role. Law has a high degree of irreplaceability in maintaining order, resolving conflicts and regulating behavior. It is also an intuitive reflection of social values. In the absence of law, society will fall into chaos and anarchy; All kinds of problems will erupt one by one, which may eventually lead to large-scale riots. Under this premise, the importance of law also appears. Law provides a relatively safe basic framework for society. Under this framework, people can work, live and so on with peace of mind.

Under the multi-angle discussion, this paper mainly studies the mutual influence of law and society, how it affects the social system, cultural norms and so on; And how these results, in turn, influence the making of laws [1]. At the same time, by examining various sociological and legal theories, the paper highlights how law affects social stratification, controls bias, and governs collective behavior, thereby revealing the complexity of governance and social control. The legal system is both the product and the producer of the social structure. In line with this perspective, we advocate continuous reform of legal practice to adapt to evolving social needs and promote justice and equity [2].

## 2. Law and Society

### 2.1. Historical Perspective on Law and Social Structure

In primitive society, the specific form of the state did not yet exist. People mostly lived together in clan tribes as a unit, producing and living together, so there was no state coercion to ensure the implementation of the law. Therefore, there was no law in the strict sense. Within and between tribes, a set of behavioural norms centred on rights and obligations gradually formed, as well as the “customary law” derived from this in the middle and late stages of primitive society. Members of the tribe consciously obeyed certain rules to maintain the normal operation of the tribe.

The development of a formal legal system was a gradual transition from informal norms to systematic codification of laws in ancient civilizations. The Code of Hammurabi is a good example.

The Code contains 282 laws, in which standards are set for commercial interactions and fines and punishments are set; moreover, the punishments vary according to social status [3].

Modern legal systems are usually based on one of four systems: civil law, common law, customary law, religious law or a combination of these four. However, the laws of different countries also vary; influenced by the unique historical factors of their own countries, they are therefore differentiated. After a long period of influence in various dimensions, modern law has the characteristic of being dynamic, and the law is constantly being revised and improved through legislative meetings [4].

In primitive societies, customary law and norms replace the strict sense of law to maintain order in small traditional societies. After continuous evolution, modern legal systems are far more closely linked to political and economic structures than in the past. So far, these are a brief analysis of the historical analysis of law and social systems.

## **2.2. Law as a Tool for Social Order**

There are two types of function in law: the normative function and the social function. Each law has its own norms and functions to help the public define acceptable and unacceptable behaviour. For example, law defines people's basic rights and obligations and sets standards for behaviour between individuals, groups or governments. On the social level, law tries to ensure that people behave in the desired way and prevent undesirable behaviour. This helps society avoid disorder. Law lets members of society know the boundaries of their behaviour through clear and specific rules, such as contract law and property rights.

At the same time, because the law clearly regulates wrongdoing, it reduces uncertainty in society and enhances predictability. For example, criminal law stipulates the consequences of various crimes, thereby making people aware of the consequences of violating social rules.

The existence of law enforcement agencies such as the police, courts and prisons is a strong guarantee that the law will be strictly enforced. If the law itself does not have an enforcement agency, it will completely lose its deterrent effect; as a result, it will not be able to fulfil its value and role. Law enforcement agencies will maintain social stability by ensuring that members of society comply with the law in different ways. At the same time, the law also has another important function, which is to prevent crime by clearly defining criminal law to deter potential lawbreakers. Of course, sanctions are not limited to criminal law, but also include fines, community service and other forms, making the impact of the law on social order more inclusive.

Traffic regulations are a striking example of a legal mechanism that promotes social stability. They provide rules and guidelines for traffic flow and safety, preventing accidents and chaos. Such laws directly affect people's daily lives and ensure public safety. In the economic sphere, contract law and financial law are also good examples. These laws maintain market order, ensure the interests of market participants, guarantee the fairness and transparency of transactions, and reduce the probability of fraud and irregularities [5].

## **2.3. Law and Social Change**

Law is not only a set of static rules and systems, but also an important tool for promoting social change. Through legislation, society can introduce new ideas and laws, change unjust systems left over from the past, and thus promote social development. For example, in the 19th century, the United States abolished slavery through the Emancipation Proclamation and the 13th Amendment to the Constitution, which marked an important step towards equality in society. Although social attitudes could not be changed immediately, the laws were firmly implemented with strong state support, which greatly protected the treatment of blacks in society at that time. This also promoted overall changes in the social structure. Similarly, the civil rights movement in the United States in the 1960s also gave rise to a series of laws (such as the Civil Rights Act of 1964), which aimed to eliminate racial discrimination and reflected society's strong call for fairness. Laws are also a key tool for promoting gender equality. For example, in the mid-20th century, many countries passed laws guaranteeing women's right to vote and equality at work, which contributed to the advancement of

women in society. Similar legal changes have promoted the transformation of gender roles and made the social structure more inclusive and diverse.

Laws not only drive social change, but social change also influences the formulation and development of laws. When social attitudes change, laws also need to be adjusted to reflect new social values. For example, the legalisation of same-sex marriage. As the LGBTQ+ community has become more aware of their rights, many countries have gradually passed laws legalising same-sex marriage. The passing of such laws reflects society's growing recognition of the values of gender equality and diversity. Behaviours that were once considered 'illegal' have been widely accepted and protected by society through legal changes. Environmental legislation and sustainable development are also an area that can be reflected. As environmental issues become increasingly prominent, people are paying more and more attention to environmental protection. Therefore, social movements for ecological protection and sustainable development have emerged worldwide. This social change has prompted many countries to introduce relevant environmental protection laws, such as the Paris Agreement and the Environmental Protection Law. These laws not only reflect the importance that society attaches to the environment, but also guide the direction of future social development [6].

However, in some specific cases, laws can also become a resistance to social change. Historically and even now, there are many countries where the law severely restricts women's rights, such as not allowing women to receive an education. The occurrence of these situations has greatly slowed down social progress. It was not until the rise of the women's movement that laws were gradually reformed and improved to respond to the demands for equality from the female community. Now, due to the development of globalisation, the issue of immigration has become a hot topic in various countries. Many countries' immigration laws have been found to be lagging behind actual social needs, unable to quickly and effectively respond to the challenges brought about by transnational mobility. This has resulted in the immigrant community being in a disadvantaged position in the new social structure, and has also added a layer of obstacles to social development and integration.

Technological innovations in modern society (such as the internet and biotechnology) are also rapidly driving social change. This change requires laws to be updated in a timely manner to face various new issues and the subsequent changes they generate. Internet privacy and data protection laws are a good example. With the rise of the Internet and social media, personal privacy has become a new social challenge. Europe's General Data Protection Regulation (GDPR) is a typical legal response to social changes in privacy protection, aimed at addressing new issues brought about by technological changes. The development of artificial intelligence has brought many ethical and legal challenges, such as autonomous driving and intelligent decision-making systems. The law is gradually following in the footsteps of technological innovation to regulate the use of these technologies and ensure social fairness and safety.

The relationship between law and social change is two-way. Law can promote social progress through legislation, but it can also be a force that hinders social change. In modern society, with its ever-changing technology, globalisation and values, keeping the law up to date is particularly important. Understanding the dynamics of social structures through the interaction between law and social change provides guidance for future legal development [7].

#### **2.4. Law, Power, and Social Inequality**

The legal system distributes power, consolidates the position of certain social groups and exacerbates or alleviates social inequalities. This reveals law as an institutional force that can both uphold social justice and reinforce existing power structures and unjust social relations.

Law is essentially a tool of social control, formulated and implemented by institutions with power (usually the government and legislature). Therefore, the makers and enforcers of the law are often the holders of power in society. This means that the power elite in society (such as politicians) often use the law to maintain their status. For example, some tax laws and commercial laws often favour the wealthy, thus maintaining the unequal distribution of wealth and power in society.

At the same time, the law gives law enforcement agencies and judicial bodies the power to decide what is legal and what is illegal. This power is institutionalised through the form of the law, making the exercise of power seem “legal” and “reasonable” and concealing the conflicts of interest and social for example, many countries control civil liberties through strict security laws (such as anti-terrorism laws and emergency laws). In these cases, the state uses the law to give itself more power while reducing the rights of ordinary people [8].

In some cases, laws not only reflect social inequalities, but also actively reinforce them. Many legal systems are biased in their design and implementation, which disadvantages specific groups of people in terms of economic, political and social rights. For example, the Jim Crow laws in the United States once legalised racial segregation, which resulted in severe inequality for African Americans in employment, education, housing, etc. These laws not only entrenched racial discrimination in society, but also perpetuated economic and social inequalities between the races. Historically, the laws of many countries clearly disadvantaged women in terms of inheritance, property and marriage. For example, many countries did not pass laws to allow women to vote and enjoy the same rights as men until the mid-20th century. Even today, there are still gaps in the implementation of laws on gender equality in the workplace, resulting in inequality between men and women in terms of wages, promotion opportunities, etc.

Some laws may appear fair and neutral on the surface, but in reality, they have an unequal impact on certain groups. This phenomenon is known as hidden inequality, which means that the existing distribution of power and wealth is maintained through a seemingly fair legal system. For example: the electoral system. The electoral laws of some countries may be designed to appear fair on the surface, but in reality, they create inequality for voters of certain classes, races or regions. For example, constituency boundaries, voter identification laws, etc., often restrict the voting rights of ethnic minorities or low-income classes, thereby maintaining the political advantages of the power elite [9].

Power holders often use laws to maintain stability and order in society. This stabilisation function can prevent social unrest, but it can also entrench existing structures of inequality. For example, laws give the police, military and law enforcement agencies powerful powers to crack down on protests, especially those that shake existing power structures. In many countries, the law is often used to suppress movements of people from the lower strata of society who try to challenge injustice through protests and demonstrations. For example, in some countries, public assembly laws are severely restricted, making it impossible for people from the lower strata of society to effectively express their demands.

Although law can sometimes be a tool for entrenching power and inequality, it can also be used as a means for change. Through social movements, legal action and public advocacy, law can be used to challenge unjust power structures and inequalities. For example, affirmative action lawsuits in the United States have used the law to challenge racial and gender inequalities in education and employment. This approach to advancing social justice through the courts can correct existing legal deficiencies and drive reform.

The relationship between law, power and social inequality is complex. Law can either maintain existing power structures and entrench the protective shield of social inequality, or it can be a powerful tool to challenge inequality and promote social justice. The key is whether the formulation and implementation of the law truly reflects the interests of all groups in society, or whether it only serves the interests of a small group of people in power. Understanding this will lead to deeper thinking about how to alleviate inequality through legal reform and create a more just society.

## **2.5. The Role of Law in Global Social Structures**

The role of law in the global social structure is a broad and complex topic, because not only does law play an important social regulatory role within countries, but it also has a profound impact on transnational relations, international norms, and global governance in the context of globalization.

Globalisation has brought countries closer together, leading to increasing interdependence in the economic, cultural, political and technological spheres. However, globalisation has also brought

many challenges, such as transnational crime (such as drug smuggling, human trafficking, cybercrime, etc.), environmental crises, immigration issues and the power of multinational corporations. These challenges often exceed the traditional national legal framework, so countries cooperate through international treaties, joint law enforcement mechanisms (such as INTERPOL), and other means to form a transnational legal framework to combat such crimes.

Globalisation has made environmental issues (such as climate change, biodiversity loss, and pollution) no longer the problem of a single country. For example, the Paris Agreement is an important milestone in the global response to climate change through legal and treaty cooperation, which has led to countries assuming legal obligations to reduce carbon emissions and promote sustainable development [10].

Globalisation has also led to multinational corporations becoming the dominant force in the global economy. However, the existing legal system often finds it difficult to effectively regulate these large multinational enterprises. Multinational corporations can exploit loopholes in the laws of different countries to maximise their economic interests, and sometimes even gain a favourable position by influencing the formulation of laws.

Tax laws and international tax avoidance are one of the most effective examples. Multinational companies take advantage of differences in tax laws between countries to reduce their tax burden through profit shifting and tax avoidance measures. For example, some companies use tax havens through complex tax structures to avoid tax liabilities. These issues highlight the importance of global tax cooperation and legal reform. At the same time, multinational companies often outsource production to countries with lower labour costs, where labour laws may be relatively lax, resulting in violations of workers' rights. For example, issues such as child labour and extreme working conditions often occur at the lower end of the global supply chain. The international community has adopted legal frameworks such as the UN Guiding Principles on Business and Human Rights to promote greater social responsibility among multinational companies in their global operations [11].

International law plays a vital role in the global social structure, helping to maintain international order, resolve transnational disputes, promote global cooperation, and protect the basic rights of global citizens. International organisations such as the United Nations, the World Trade Organisation and the International Criminal Court also play a key role in the global legal order. They shape the global legal structure by drawing up international treaties, promoting legal cooperation and arbitration, and ensuring the enforcement of international law. As one of the world's most important international organisations, the United Nations plays a central role in maintaining international peace and security. With the authorisation of the Security Council, the United Nations can impose sanctions on conflict areas and send peacekeeping forces to prevent conflicts from deteriorating further. The World Trade Organization (WTO) provides rules and dispute settlement mechanisms for global trade, ensuring that countries can conduct international trade within a fair legal framework. By formulating global trade rules, the WTO provides legal safeguards to promote global economic growth and reduce trade frictions.

The role of law in the global social structure is not only a tool for regulating cooperation and conflict between countries, but also an important mechanism for maintaining global order, promoting social justice, and addressing global challenges. With the deepening of globalization, the influence of law at the global level is also increasing [12].

### 3. Conclusion

In short, law is the social institution that governs society and the state, and society is the embodiment of the legal order. Law plays a fundamental role in shaping the fabric of national and global societies. Legal frameworks at the national and international levels reflect and respond to social values and cultural norms, which evolve with social change. However, laws can also reinforce power structures and social inequalities if they are not inclusive or equitable in their formulation and application.

The dynamic relationship between law and society is evident in how legal reforms can either facilitate progress or become an obstacle to it. Globalisation has increased the need for transnational legal cooperation, particularly in areas such as environmental protection, international crime and economic regulation. As societies continue to evolve, legal systems must remain adaptable to emerging social and technological developments to ensure that they continue to promote justice, fairness and social cohesion. Law is therefore both a product of the fabric of society and an active agent in shaping its future trajectory.

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