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# Why do we need Law in a Society?

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## ABSTRACT

*In a society ancient or modern, law helps to provide justice to the people who are in need of it. Law and justice are closely related to each other. In a society, if there is absence of law it will lead to chaos. It will disturb the peace and harmony of the surroundings, leading to disputes or fights. Law regulates the behavior of the people. Law is the help given to a victim to help him lead a better life.*

*The concept of law does not originate from beyond the boundaries of society. In actuality, it is a fundamental tenet of society. The law is what is good, equal, and fair in accordance with society, and it symbolises those norms. Every culture has its own laws, yet these laws change as social standards change. Law is essential to society for several key reasons, to enforce laws such as personal laws, contract laws, regulatory laws, anti-prohibition laws, and others to control how individuals behave in conformity with social norm. In a particular civilization, the material circumstances influence how the law develops. According to this theory, the history of modes and relations of production is linked to the history of law.*

## I. INTRODUCTION

Law explains the origins of law—such as custom, legislation, court rulings, and treaties—by providing a brief history of Western law from the time of the Romans to the present. The emergence of global law, which revisits the importance of National States in establishing laws, marks the conclusion of the cycle. Law is defined as the principles and regulations established by the ruling authority that have legal force. Citizens must support and obey it, or face penalties or legal ramifications. It represents the will of the state's supreme power. The primary goal of law is to regulate society, protect and defend people's rights and resolves conflicts.

## II. IMPORTANCE OF LAW

Law serves as a deterrent to people from acting in a way that jeopardizes the rights and quality of life of others; thus, breaking the law entails the punishment of violators.

The eradication of caste inequalities, the implementation of protective measures for the weak and vulnerable groups, the provision of a dignified existence for those who live in unhygienic conditions, etc. are illustrative examples of how law has acted as a catalyst in the process of

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social transformation of people. The economic foundation, core principles, and social, political, and cultural facets of society are all altered as a result of social change. Social change, however, does not have an equal impact on all facets of society. While material changes such as technology, new production patterns, and so on drive much of social change, other conditions are also required. For example, as previously discussed, the legal prohibition of untouchability in free India has failed due to insufficient social support. Nonetheless, even if the law cannot effect change without social support, it can set the stage for social change. Furthermore, following independence, the Indian Constitution established broad guidelines for change. Its guiding principle suggested a model for a new nation. The Indian Constitution's high points included the de-recognition of the caste system, equality before the law, and equal opportunities for all in the economic, political, and social spheres.<sup>2</sup>

Modernization and societal development are agents of law. It also reveals the nature of societal complexity and the integration issues it brings with it.<sup>3</sup> Further examples of how laws have helped bring about social change in the nation include the strengthening of our confidence in the traditional panchayat system and the elimination of traditions like untouchability, child marriage, sati, dowry, etc.

It might take place in a tight-knit community. When the organization gets bigger and more people join, the likelihood of dispute increases to a point where it can no longer be handled willingly. These two factors, which rely on grace rather than instinct, are unreliable. Regulations or even laws take effect in this situation. Laws are rules that govern how citizens should behave, and the state uses penalties to uphold justice and order. Order and justice can only be upheld by relationships and good will, whether or not there is a law in place. It might take place in a tight-knit community. When the organisation gets bigger and more people join, the likelihood of dispute increases to a point where it can no longer be handled willingly. These two factors, which rely on grace rather than instinct, are unreliable. Regulations or even laws take effect in this situation.<sup>4</sup>

The Law's goal is to establish guidelines for how society is supposed to function. If we look at any US city that practices catch and release for criminals to get an idea of what society would be like without laws. Those cities that have low or no bail. Where shootings, murders, and smash-and-grab burglaries are all on the upswing but go unpunished. These are the areas of our

<sup>2</sup> Law and the Rule of Law <https://judiciallearningcenter.org/law-and-the-rule-of-law> Last visited on 8-09-2022.

<sup>3</sup> Soken-Huberty, E., 2022. *10 Reasons Why Law Is Important - The Important Site*. [online] The Important Site. Available at: <<https://theimportantsite.com/10-reasons-why-law-is-important/>> [Accessed 3 October 2022].

<sup>4</sup> ACMC, E., 2022. *8 Importance of Law in the Society - Bschorlly*. [online] Bschorlly. Available at: <<https://bschorlly.com/8-importance-of-law-in-the-society/>> [Accessed 3 October 2022].

society where there are no laws.

Various jurists have provided descriptions of the essence and significance of law. Regarding the true nature and meaning of law, there isn't a consensus, though. The fact that various jurists have studied and addressed the issue means there isn't unanimity on it. As a result, it is not possible to define law in a way that will be accurate for all future times.<sup>5</sup>

People submitted themselves long before the Code of Hammurabi established the law for ancient Mesopotamia. Sometimes via mutual consent, sometimes under duress—to regulations that would permit ordered social and economic activities.<sup>6</sup>

As societies transitioned from small kinship groups to bigger and more complex communities with a greater diversity of activities, a greater demand for explicit norms emerged. In 2010 (Fukuyama). A modern state's law serves three purpose. The first is through the legislation; the States' legal systems work to control behavior of people and organisations so financial and of social policies are produced. Second, by imposing rules, law outlines how the government is organized. Power, that is, the ability to delegate and authority among those in government, as well as between the nation and its people. The third function of law is to provide the substantive and procedural instruments necessary to encourage accountability, settle conflicts amicably, and alter the norms. The nature and efficacy of laws are essentially endogenous to the processes of governance in the policy arena, just like policy. Law does not exist in a vacuum. The extent to which "words on paper"—legal—is supported by a credible commitment—to coordinate expectations about how others will behave and to inspire cooperation to advance public goods—determines the extent to which law can achieve its goals. The interests of elites and the prevailing social norms in turn determine this ability. Legal experts, philosophers, and sociologists have all been preoccupied with the problem of defining law for centuries. The existence of a credible threat of being found out and punished or a credible promise of receiving a reward for compliance is necessary for law to have coercive force. The law's ability to organise people's beliefs and expectations about what others—other citizens and the officials who administer and execute laws—will do determines how credible it is.

### III. WHY OBEY THE LAW?

Considering the fact that mankind in the prehistoric era did not have any rules, laws, or authorities to guide, protect, or otherwise govern them. If we base our argument on John Locke's

<sup>5</sup> Hitbullseye, 2022. *Why Law / Importance of Law / Why are Laws Important*. [online] hitbullseye. Available at: <<https://grad.hitbullseye.com/Why-Law.php>> [Accessed 3 October 2022].

<sup>6</sup> Notice.aenetworks.com. 2022. *A+E Networks*. [online] Available at: <<https://notice.aenetworks.com/>> [Accessed 3 October 2022].

idea, nature was in a state of kindness, peace, and mutual preservation rather than continual conflict. The principles of nature, which are naturally and deliberately ingrained in men and are the law of internal morality, are obeyed by people at this stage. In essence, humans are logical beings driven by their inherent humanity to treat others with respect. Do we have a moral duty to follow the law simply because it is the law? When we encounter laws that are manifestly unfair or unjust, or those laws that place irrational or unreasonable expectations on us, this question becomes very challenging. This chapter explores some potential justifications for following the law because it is a topic that has long perplexed legal and moral thinkers. Fair play, agreement, the common good, and gratitude are the four main moral bases for obedience that may all come into play. Fear of penalties is likely the most common motivation for following the law. Sanctions can be used to encourage collaboration by altering incentives when people, acting in their narrow self-interest, do not behave in a socially beneficial way. In other words, the coercive power of the law moulds people's options by making some choices impossible or just too expensive. Law also functions expressively by conveying information about risk or prevailing opinions, which prompts individuals to modify their behaviour.<sup>7</sup>

Political responsibility is the moral commitment to uphold the institutions of one's political society and to respect its laws. In actuality, duties that are not strictly legal fall under the category of political obligations. The two could separate. In a severely corrupt regime, for instance, one would be required by law to pay taxes, but not necessarily by moral obligation. How we actually come to acquire political and legal obligations is therefore a difficult subject. Is it a result of birth or of consent? Or do we have "natural duties" that result from the existence of institutions that are already fairly just? What, though, is "fairly just"? And if ever, what circumstances would allow us to be "free" from such obligations? People will voluntarily accept the responsibility to adhere to the law if they believe it to be suitable given their beliefs of how they ought to act. The second objective of the book is to investigate how people respond to their individual encounters with the legal system.

The effect of these experiences on people's perceptions of the reliability of legal authority is especially significant because reliability is a crucial prerequisite for the efficacy of authorities. The degree to which people follow the law in their daily lives is impacted by changes in legitimacy. By contrasting normative and instrumental methods, the book's ultimate objective is to evaluate what procedural justice actually means.<sup>8</sup>

<sup>7</sup> The Conversation. 2022. *Why should we obey the law?*. [online] Available at: <<https://theconversation.com/why-should-we-obey-the-law-74816>> [Accessed 3 October 2022].

<sup>8</sup> Living Democracy. 2022. *Lesson 2: Why should people obey the law? - Living Democracy*. [online] Available

Many enduring discussions in moral, legal, and political philosophy have long been based on conceptions of obedience and disobedience. It has long been assumed that the Standard View of obedience—that to obey the law is to act for a particular kind of reason provided by the law—is correct. The disobedience involved in civil disobedience is thus the subject of a symmetrical analysis I develop. The goal of the article is to build a more systematic understanding of these ideas so that the issues at stake in discussions of political responsibility, civil disobedience, and the supremacy of law can be more clearly identified. The Positivism analyses legal validity in terms that do not necessarily refer to the content of law; rather, it solely considers how and by whom a standard is promulgated to determine if it is legally valid. A rule of recognition may, of course, impose substantive limitations on the scope of the law, but any such limitations would only have legal force if they were based on specific contingent social circumstances. As a result, the separability thesis of positivism holds that the morality of the law's provisions need not be constrained in any way. The "pedigree" or institutional origin of law, according to legal positivists (the most widely recognised theory), is what gives it force and elevates it above a rule or norm. However, this argument raises the conundrum of how an institution gains legal authority if not by the force of law, which poses a chicken-or-egg dilemma. Legal positivists agree that a "internal point of view" is necessary for their explanation. Therefore, regardless of one's legal theory of belief, any legal system's operation is always influenced by psychology. While natural law asserts that some fundamental rights and justice are shared by all people and derive their legitimacy from nature and reason. Can society accept certain rules simply because they are laws? Can morality be separated from the law? In my opinion, morality and law are inextricably linked because legislation was created to defend our natural rules, which are based on morality. The idea that statutory regulations cease to be lawful when they reach a point of extreme unfairness, such that the tension between positive law and justice becomes intolerable, was introduced by eminent German philosopher Gustav . People are required to abide by the rules if they are just because they founded the state with their own agreement. The assumption that the state is extant now leads us to believe that society as a whole has approved of it and given legitimacy to its just laws.

#### **IV. SOME MAJOR TYPES OF LEGAL SYSTEMS IN INDIA**

##### **(A) Criminal law**

The police are in charge of enforcing criminal law. Criminal law governs cases involving murder, rape, assault, and robbery. Crimes which are committed against one person but are

interpreted as crimes against all people even though they are not enclosed by criminal law.

### (B) Civil law

In opposition to criminal procedure, civil law is the element of a country's entire code of laws that governs residents' private lives, such as marriage and property ownership.

### (C) Common law

Common law, often called jurisprudence, is a collection of unwritten rules based on judicial pronouncements. The idea is built on institutionalised verdicts and interpretations rendered by juries and judges. The reasons for enacting new legislation are also demonstrated by common laws.<sup>9</sup>

## V. JUDICIARY- A PART OF LAW

Any judiciary is an essential component of any country, particularly a democracy. As the world's largest democracy, India has a large judiciary that ensures the rights of its citizens are protected. Similarly, our Supreme Court is at the pinnacle of our legal system. Our high courts, which operate at the state level, come next. Furthermore, district courts exist at the district level. There are many more courts below this order as well. A judiciary serves many functions. Since, the judiciary is independent of the executive, it can easily protect citizens' rights in order to maintain peace and harmony. However, its function is not limited to this. It performs various functions to ensure that the country runs smoothly.<sup>10</sup>

It has a significant impact on the creation of new laws. The judiciary is the proper interpreter of our constitution and current laws. It has the authority to enact new laws as well as to overturn policies that may violate our constitution. Furthermore, the judiciary prevents any form of law violation. Likewise, it files a lawsuit against the person found guilty of the same offence. Following that, a judge renders his decision after carefully listening to both parties and announces the decision. It also serves as an advisory body. The executive or legislature frequently seeks the assistance of the judiciary to clarify constitutional issues. It is in charge of things like appointing officers, keeping records, managing staff, and so on.

Most importantly, the judiciary protects citizens' fundamental rights. Everyone has the right to fundamental rights; however, they are sometimes violated. As a result, the judiciary ensures that

<sup>9</sup> Practical Law. 2022. *Legal systems in India: overview* / Practical Law. [online] Available at: <[https://uk.practicallaw.thomsonreuters.com/w-017-5278?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-017-5278?transitionType=Default&contextData=(sc.Default)&firstPage=true)> [Accessed 3 October 2022].

<sup>10</sup> Do Judges Make Laws? A Special Reference to India <https://thelawexpress.com/do-judges-make-laws-a-special-reference-to-india>, Last visted on 9-09-20222

no such thing occurs and that every citizen lives in peace. Furthermore, the judiciary makes constitutional decisions. For example, if there is a dispute between states, it is brought before the Supreme Court, which decides how to interpret the constitution in light of the ongoing dispute. Furthermore, it is in charge of the administration.<sup>11</sup>

The Indian legal system is referred to as the law of India. Within the framework left over from the colonial times, India retains a hybrid legal system that combines civil, common law, and customary, Islamic ethics, or religious law. Various laws first enacted by the British are still in force in somewhat modified forms today. Since the creation of the Indian Constitution, Indian legislation also has complied with UN standards for environmental and human rights law.<sup>12</sup>

In India, there are many different types of personal laws, and each religion has its own set of regulations. The majority of states does not require mandatory marriage and divorce registration. Hindus, Sikhs, Jains, Buddhists, Muslims, Christians, and adherents to other religions are all governed by separate legal systems.

### **(A) Peace, Harmony And Law**

A strong rule of law that protects human rights aids in the prevention and mitigation of violent crime and conflict by providing legitimate channels for resolving grievances and disincentives to crime and violence. In contrast, poor economic development and inequality can serve as a catalyst for crime and violence.

Peace is defined as a social relationship in which physical violence is not used to achieve political goals among collectivities. Justice is defined as a state of affairs in which actors receive what they are legally entitled to. By giving us a means, the law, of coexisting peacefully and harmoniously in our work and play. Only if everyone abides by the letter and spirit of the law and respects the rights of others will this be the case.

The rule of law is essential to a healthy society. Without law and order, the world would be a post-apocalyptic wasteland where there would be no idea of right and wrong, which would remove all restraints and let the inner self -do-well to escape and wreak havoc on its surrounds. Fortunately, this is not the situation. To define right and wrong, laws are put in place, and those who uphold them do so zealously and with unbridled emotion.<sup>13</sup>

<sup>11</sup> iPleaders. 2022. *iPleaders Blog - Judiciary as a 'State' under Article 12*. [online] Available at: <<https://blog.ipleaders.in/judiciary-state-article-12/>> [Accessed 3 October 2022].

<sup>12</sup> Highcourtchd. 2022. *ROLE OF JUDICIARY IN GOOD GOVERNANCE*. [online] Available at: <[https://highcourtchd.gov.in/sub\\_pages/left\\_menu/publish/articles/articles\\_pdf/goodgovernance.pdf](https://highcourtchd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/goodgovernance.pdf)> [Accessed 3 October 2022].

<sup>13</sup> Ren, Haoshan & Wood, Margaret & Cunningham, Clark & Abbady, Noor & Römer, Ute & Kuhn, Heather & Egbert, Jesse. (2019). "Questions Involving National Peace and Harmony" or "Injured Plaintiff Litigation"? The

The majority of people typically immediately imagine a police officer of some kind when they think about law enforcement. Example: The Florida Fish and Wildlife Conservation Commission's officers and biologists develop and enforce regulations to maintain and protect natural resources simply because there are laws pertaining to the welfare of animals and because they are unable to defend themselves against people like us, they are unable to defend themselves.<sup>14</sup>

### **(B) Protection Of Citizens By The Law**

A society is shielded from anarchist by law. To promote and uphold peaceful cooperation in society, a sovereign power establishes and enforces a set of behaviours. A "*command originating from the supreme political authority of a state and addressed to the persons who are subject to that authority*" is what is meant when we talk about a law. By giving people instructions on how to behave, how to conduct themselves in social and professional situations, and how to resolve disputes involving many parties, law aids society, citizens, and civilization in coexisting harmoniously.

Rule of law is a general legal maxim (principle) that states that laws or acknowledged principles should be applied without the use of discretion in making decisions.

## **VI. CONCLUSION**

Concluding , law is an essential which is unavoidable to societal existence. Law as an instrument of order, change and control (as and how required) acts as non removable element of the society. Law grows and is made in a society and for the society. Laws are rules that govern how citizens should behave, and the state uses penalties to uphold justice and order. Order and justice can only be upheld by relationships and good will, whether or not there is a law in place.

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Original Meaning of "Cases" in Article III of the Constitution 36 Georgia State Law Review (2020).

<sup>14</sup> Lewik.org. 2022. *Disturbing an Individuals' Peace and Harmony (Article 123, PENAL CODE OF TURKEY)* | Lewik. [online] Available at: <<https://www.lewik.org/term/14706/disturbing-an-individuals-peace-and-harmony-article/>> [Accessed 3 October 2022].