

THE RELATIONSHIP BETWEEN THE SOCIOLOGY OF LAW AND SOCIAL CHANGE IN SOCIETY (THE PHENOMENON OF GUIDING CHILDREN THROUGH A MILITARY APPROACH)

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Abstract

In general, every society on earth will experience what is known as change. This change can be recognized and felt when we make a comparison by examining the state of society at a certain time and then comparing it with the state of society in the past. Law plays an active role as something that can determine human behavior that deviates from the rule of law. For law to be effective and responsive, it must be formed from the realities of life in society. This is in line with the function of law as a means of renewal in society, namely to direct society towards a better direction so as to create order in society. Law can be a means of renewal for society if it is accepted by society, and the law accepted by society is certainly law that arises from the needs of society. In this research, the method used is a descriptive research method whose function is to describe ongoing phenomena as well as describe phenomena in the past. Sociology of Law as a branch of legal science is useful for photographing phenomena that occur in society, providing the ability to understand law in a social context, mastery of the concepts of sociology of law can provide the ability to conduct analysis of the effectiveness of law in society, both as a means of social control, a means to change society and a means to regulate social interaction, in order to achieve certain social conditions, and sociology of law provides possibilities and the ability to conduct evaluations of the effectiveness of law in society.

Keywords: Law, Sociology of Law, Social Change

A. INTRODUCTION

Humans fundamentally cannot live alone; they are social creatures who constantly interact with others and communicate with each other, forming groups that then become broader entities, namely society (Zabidi, 2020). Living in society requires each individual to behave in accordance with their surroundings, or to adhere to the customs and culture of their environment. These customs and cultures, which have been upheld, have become the rules of society (Hidayat & Hainadri, 2021).

Law cannot be separated from social life. Therefore, discussing law also cannot be separated from the context of human life. It can be said that no human being on this earth lives alone, isolated, and detached from communal life (Badriyah, 2022). "Humans cannot exist outside of or without society. Conversely, society cannot exist without humans."

On a broader level, society exists under the auspices of the state, which has the power to create rules, which are outlined in legislation. Law generally reflects government policy, as outlined in legislation (Afriani et al., 2023). In its implementation, law functions not only as a subject but also as an object of development. Law serves to create order and truth in society, which is a function of social oversight (Yudhanegara et al., 2024).

In social life, humans must pay attention to and implement legal regulations to create an orderly and peaceful life. If a violation of applicable legal regulations occurs, the violated regulations must be enforced (Rabbani, 2021). Social realities that occur in society sometimes do not align with what is expected. Likewise, the law, as a norm that should be followed or implemented, sometimes cannot run according to expectations, either because the norm cannot be implemented because it is not relevant to the reality of life in society or because of people's behavior that causes the law to be disobeyed (Daharis & Indah, 2024). The reason the law is irrelevant to the reality of society is because existing laws originate from the will of the elite or the rulers, while society is the target object (Murdoko et al., 2023). However, for the law to be applicable responsively, the law must be formed based on the reality of life in society. To find and find solutions to the effective application of the law, one must re-explore the correlative relationship between law and society, remembering that law is for society, and society needs law to organize social life, not society for law. In order to understand this correlative relationship, the role of legal sociology cannot be separated (Widiarty, 2024).

B. LITERATURE REVIEW

Understanding the Sociology of Law

The sociology of law is a branch of science that studies the relationship between law and society. This science emphasizes that law does not stand alone as a formal rule, but rather is rooted in the social life of society (Abas et al., 2023). In the sociology of law, law is viewed as part of a social process that reflects the values, norms, and social structures that exist in society (Doni & Dalwa, 2024).

The Concept of Social Change in Society

Social change is a continuous shift in the structure and patterns of societal life. This change can be slow or rapid, and can encompass social, cultural, economic, and political aspects. The causes can originate within the society itself or from external factors, such as technology, education, and intercultural interactions (Anjani & Maunah, 2022).

The Relationship between Law and Social Change

Law and social change have a mutually influential relationship. On the one hand, law can be a tool to direct and control social change. On the other hand, social change can also drive changes in the legal system. As society experiences dynamic values and norms, the law is required to adapt to remain relevant (Erlyani et al., 2024).

The Role of Legal Sociology in Analyzing Social Change

The sociology of law plays a role in observing and analyzing the extent to which law is able to respond to social change. Using an empirical approach, the sociology of law examines how law is applied in society (Serlika, 2021), how society reacts to the law, and how legal practices reflect social reality. This is crucial for creating a more adaptive and responsive legal system (Makruf et al., 2025).

C. RESEARCH METHODOLOGY

In this study, the method used is a descriptive research method, namely an approach that aims to describe systematically, factually, and accurately regarding certain characteristics or phenomena that are currently ongoing or have occurred in the past. The use of this method is relevant to the focus of the study which examines the relationship between the sociology of law and social change in society, because the descriptive approach allows researchers to explain the social dynamics that occur in response to legal developments, as well as how the law itself experiences changes as a result of ongoing social transformations.

Through descriptive methods, this research can uncover empirical realities regarding the extent to which law is influenced by changes in social structures, cultural values, and societal

behavior. Furthermore, this approach is also used to examine the role of law as an instrument for regulating and driving social change. Thus, the descriptive method serves not only to illustrate the relationship between two main concepts: the sociology of law and social change, but also to identify patterns of interaction, forms of adaptation, and the social implications of the existence of law in the ever-evolving life of society.

D. RESULT AND DISCUSSION

Humans are creatures with a desire to live together. A community consisting of at least two people. No human can live alone. Aristotle once stated that humans are *zoon politicon*, meaning that humans, as creatures, always desire to socialize and gather with other humans. Because of this nature, humans are called social beings. Every human being has different traits, characters, and desires. Therefore, relationships between humans tend to have different interests. When these interests diverge, the strong will dominate and oppress the weaker to fulfill their desires. Therefore, rules are needed to govern every member of society.

Law, as a collection of regulations or rules, has a general and normative content. It is general because it applies to everyone and normative because it determines what should and should not be done, what should not be done, and how to enforce compliance with applicable legal rules. The role of law in building society also means that legal sovereignty rests with the people, as is the definition of popular sovereignty in democracy. Although the implementation and enforcement of democracy and law differ.

In its function as a protector of citizens' interests, the law has a stated goal. "The primary goal of law is to create an orderly society, to create order and balance." Indonesia, as a state based on the rule of law, emphasizes that all actions and behavior of every citizen and leader must be based on law. This consequence must be implemented as a state that declares itself in its constitution as a state based on the rule of law, intended to regulate and discipline society, although its implementation is often incomplete.

A nation's society cannot avoid change in all areas, whether technological, social, or cultural. This impacts changes in people's behavior, which may require adjustments to these changes. However, societal change in all areas, with all its consequences, requires regulation through agreed-upon norms, known as legal norms, which are expected to guide these societal changes.

In undertaking and directing the process of social change to create an ideal social order, the government bears a significant and crucial role and responsibility. Realizing these national goals, in Indonesia's concrete situation, means implementing nation-building, which essentially also means directing social change, centered on efforts to modernize the lives of the Indonesian people. This is to ensure that all these efforts proceed responsibly.

Cicero, a philosopher from ancient Rome, once made a famous statement considered still relevant to the current societal situation: "*ubi societas ibi ius*," which means "where there is society, there is law." From Cicero's perspective, it can be concluded that every society actually has a mechanism for creating legal rules derived from the relationships and interactions among its members. This is possible because law can be defined as a phenomenon (social phenomena) of the values and behaviors that live and develop within humans as they relate to or interact with other humans in the society in which they live.

Sociology of Law as a branch of legal science is useful for photographing phenomena that occur in society, providing the ability to understand law in a social context, mastering the concepts of sociology of law can provide the ability to conduct analysis of the effectiveness of law in society, both as a means of social control, a means to change society and a means to regulate social interaction, in order to achieve certain social conditions, and sociology of law

provides the possibilities and ability to conduct evaluations of the effectiveness of law in society.

The Phenomenon of Child Development Through a Military Approach

The implementation of a policy to educate children, particularly those deemed "naughty" by the military, implemented by several regional heads in West Java, and subsequently followed by several regional heads outside West Java, has sparked controversy within the community.

West Java Governor Dedi Mulyadi, the initiator of the military-based Character Education Program, stated that the program aims to educate children deemed "naughty" through military-style discipline. Dedi Mulyadi claims that children participating in the program have shown positive changes, such as more regular sleep patterns and smoking cessation. Furthermore, many parents voluntarily entrust their children to military barracks due to the difficulties of homeschooling.

Opponents lament the narrative circulating and portrayed in the media that "naughty children" will be sent to military barracks. It is feared that the use of this narrative is a policy that can become a labeling of children, because in criminal acts alone, when a child is involved in a crime, the term for them is not a child perpetrator or child suspect, but rather ABH, or Children in Conflict with the Law. Even when children involved in criminal acts enter prisons, the term is not child prisoners, but foster children.

All of these terms actually speak to the dangers of labeling children. Even if they violate existing norms, labeling must be avoided. This aligns with Howard Becker's labeling theory, which states that when someone is repeatedly given a negative label, they are more likely to adapt to that label. In the context of children, this means they can begin to believe they are "naughty" and then act accordingly.

Rachmad Kristiono Dwi Susilo, a sociology lecturer at the University of Muhammadiyah Malang (UMM), believes the military's approach to character development in children reflects a crisis of trust in the existing formal education system. According to Rachmad, an approach that relies solely on technical indoctrination or discipline without considering the psychological and sociological aspects of children can risk further problems. One concern is the mismatch between the values implemented in military barracks and the psychosocial needs of children from diverse backgrounds.

When viewed from the perspective of legal sociology as a science that studies patterns of societal behavior towards the law, which includes:

1. Law in the social system;
2. Law as a social instrument;
3. Law as a tool of power;
4. The nature of law;
5. Comparison of law in society; and
6. The relationship between law and cultural values.

West Java Governor Dedi Mulyadi's policy aligns with Roscoe Pound's view that law is a social engineering process. The author argues that the West Java Governor's policy constitutes social engineering, as existing educational institutions are deemed incapable of educating children about character, necessitating social engineering by involving government agencies with strong disciplinary character.

The need for social engineering in education stems from data from the National Legal Development Agency (BPHN) showing a daily increase in the number of crimes involving child perpetrators. According to BPHN data, the number of children in conflict with the law (ABH) handled by the Ministry of Law and Human Rights' BPHN through the Legal Aid

Organization (OBH) under its coordination during 2020-2022 was 2,304 cases of crimes involving child perpetrators, consisting of:

1. Theft: 838 cases;
2. Drugs: 341 cases;
3. Assault: 232 cases;
4. Sharp weapons: 153 cases;
5. Molestation/harassment: 173 cases;
6. Murder: 48 cases;
7. Rape: 26 cases; and

Others (pornography, child protection, fraud, threats of violence, receiving stolen goods, traffic accidents, vandalism, smuggling, embezzlement, etc.) accounted for 491 cases.

The author argues that collaborative development between educational institutions and military training is essential for the development of children. Military training, using specific methods, aims to foster a sense of discipline, love, and defense of the country, and should be provided to all children, regardless of whether they are delinquent or not. However, if the focus is on addressing delinquency or student behavior that has crossed the line, then law enforcement is the solution. However, this solution cannot guarantee that children will avoid behaviors considered delinquent.

Educational institutions must also be able to free children from the shackles of potential delinquent behavior. From a criminological perspective, children's behavior that violates norms is not the result of their own thinking. Many factors influence this, including:

1. Family,
2. School, and
3. Residential environment.

Parenting styles at home, supervision at school, and community support significantly influence children's behavior.

It's possible that a child's behavior, often labeled "naughty," is influenced by those around them. Therefore, military education should free children from the potential for misbehavior, not serve as punishment to deter them. Even prisons, once considered a place of punishment for the wicked, have reformed their paradigm to serve not as a deterrent, but as a rehabilitation. Therefore, military education should be provided to all children in schools, with an orientation toward mental and character development, using appropriate methods. Furthermore, schools and the government need to collaborate not only with the military but also with all law enforcement agencies to provide guidance to all students to prevent behavior that violates established norms.

The Effectiveness of Child Development Using a Military Approach in Reducing the Child Crime Rate

Child crime has become a social issue that is increasingly receiving serious attention in many countries, including Indonesia. Various forms of crime involving children, such as theft, bullying, sexual violence, and drug abuse, have shown a significant increase in recent years. This phenomenon not only reflects the problems of individual children but also reflects the conditions within the social, economic, and cultural structures of society. In the era of globalization and technological advancement, children and adolescents are often exposed to various negative influences that worsen their condition, such as social media, unhealthy social interactions, and minimal supervision from family and the surrounding community. Legally, children who commit crimes are treated differently from adults. The Indonesian legal system, which includes the Child Protection Law and the juvenile justice system, provides a foundation for the protection and rehabilitation of child offenders. However, significant challenges arise when the legal system and society are not fully capable of addressing the

problems that arise. Several cases demonstrate that despite legal provisions, implementation on the ground remains weak, while society is sometimes unprepared to accept and provide support to children involved in crime.

The phenomenon of child crime has become increasingly relevant amidst the rapid development of technology and social media, which are changing the way children interact with the world around them. Issues such as online bullying (cyberbullying), the spread of violent content through digital platforms, and the influence of social media on shaping children's behavior pose major challenges for society and the legal system. Furthermore, the problem of child crime is further exacerbated by the rise in drug use among children and adolescents, as well as the inability of educational institutions and families to provide adequate supervision.

Factors that Encourage Children to Involve in Crime.

The research results show that social and environmental factors play a significant role in pushing children to engage in crime. The main factors identified in this study were family instability, poverty, and the influence of social media. Family instability, such as parental divorce, domestic violence, and lack of parental attention or supervision, are among the main factors pushing children to seek escape through negative behavior, including crime. Children who grow up in a dysfunctional family environment often lack proper moral education and discipline, making them more vulnerable to negative influences outside the home.

Poverty is also a factor pushing children to engage in crime. Children from families experiencing difficult economic circumstances are more likely to fall into the world of crime as they seek ways to make ends meet or simply gain recognition from their peers. Furthermore, this study found that social media plays a significant role in shaping children's behavior. With easy access to the internet and various social platforms, children are often exposed to inappropriate content, such as violence, pornography, or information that promotes criminal behavior. The influence of social media is further exacerbating the problem of child crime, especially in cases of online bullying (cyberbullying) and the spread of harmful information.

The Role of the Family in Preventing Child Crime

Families are expected to be one solution to increasing the effectiveness of child protection. As the primary social unit, the family plays a crucial role in shaping a child's character, values, and behavior. According to socialization theory, the family is the primary environment providing moral and ethical education to children. Therefore, a good understanding of family education is expected to help reduce a child's potential to become a criminal.

The Role of Society in Preventing Child Crime

Society plays a vital role in preventing juvenile crime. Crimes committed by children and adolescents reflect not only individual dynamics but also the impact of complex social interactions within society. Various studies have shown that social and environmental factors significantly shape children's behavior, including their potential for criminal activity. One effort to prevent juvenile crime is strong social supervision. This social supervision encompasses the active involvement of all levels of society in educating, guiding, and monitoring children's behavior.

The Role of Education in Preventing Child Crime

Educational programs involving various stakeholders, such as parents, teachers, religious leaders, and social organizations, should provide moral and social guidance to children. This approach fosters closer relationships between children and their communities, which in turn can reinforce positive social norms. In this regard, parental involvement is crucial, as they are the primary influencers in shaping children's mindsets and attitudes.

Challenges in Preventing Child Crime

Apart from the role of family, society and education, there are several challenges in efforts to prevent child crime, namely:

a) Internal Factors:

- Mental Condition and Personality: Children with less stable mental conditions or negative personalities are more vulnerable to committing criminal acts.
- Social Adjustment and Problem-Solving Skills: Children who have difficulty interacting socially or resolving problems peacefully may be more likely to commit criminal acts.
- Self-Concept: Children with a negative self-concept, such as feeling worthless or useless, are also more vulnerable to committing criminal acts.

b) External Factors:

- Family Environment: Poor parenting, disharmonious family relationships, or parents' inability to provide basic needs can be triggering factors.
- Peer Environment: Negative peer influence, such as involvement in criminal groups or committing crimes together, can trigger criminal behavior in children.
- Economic Conditions: Poverty and economic constraints can force children to commit crimes to meet their needs.
- Access to Media and Technology: Unsupervised use of the internet and social media can lead children to engage in criminal acts such as hacking, fraud, or the distribution of inappropriate content.
- Community Environment: An unsafe environment, rampant crime, or lack of education can encourage children to commit crimes.

c) Breakthrough Steps

Given the complexity of the causes and challenges in preventing children from becoming criminals, progressive measures are needed with approaches that can prevent children from becoming criminals or coming into conflict with the law.

According to the author, one such progressive measure is the Military Approach to Child Development, which is currently the subject of controversy. While it is highly debatable among those opposed to it, the author believes that if Military Approach to Child Development successfully shapes the character and personality of children who were previously considered "naughty" into more disciplined and responsible ones, then it is very possible that Military Approach to Child Development can contribute to preventing children from becoming criminals.

Opponents argue that Military Approach to Child Development is a step backward in the juvenile justice system. The author argues that with early child development, children will not have to face the justice system because they have received preventive measures. However, we must wait and see how successful Military Approach to Child Development is in changing a child's character and personality.

E. CONCLUSION

Public compliance with the law significantly impacts its enforcement. The enforcement of the law is driven by two factors. First, people obey the law out of compulsion, fearing sanctions. This enforcement is called normative enforcement. Second, people obey the law because they recognize its benefits. This enforcement is called sociological enforcement. Of these two types of legal enforcement, sociological enforcement is most desirable in realizing the meaning of law in society. Sociological enforcement of the law is strongly influenced by

public legal awareness, while public legal awareness is influenced by legal understanding, and legal understanding is influenced by legal knowledge.

The function of law as a means of societal reform is to guide society toward a better future, thereby creating order within society. One legal reform measure currently being pursued to guide society toward a better future is the Military Approach to Child Development. A comprehensive evaluation is necessary to determine its effectiveness, and we should devote time and support to its implementation while continuing to seek the most appropriate educational model for Indonesia's younger generation.

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