

## What is Law

Law is a set of rules decided by a particular place or authority meant for the purpose of keeping the peace and security of society.

Courts or police may enforce this system of rules and punish people who break the laws, such as by paying a fine, or other penalty including jail.

In ancient societies, laws were written by leaders, to set out rules on how people can live, work and do business with each other. But many times, in history when laws were made only for the profit of certain group of peoples, they have resulted in conflict.

To prevent this, in most countries today, laws are written and voted on by groups of politicians in a legislature, such as a parliament or congress, elected (chosen) by the governed peoples.

New development in Society creates new problems and law is required to deal with those problems in order to keep pace in society, the Definition and scope of law must continue to change.

The result is that a definition of law given at a particular time cannot remain valid for all times to come.

### Meaning of Law

The word law is derived from the “Lag” which means something lay down or fixed.

Law is a system of rules created and enforced through social or governmental institutions to regulate behavior.

### Definitions

#### According to Cicero:

Law is the highest reason implanted in nature.

#### According to Ulpian:

Law as “the art or science of what is equitable and good”.

#### According to Hooker:

Law as “any kind of rule whereby actions are framed”.

#### According to Demosthenes:

“Every law is a gift of God and decision of sages”

#### According to Kelson:

“Law as the depsychologised command”.

**According to Leon Duguit:**

Law as “the rules which the courts lay down for the determination of legal rights and duties”.

**According to Roman Scholars:**

The law is concerned with the parameters which are rights or wrong, fair and unfair.

**According to Roscovepound:**

According to him Law is an instrument for balancing conflict or completing interest of people in the society.

**According to Pinder:**

Law is the king of all, both mortals and immortals.

**According to Lord Moulton:**

Law is the crystallized commonsense of the community.

**Characteristics / features of law**

Following are some characteristics of law;

- Law is a general rule of human behavior in the state.
- Law is definite and it is the formulated (expressed) will of the State. It is a rule made and implemented by the state.
- State always acts through Law. Laws are made and enforced by the government of the State.
- Law creates binding and authoritative values or decisions or rules for all the people of state.
- Sovereignty of State is the basis of law and its binding character.
- Law is backed by the coercive power of the State. Violations of laws are always punished.
- Punishments are also prescribed by Law.
- The courts settle all disputes among the people on the basis of law.
- In each State, there is only one body of Law.
- Legally, Law is a command of the sovereign.
- The purpose of Law is to provide peace, protection, and security to the people. Law also provides protection to the rights and freedoms of the people.

## **Functions/Purpose of Law**

The law serves many purposes. Four principal ones are establishing standards, maintaining order, resolving disputes, and protecting liberties and rights.

Establishing Standards:

Maintaining Order:

Resolving Disputes:

Protecting Liberties and Rights:

## **Advantages and Disadvantages of Law**

Law is not static but Dynamic Concept. Law changes from time to time and from country to country. Law must change with the changes in the society. There are advantages and some disadvantages of law. Advantages and disadvantages of law are as follows...

### **Advantages of Law**

#### **1) Uniformity and Certainty:**

Law provides Uniformity and certainty to the administration of justice. The same law has to be applied in all cases. There can be no distinction between one case and another case if the facts are the same.

#### **2) Protection against arbitrary, biased and dishonest decisions:**

If the administration of Justice is left completely to the individual discretion of a judge, improper motives and dishonest opinions could affect the distribution of justice. Law as Fixed Principles of the law of justice avoids the danger of arbitrary, biased and dishonest decisions.

#### **3) Freedom from errors of individual judgement:**

The fixed principles of law protect the administration of justice from the errors of individual judgement. Commenting on this aspect of law, the Greek Philosopher Aristotle observed that "to seek to be wiser than the law is the very thing which is by good laws forbidden." This, in other words, means that "law is not always necessarily wise but on the whole and in the long run it is wiser than those who administer it".

#### **4) Reliability:**

There is another advantage of law is its reliability. It is more reliable than the individual judgements of the Courts. The human mind is fallible and judges are no exception. The wisdom of the legislature which represents the wisdom of the people is safer and more reliable means of protection than the momentary fancy of the individual judge.

## **Disadvantages of Law**

Law has not only advantages but some disadvantages also, Disadvantages of law are as follows:

### **1) The rigidity of law:**

An Ideal legal system keeps on changing according to the changing needs of the people. But because of the rigidity of law, it is unable to keep pace with the fast-changing society. There is always a gap between the advancement of society and the legal system prevailing in it. The lack of flexibility in law results in hardship and injustice to the people.

### **2) Conservative Nature:**

Another disadvantage of law is that its Conservative Nature. Law is conservative in its approach. The Bar and Bench are generally conservative in their approach to the dispensation of justice. The result is that very often the law is static. This is not conducive to a progressive society.

### **3) Formalism:**

The Law suffers from excessive formalism greater emphasis laid on the form of law rather than its substance. Undue formalism causes unnecessary delay in dispensation of justice.

### **4) Complexity:**

Another disadvantage of law is its Complexity. It is true that every law effort is made to make law as simple as possible but it is not possible to make every law simple. That is due to the Complex nature of modern society.

Commenting on the advantages and disadvantages of law Salmond observed that if the benefits of the law are great, the evils too are not small. Be that it may, it cannot be denied law serves as an effective instrument of social change. Law must change to the changing condition.

## **Conclusion**

The above law definitions state, human behavior in the society is controlled with the help of law. It aids in the cooperation between members of a society. Law also helps to avoid any potential conflict of interest and also helps to resolve them.