**Introduction:**

The term “law” even though an all-pervasive aspect of modern human societies and life, is often perceived by different persons and entities, primarily depending upon the function it serves with respect to them. For example, for a person accused of a serious crime, law may appear as tool for punishment and retribution, while law would definitely appear as a means to get justice for the person who has been a victim of the alleged crime. In this exercise, an attempt has been made to explore various functions of law vis-à-vis the society. It would not be an exaggeration to state that any modern state cannot exist in absence of a just and dynamic system of law. An attempt has been made to explore various functions of Law such as Law as an instrument of social control.

For this part of the exercise, a brief reference to various schools of thoughts pertaining to Social Contract Theory is undertaken in order to understand genesis and culmination of law in modern society states. Thereafter, law as a means of dispute resolution has been explored in brief followed by perhaps the newest and most important addition to the traditional functions of law as such, i.e. law as a means of social change. Aborigines welfare Law, anti-discrimination laws, human rights are all examples of this function of law. A well-known example will be according to Prof H.L.A Hart that, “the vindictive spouse had followed the nazi law and was improperly convicted due to the lack of communication within society”.[[1]](#footnote-1) Mode of research for this exercise is secondary resources and all the resources referred to in course of the present exercise have been duly acknowledged as such.

**Analysis:**

The most significant formal instrument for the social contract is the law. Early civilizations relied on informal social control, but as societies expanded in scale and complexity, they were forced to create laws and regulations that defined the appropriate forms of conduct and specified the consequences that would be inflicted on all those who disobeyed them.[[2]](#footnote-2)

The relation between law and society was get going from a very early time. The research will establish this is three-fold:

1. **Social Control**

The theory ensures, rule of behaviour that should be abiding by the components of the society. Some of the norms of behaviour fall under the category of good manners as defined by the culture. As such, they represent socially acceptable but not always obligatory behaviour.[[3]](#footnote-3) Other forms of behaviour are mandatory and are enacted by legislation. Laws are generally written down officially in complicated, large-scale civilizations so that everyone can understand them. It further divides into two-part:

1. Social Pressure: This falls under the nature school of law. Here society automatically follows the statutory mandate. In the words of Prof H Kepple, social pressure was is the most effective path for social control.

1. Legal Punishment: The theory was obligated in the form of penal provisions. The retributive theory of Jurisprudence is an empowering provision for this school of law. (Example will be Model Criminal Code and the Criminal Code Act, 1983).

**2. Dispute Resolution**

Society always faces some dispute within the circumstances of the law and when there will be any conflict it has to be resolved either by formal or informal pattern.[[4]](#footnote-4) Therefore, it is further divided into two-folds:

1. Formal: Grievances and lawsuits are examples of formal settlement methods. They typically ask for additional your formal complaint and offer inculpatory evidence, which the chosen adjudicator will then evaluate(s). In most cases, the result is a written judgement that you may (or may not) be able to appeal. All of this generally happens within a set of timeframes.
2. Informal: Informal resolution is more concerned with the result than with the method. Instead of having opposing positions, the individuals work together to find a solution that is agreeable to both interests. Instead of entrusting the development of the conclusion to a disinterested decisionmaker, the sides assume responsibility for it voluntarily (like a judge).[[5]](#footnote-5)

3. **Social Change**

Collaborative behaviour and social upheavals are just two of the elements propelling social change, which includes both internal and external influences such as developments and technology breakthroughs.[[6]](#footnote-6) In essence, any transformational innovation in the status quo, whether purposeful or accidental, sentient or natural, can result in social transformation.[[7]](#footnote-7)

**Conclusion:**

Hereby we can conclude that society is a "web-relationship," and cultural reform is a shift in the set of social relationships, with social relationships defined by social activities, interpersonal relationships, and service groups. As a result, the phrase "cultural reform" is used to describe positive changes in social structures, procedures, and structure.[[8]](#footnote-8)

Law is being used to examine state actions, while the civil system controls activities that range from commerce to regulation to unilateral force among individual governments. As a result, the legislative reaction to a particular social or technical challenge is in and of itself a substantial social activity that may either worsen or ease an issue and aid in its resolution.

1. Sage, An introduction to law and Society <https://in.sagepub.com/sites/default/files/upm-assets/86864_book_item_86864.pdf> [↑](#footnote-ref-1)
2. H. B. Kerper, Functions and limitation of law <https://openoregon.pressbooks.pub/ccj230/chapter/8-1-functions-and-limitations-of-law/> [↑](#footnote-ref-2)
3. A.B. Hollingshead, The Concept of Social Contract, American Sociological Review, (1941) 6, 2 pg 217-224 <https://www.jstor.org/stable/2085551> [↑](#footnote-ref-3)
4. Benjamin Balzer, Managing a Conflict: Optical Alternative Dispute resolution, The Rand Journal of Economics (2021) 52 <https://onlinelibrary.wiley.com/doi/10.1111/1756-2171.12374> [↑](#footnote-ref-4)
5. Jasmine Joshep, Alternate to Alternative, NUJS working paper series (2011) <https://nujs.edu/workingpapers/alternate-to-alternatives-critical-review-of-the-claims-of-adr.pdf> [↑](#footnote-ref-5)
6. David A. Funk, Major function of Law in modern society featured, Case Western Reserve law Review (1972) 23 <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2885&=&context=caselrev&=&sei-redir=1&referer=https%253A%252F%252Fwww.google.com%252Furl%253Fsa%253DD%2526q%253Dhttps%253A%252F%252Fscholarlycommons.law.case.edu%252Fcgi%252Fviewcontent.cgi%25253Farticle%25253D2885%252526context%25253Dcaselrev%2526ust%253D1630646460000000%2526usg%253DAOvVaw0SLxN0a3Do6NbE1Ai8VKqw%2526hl%253Den#search=%22https%3A%2F%2Fscholarlycommons.law.case.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D2885%26context%3Dcaselrev%22> [↑](#footnote-ref-6)
7. E. Jhonshon, Political Correctness, Science Direct, (2012) <https://www.sciencedirect.com/topics/social-sciences/civil-rights-movement> [↑](#footnote-ref-7)
8. Sage, An introduction to law and Society <https://in.sagepub.com/sites/default/files/upm-assets/86864_book_item_86864.pdf> [↑](#footnote-ref-8)