

## CHALLENGES IN THE LEGAL PROFESSION IN THE CONTEXT OF LEGAL SOCIOLOGY

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### Abstract

The sociology of law is a discipline within sociology that experimentally and analytically examines the interdependent relationship between law and various social phenomena. It examines the function of law in society and how society influences and creates legal frameworks. It encompasses law as a regulatory system and a social phenomenon shaped by several social elements, including norms, values, culture, and social structures. As the study of the interaction between law and society, the sociology of law presents numerous challenges to the legal profession. These challenges include limited legal knowledge and understanding, the impact of social and cultural change, and technological developments. Furthermore, issues such as corruption, conflicts of interest, and lack of access to legal services also pose serious challenges to the legal profession.

**Keywords:** Legal Profession, Sociology of Law, Challenges

### Introduction

The sociology of law, as the study of the interaction between law and society, presents numerous challenges to the legal profession. These challenges include limited legal knowledge and understanding, the impact of social and cultural change, and technological developments. Furthermore, issues such as corruption, conflicts of interest, and lack of access to legal services also pose serious challenges to the legal profession.

According to Abdulsyani, the challenges in the perspective of the sociology of law are as follows:<sup>1</sup>

- Law and the Social System of Society: The sociology of law views law as a fundamental component of society's social order. Changes in society will impact the law, and vice versa. This requires the legal profession to understand the social and cultural dynamics of law enforcement.
- Social Behavior and Law: The sociology of law also studies how social behavior influences law enforcement. Public compliance with the law, for example, is a crucial factor in law enforcement, and the sociology of law can help understand the factors that influence that compliance.
- The Role of Law in Addressing Social Problems: The sociology of law also examines the role of law in addressing social problems. Law can be used to control behavior, resolve conflicts, and create social justice. However, the legal profession must also understand the limitations of law in addressing complex social problems.

Meanwhile, the challenges facing the legal profession are diverse and complex. The sociology of law provides a crucial framework for understanding these challenges and finding appropriate solutions. The legal profession must continually adapt to social, cultural, and technological changes and improve the quality of its knowledge and ethics to maintain the integrity of the legal system and public trust.

Some concrete challenges concerning the legal profession include the following:<sup>2</sup>

- Limited Legal Knowledge and Understanding: Many law enforcers, including prosecutors, judges, and advocates, have limited knowledge and understanding of certain aspects of the law, which can hinder the fair and effective handling of cases.
- Social and Cultural Change: Rapid social and cultural change can create new and complex legal situations, requiring law enforcement to adapt and understand different social contexts.

<sup>1</sup>Abdulsyani, Sociology Schematics, Theory and Application, (Jakarta: PT. Bumi Alksara), 2012, pp. 24-25.

<sup>2</sup>Ibid., p. 22.

- c) Technological Developments: Advances in information technology and digitalization are impacting the way legal practice is conducted, from providing legal services to handling cases online. This requires the legal profession to possess adequate digital skills and adapt to new technologies.
- d) Corruption and Ethical Violations: Corruption and ethical violations, such as conflicts of interest and abuse of power, remain serious problems in the legal profession, which can damage the integrity of the legal system and reduce public trust.
- e) Lack of Access to Legal Services: Access to high-quality legal counsel is not equally available to all individuals. For low-income individuals seeking justice, high costs, lack of knowledge, and inadequate legal infrastructure can be barriers.
- f) Abuse of the Legal Profession: The legal profession is often misused as a mere business activity, ignoring ethical and social aspects. This can undermine public trust in the legal system.

A profession is an occupation or field of work based on specialized educational knowledge, including practical skills and training, according to the Big Indonesian Dictionary (KBBI) or similar sources. Occupations often have professional codes of ethics and sometimes require certification procedures relevant to the specific field of work pursued. Among the many professions are doctors in the medical field and educators in the teaching field. Based on the description above, the author is now interested in discussing issues of legal sociology regarding challenges within the legal profession within the context of legal sociology.

### Discussion

#### Sociology of Law

The sociology of law is a branch of sociology that experimentally and analytically examines the reciprocal relationship between law and other social phenomena. It examines the ways in which society shapes and influences legal systems, as well as the function of law within specific societal contexts. It uses an empirical approach, namely studies based on direct observation and field data collection, to understand the operational dynamics of law in society.<sup>3</sup> Legal sociology also analyzes various aspects of law, such as legal effectiveness, societal compliance with the law, the role of law in resolving social conflict, and the impact of law on social change. Legal sociology can examine how laws regarding unlawful acts (in the context of, for example, Article 6:162 of the Civil Code) are applied in real-life cases in society.<sup>4</sup> Sociology of law can also study how inheritance laws are influenced by certain cultural values in society. The sociology of law is a rapidly developing discipline today. In fact, most legal research in Indonesia is currently conducted using methods related to legal socialization. In principle, the sociology of law is a derivative or branch of sociology, not a branch of law. Indeed, there are studies of law related to society that are branches of law, but they are not referred to as the sociology of law, but rather as sociological jurisprudence.<sup>5</sup>

There are two categories of ethics that judge human behavior as good or bad:<sup>6</sup>

- a) Descriptive ethics, which involves critical and logical observation of human attitudes, behavior, and values.
- b) Normative ethics, which seeks to establish ideal attitudes and patterns of behavior that people should consider valuable.

Ethics are also often categorized into two types:<sup>7</sup>

- a) General ethics and special ethics. General ethics deals with the fundamental state of human behavior.
- b) Whereas specific ethics involves the application of moral principles in a particular domain.

Furthermore, this form of ethics can be divided into two categories: social ethics and personal ethics.

Individual ethics is the study of personal behavior toward and treatment of oneself. Social ethics further concerns what individuals should do, how they should view themselves, and how they should behave in society.

#### Objects of Study of Sociology of Law

The object of sociological study is society, viewed from the perspective of human relationships within that society. So, essentially, sociology studies society and human social behavior by examining the groups it forms. Sociology studies group behavior and interactions, tracing their origins and growth, and analyzing the influence of group activities on their members. Sociology as a science has several objects, namely:<sup>8</sup>:

<sup>3</sup>Nitaria, Sociology of Law: Challenges in the Legal Profession, Journal of Law and Sharia Vol.3 No.2, 2025, pp. 97-98

<sup>4</sup>BW, Articles 6 and 162.

<sup>5</sup>Erna Susanti, Progressive Study on Bullying in the World of Education, Progressive Justice Journal Vol.1 No.3, 2010, p. 213.

<sup>6</sup>Nitaria, Loc.Cit., Sociology of Law: Challenges in the Legal Profession, Journal of Law and Sharia Vol.3 No.2, 2025, pp. 99-100

<sup>7</sup>Ibid.

<sup>8</sup>Basrowi, Introduction to Sociology, (Jakarta: Ghalia Indonesia), 2005, p. 11.

1. The material object of sociology is social life, the phenomena and processes of relationships between humans that influence human unity itself.
2. The formal object of sociology focuses more on humans as social beings or society. Thus, the formal object of sociology is human relations between humans and the processes that arise from human relations within society.
3. Cultural objects are one of the factors that can influence relationships with one another.
4. Religious Objects The influence of religious objects can be a trigger in social relations in society, and there are also many things or impacts that influence human relations.

### Scope of Sociology of Law

Consisting of the social foundations of law or the social basis of law, for example, national law in Indonesia, the social principle is Pancasila with the characteristics of deliberation/consensus and kinship. Meanwhile, the effects of law on social phenomena are anti-smoking laws, narcotics laws, pornography and pornographic laws and human rights laws and so on. Inseparable from the instrumental approach with the aim of obtaining the principles of law and order that are based rationally and dogmatically and the Natural Law Approach and criticism of the positivistic approach.<sup>9</sup>

### Challenges of the Legal Profession

The multitude of professions illustrates the corresponding codes of ethics for the legal profession. For example, there are codes of ethics governing judges, prosecutors, the Indonesian National Police, notaries, and advocates, as well as codes of ethics applicable to notaries and courts. Each of these codes of ethics for the legal profession sometimes encounters obstacles or limitations in its implementation.<sup>10</sup> Challenges in the legal profession are diverse, ranging from issues of ethics and integrity to adapting to technology and social change. Some of the key challenges faced by legal practitioners are as follows:<sup>11</sup>

1. Ethics and Integrity
  - a) Violations of the Code of Ethics: Persistent violations of the code of ethics, including corruption, abuse of power, and conflicts of interest, have consistently undermined public confidence in the legal profession.
  - b) Corruption: Corruption cases involving lawyers and judges damage the image of the legal profession and hinder efforts to enforce the law fairly.
  - c) Professional Quality Limitations: Lack of professional knowledge and skills in the legal field is also a challenge.
  - d) Lack of Social Awareness and Concern: Some legal practitioners lack social awareness and concern regarding the impact of legal decisions on society.
2. Technology Adaptation
  - a) Digitalization: Technological developments, such as e-court, influence the way practitioners work.
  - b) law and requires new adaptations.
  - c) Data Security: Data security and privacy in the digital era are also challenges that need to be considered.
  - d) Utilization of Technology: The ability of legal practitioners to utilize technology effectively in their work is becoming important.
3. Social and Economic Change
  - a) Competition: Growth of modern business and increasing public legal awareness
  - b) creating fierce competition in the legal world.
  - c) Changing Regulations: Frequent regulatory changes require adaptation from legal practitioners to keep up with developments.
  - d) Political and Legal Instability: Political instability can hamper the enforcement of law and human rights, especially in developing countries.
4. Another Challenge

<sup>9</sup>Ali Zainuddin, Op.Cit., Sociology of Law, (Jakarta: Sinar Grafika), 2005, p.3.

<sup>10</sup>Ali, Zainuddin, Sociology of Law, (Jakarta: Sinar Grafika), 2005, p. 12.

<sup>11</sup>Nitaria, Loc.Cit., Sociology of Law Challenges in the Legal Profession, Journal of Law and Sharia Vol.3 No.2, 2025, pp. 100-103.

- a) Financial Challenges: The legal profession also faces financial challenges, such as costs.
- b) law firm operations, training costs, and other costs.
- c) Challenges in Law Enforcement: Effective law enforcement is severely challenged by high crime rates and unlawful behavior.
- d) Challenges in Getting Clients: Attracting and retaining clients in a competitive environment is also a challenge for legal practitioners.

5. Challenges in a Hybrid Work Environment

- a) Remote Work: The shift to a hybrid work model presents both opportunities and challenges for law firms, including when it comes to employee training and development.
- b) Client Interaction: Building good relationships with clients in a hybrid work environment also requires special skills.
- c) Knowledge Management: Maintaining and sharing knowledge in a hybrid work environment is also a significant challenge.

The legal profession can continue to grow and contribute more to society and the country by overcoming these obstacles.<sup>12</sup>

Legal ethics is a crucial component of Indonesia's legal framework. This ethical framework assists legal professionals, including lawyers, judges, and investigators, in carrying out their responsibilities with integrity and accountability. In this regard, ethical behavior maintains the dignity of lawyers and fosters trust in the entire legal system.

Some of the challenges in the legal profession are:

- a) Corruption and abuse of power: Indonesia continues to grapple with significant corruption issues. Corruption impacts more than just the justice system. The credibility of dishonest lawyers and judges has been tarnished by numerous unlawful acts. This injustice undermines public trust in the justice system and makes it difficult to formulate fair laws. Numerous sources indicate that several cases of abuse have occurred within the justice system. Comprehensive transformation is needed to address this problem.<sup>13</sup>
- b) Lack of Enforcement of the Code of Ethics: While ethical norms govern judges and lawyers, enforcement is often inadequate. Many ethical violations go unaddressed, fostering a culture of impunity within the legal profession. The lack of transparency in law enforcement and disciplinary action against professionals who violate the code of ethics exacerbates this situation. The lack of severe penalties for violations of the code of ethics leads to a widespread disregard for ethical standards.<sup>14</sup>
- c) Inequitable access to legal services: Quality legal services are not equally accessible to all. For low-income groups seeking justice, the high cost of legal services is often a barrier. Lack of awareness of legal rights further exacerbates this problem. Inequality in legal services leads to significant variations in the effectiveness of law enforcement.<sup>15</sup>
- d) Hope for improved ethics education: Legal education programs in Indonesia should include ethics instruction from the outset. Law students should have a solid understanding of the importance of ethics in legal practice and the consequences of ethical violations. Improved education in professional ethics will foster a new generation of judges and lawyers who are more diligent and principled.
- e) Strict enforcement of codes of ethics: Professional organizations, such as the Indonesian Advocates Association (PERADI), must increase their efforts to enforce ethical norms. Individuals who violate strict regulations must be subject to sanctions to create a deterrent effect. Consistent and transparent enforcement of codes of ethics will demonstrate to the public that ethical violations will not be tolerated.
- f) Improving Access to Legal Services: The public and commercial sectors must work together to provide easily accessible legal services to the public. Legal aid programs for the poor must be expanded to provide universal access to justice. Furthermore, the promotion of legal rights should be encouraged to raise public awareness of their rights in the justice system.

One career opportunity available, depending on your competency, is in the legal sector, while others relate to specialized work. Law enforcement is an example of *Officium Nobile*, signifying it is a commendable and honorable profession. Its purpose is to bring justice and peace to individuals' lives. The emergence of platforms like

<sup>12</sup>Beni Alhmad Saelbani, *Sociollogi Hulkum*, (Bandung: Pustaka Setia), 2007, pp. 35-37.

<sup>13</sup>Fitlhiatus Shalilhah, *Sociology of Hulkum*, (Jakarta:PT Raja Grafindo Persada), 2017, p. 37.

<sup>14</sup>Gusti Ngurah Dharma Lalksana, *Sociology of the Hulkum*, (Bali: Pustaka Ekspresi), 2007. p. 45.

<sup>15</sup>Soesi Idayanti, *Sociology of Law*, (Yogyakarta: TAB Grafilka), 2020, pp. 45-46

GoJek and Grab, along with digital media, indicates that we are currently experiencing a period of transformation. The era of disruption is a time when previously established norms in technology and the internet are undergoing transformation. Disruption is a significant change that can disrupt the established order.<sup>16</sup> Most legal jobs are suited to service providers or in the service industry. However, with advances in science and technology, we now live in a period of disruption; artificial intelligence is beginning to replace legal services. It is feasible and not impossible that robots will eventually replace police officers. Therefore, the desire to innovate and survive in the future is a challenge for those working in the legal profession in this century.

Legal talent is the capacity or ability to manage the legal profession. Legal competence involves the ability to think clearly, allowing a law enforcer to concentrate on the facts, conduct research before acting in law enforcement, and present specific arguments that are logically acceptable.<sup>17</sup> Management skills relate to the ability to evaluate possibilities, dangers, strengths, and limitations. One can evaluate oneself and even examine the situation at hand using management skills as a tool. One might argue that the benefits of developing these skills are their versatility and broad scope.<sup>18</sup>

The next skill needed to meet the demands of this period of disruption and enable one to remain competitive is leadership. Becoming a leader requires skills in strategy, planning, and presenting arguments. This talent also requires creativity, communication, and organizing or directing individuals. The final skill that needs to be developed is how to use technology. Many new features have been added to the latest and most advanced technologies due to their rapid pace of change. For example, you need to be able to manage social media, create new features for applications, and search the internet to be prepared for tasks in the era of disruption.

Threats and problems will continue to arise in the future. However, we will be able to overcome any problem, as long as we continue to strive and are determined to do so. Most likely, the best way to stay competitive in this era of change is to continue using some of the skills mentioned above and also continuously improve ourselves. Teamwork is a skill for working in a team. Communication skills are essential for working well in a team. Furthermore, the ability to find solutions to resolve conflicts and the ability to make decisions is required.<sup>19</sup> Sociability includes the skill of recognizing how a legal professional can be open-minded and tolerant in social life, or it can also be described as the ability to integrate into society. From a legal sociology perspective, this case demonstrates a fundamental gap between formal legal norms and prevailing social values.

In some regions, corruption is often considered commonplace due to permissive social norms. This perspective suggests that legal reform must encompass a transformation of societal culture, not just regulatory changes. These corruption cases also demonstrate that the law often serves as a mere formal tool, ineffective without rigorous oversight and public participation. In this regard, the Corruption Eradication Commission (KPK) plays a crucial role as an agent of change in breaking the culture of silence that has long hindered corruption cases. However, law enforcement in Indonesia is not without challenges from power bias. One example is the oversight of corruption cases within the military. In a recent ruling, the Constitutional Court (MK) strengthened the Corruption Eradication Commission (KPK)'s authority to handle corruption cases involving military personnel.

### Conclusion

Although legal professional ethics in Indonesia faces numerous challenges, education, the implementation of codes of ethics, and the availability of better legal services offer hope for development. Younger generations and aspiring lawyers have an obligation to drive positive change in this area. Building a strong ethical culture and upholding the values of justice will help Indonesia create a fairer and more open justice system, thereby rebuilding and strengthening public trust in the legal system. From a sociological legal perspective, it can be observed that law enforcement is not only the application of guidelines but also a struggle to rebuild societal norms that support justice and openness.

<sup>16</sup>Soejono Sukanto, *Principles of Legal Sociology*, (Jakarta: Rajawali Pers), 2020, pp. 65-66.

<sup>17</sup>Soerjono Sukanto and Mustafa Abdil Ulah, *Sociollogi Hulkum Dallam Masyaralkat*, (Jakarta: CV Rajawali), 1980, pp. 37-42.

<sup>18</sup>Nitaria, Loc.Cit., *Sociology of Law Challenges in the Legal Profession*, *Journal of Law and Sharia* Vol.3 No.2, 2025, p. 104.

<sup>19</sup>Ibid., p. 105.

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