

Discuss the  
relationship between  
law and society law  
essay



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Law and society are related to each other. Nothing can explain without any of them. Society becomes the jungle without the law. Law also needs to be changed according to the changes the society faces, because without the necessary changes law cannot keep pace with society. Without the control of the law, the society became the jungle or at least barbaric. So, to keep the society peaceful, we need to create a harmonious relationship between law and society.

We can take an example of our country, where everyday we watch so many crimes. But due to lack of evidence the criminal is set free or there are too little penalty, that law breakers did not care about it. Just the example we can see few cases of eve teasing.

In early January this year, police found 13-year-old Nashfia Akand Pinky, a class nine student, hanging from a ceiling fan in the city's West Agargaon area. According to her parents, 35-year-old Murad, a driver by profession, would harass Pinky on a regular basis in the streets. Fifteen days before Pinky killed herself, Murad's mother along with his grandmother had gone to Pinky's house with a marriage proposal on Murad's behalf. Pinky's parents had, obviously, declined the proposal. Murad and his family are currently absconding.[1]

Eighteen-year-old Reshma Khatun, a class 12 student of Salpa Technical School, took pesticides and killed herself on March 7, 2010 in Shanti Nagar village at the Sherpur upazila. She would be harassed on her way to school by her neighbour 24-year-old Munaf and his friend Robin. For a long time, Reshma had to stay silent while enduring the mental torture every day

before she decided to end her life. The perpetrator in this case is also absconding.[2]

On March 20, 2010, 15-year-old Chand Moni committed suicide by hanging herself from a ceiling fan at her house in Kishoreganj. A student of class 9 at the Azimuddin High School, Chand Moni used to be harassed on her way to school by 20-year-old Alam and his friends 21-year-old Abdur Rahman, 20-year-old Saddam Hossain and 23-year-old Russel Mia. Alam's mother and aunts would also pressurise Moni's parents to marry their underage daughter off to Alam, to which the parents would always decline. A few days before killing herself, Alam and his accomplices had barged into Moni's house and threatened to kidnap Moni if the parents had rejected his proposal. So, little Moni decides to end her then marry Alam. After the incidents, Alam and his family are absconding.[3]

Fourteen-year-old Umme Kulsum Elora ended her life on April 3, 2010, by taking pesticides in her house in Madhya Nandipara. A class eight student of Dakkhin Banasri Model High School in the capital, Elora had been harassed by 19-year-old Rezaul Karim and his friends for over a year. Elora ended her life by swallowing pesticides in their house at around 3: 00pm. In the primary interrogation, Rezaul claimed that he had a relationship with Elora. However, when Elora was alive, Rezaul and his friends would often disturb her over the phone. Elora would go to school in a van with other children. But as the harassment got intolerable, Elora's mother Halima would take her daughter to school herself for over a month and a half. Her mother says that her husband Amin Mollah and herself had even taken the issue up with Rezaul's

parents, but that does not solve the problem and in the end Elora ended her life by swallowing pesticides.[4]

The wrongdoer set free because there is no strong law against the eve teasing. The law against eve teasing in Bangladesh is given in Article 76 of the Dhaka Metropolitan Police Ordinance 1976 and Article 509 of the Penal Code of 1860 affirm that any acts, conducts, or verbal abuses that are used to disgrace women are punishable by law. Article number 10(2) of the Prevention of Women and Children Repression Act 2000 mildly addressed eve-teasing. However, that section of the law was eliminated in 2003, through amendment and justified it on the ground of manipulation of the law. In its place, a new provision has been added under Article 9 of the present law that says that if a woman is forced to commit suicide as a direct consequence of somebody's willful dishonor/sexual harassment/assault, then the guilty person will be liable to a maximum of ten years and a minimum of five years of imprisonment. But this is not strong law, because the girl who committed suicide because of teasing then it is just like a murder. It cannot be stopped unless strong law is passed and implemented.[5]

What is Law:

Law is the command of the Sovereign. Law must flow from a determinate person or group of persons with the threat of displeasure, if it is not obeyed. As we know, Sovereignty is a only part of the state. So, we can say that Law is used to denote rules of conduct emanated from and enforced by the state.

According to Holland, Law is “ a rule of external human action enforced by the sovereign political authority.”[6]

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According to Salmond, “ Law is the body of principles recognized and applied by the State in the administration of justice”[7]

According to Woodrow Wilson,” Law is that portion of the established habit and thought of mankind which has gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of the government.”[8]

According to Anson,” The objects of Law is Order, and the result of Order is that men are enabled to look ahead with some sort of security as to the future. Although human action cannot be reduced to the uniformities of nature, men endeavored to reproduce by Law something approaching to this uniformity.”[9]

So we can say that law must have three characteristics which are given below:

Law has its sovereign authority,

Law is accompanied by sanctions,

The command of law should compel a course of conduct. Being a command the law must flow from a determinate person or group of persons with the threat of displeasure, if it is not obeyed.[10]

What is Society:

A community or a group of persons, living in any region, who are united by some common bond, is known as society.[11]A society is a group of people

related to each other through persistent relations such as social status, roles and social networks. They also share the same geographical territory and subject to the same political authority and dominant cultural expectations.

[12]Common bond is some kind of uniformity of factors like nature of the people, habit, custom, beliefs, culture, etc. This common bond helps the members of the society to form the rules of social behavior. The punishment of disobeying the social rules is come from in the form of social disapproval. The punishments are generally excommunication or ostracism.[13]

#### Relationship between Law and Society:

Theorists have traditionally maintained that there are certain broad on the substantive criminal law. One set of such constraints concerns the sorts of behavior that may legitimately be prohibited. Is it proper, for example, to criminalize a certain kind of action on the grounds that most people in one's society regard it as immoral? The other set of constraints which concern what is needed in order to establish criminal responsibility that is liability, independently of the content of the particular statute whose violation is in question.[14]

Legal system reflects all the energy of life within in any society. Law has the complex vitality of a living organism. We can say that law is a social science characterized by movement and adaptation. Rules are neither created nor applied in a vacuum, on the other hand they created and used time and again for a purpose. Rules are intended to move us in a certain direction that we assume is good, or prohibit movement in direction that we believe is bad.

[15]

The social rules are made by the members of the society. Disobedience of the social rules is followed by punishment of social disapproval. There is no positive penalty associated with the violation of rules except excommunication or ostracism. On the other hand, Law is enforced by the state. The objective of law is to bring order in the society so the members of society can progress and develop with some sort of security regarding the future.[16]

The state makes laws. Disobedience of state laws cause penalty, which is enforced by the Government by the power of the state. Which is not enforceable is not Law.[17]

Change of Law and Change of Social Roles:

The legal system of a country reflects the rules of society. If there is a change social rules then we can say that a change in social law just occurs. Law can be changed due to social condition of any country. Many people know the revolution 1990 of Bangladesh, which is take place due to political unrest of the country. When Bangladesh Nationalist Party forms the government they change the law and under the new law lead to the parliamentary democracy in the country.

Recently acid violence, eve teasing, domestic violence took place due insufficient laws. The penalty of eve teasing is light that many people did not take the penalty seriously. The penalty of eve teasing is given in Article 76 of the Dhaka Metropolitan Police Ordinance 1976 and Article 509 of the Penal Code of 1860 affirm that any acts, conducts, or verbal abuses that are used to disgrace women are punishable by law. Article number 10(2) of the <https://assignbuster.com/discuss-the-relationship-between-law-and-society-law-essay/>

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As we know, the acid violence is major problem I our country. Few years ago it becomes like epidemic. Now acid violence is go down due to the strong law which is death penalty. Section 4 of the Acid Crime Act, 2002 prescribes death penalty or rigorous imprisonment for life including fine taka not more than one lakh if any body causes death or makes an attempt to cause death to any child or woman by using any burning substance, e. g., acid. The law also states that, import, production, storage, sale or usage of acid without a license is a punishable offence. But the mechanisms prevalent to regulate importation, preparation and sale of the acid used in these attacks are inadequate. However, the Acid control Act, 2002, provides for the formation of a national council to control the selling use, production, import, transportation and storing of acid.[18]

The law is hard that everyone obey the law regarding the acid violence which causes less acid related crime. Every person loves their own life.

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### Conclusion:

Legal system reflects all the energy of life within in any society. Law has the complex vitality of a living organism. We can say that law is a social science characterized by movement and adaptation. Rules are neither created nor applied in a vacuum, on the other hand they created and used time and again for a purpose. Rules are intended to move us in a certain direction that we assume is good, or prohibit movement in direction that we believe is bad. [19]So, we can say that rules had to be change according to the roles of the society. Law also reflects the society. Such as, in Saudi Arabia law are based on Quran and Sunnah. In Bangladesh property act, marriage act and many other act based on the Quran and Sunnah. Also when emergency arise, then according to the social condition the law is also changed by the Government. So, we can say that, the relationship between law and society are interrelated.