



The Practical Benefits of Legal Anthropology in Achieving Social and Cultural Justice in Society

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Abstract

This study aims to examine legal anthropology as an interdisciplinary approach that integrates legal studies with anthropology to understand law as a social and cultural product. The primary focus of this research is to explore how legal systems are not merely understood as sets of normative rules, but as socially constructed institutions that reflect the values, practices, and cultural structures of society. The study employs a qualitative methodology using legal ethnography, which involves participant observation, in-depth interviews, and document analysis to investigate legal practices within various local community contexts. The findings identify five major schools of thought in legal anthropology: evolutionism, functionalism, structuralism, symbolic-interpretive, and cognitivism. Each school offers distinct theoretical assumptions and contributes to how law is perceived within society. The study reveals that the existence and operation of law are deeply influenced by cultural contexts and social dynamics in which the law is embedded. Legal anthropology enables analysis of how law is practiced, negotiated, and interpreted by individuals and groups in their everyday lives. The conclusion of this research asserts that legal anthropology provides a critical perspective in developing legal systems that are more adaptive, inclusive, and socially relevant. By understanding law as a living social phenomenon rooted in culture, the anthropological approach offers a valuable framework for designing more just and contextual legal policies, as well as for bridging the gap between normative law and actual legal practice in plural societies.



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INTRODUCTION

Legal anthropology is a branch of legal science that studies the reciprocal relationship between law and social phenomena in the life of society. In anthropology, humans are seen as something complex in terms of physical, emotional, social, and cultural aspects. Anthropology views law as an aspect used by the power of a regulated society in regulating the behavior of society, so that deviations do not occur and deviations that have occurred against social norms can be corrected. So it is concluded that legal anthropology is a science that studies the legal behavior of society, the legal culture of society, and its perspective on law and its derivative products. These laws include those written and enacted by the government and also those unwritten that are agreed upon by the local community (customs and habits).

The anthropological study of law highlights aspects of human culture related to how law functions in maintaining social order and regulating community behavior. Therefore, the study of legal anthropology specifically traces the social processes in which provisions on the rights and obligations of members of society are formed, changed, manipulated, interpreted, and implemented by the society itself (F. von Benda-Beckmann, 1979, 1986).

The beginning of anthropological thinking on law began with studies conducted by anthropologists who were associated with Sir Henry Maine's classic work entitled *The Ancient Law* first published in 1861. Henry is seen as the founder of the anthropological study of law through the introduction of the theory evolutionistic (the evolutionistic theory) regarding society and law, which states that law develops in line with the development of society from a simple (primitive), traditional and tribal society to a complex and modern society, and the law that is inherent in society initially emphasizes status and then develops into a form of contract.

Role, Status or position, Values, Norms and also culture are also studied in the science of legal anthropology. This is very closely related to the science of legal anthropology. And all the materials that will be studied from legal anthropology have benefits, both theoretically and practically. According to Koentjaraningrat in his book entitled "Introduction to Anthropology I" (1996) explains that academically, anthropology is a science about humans in general with a focus on the physical form, society and culture of humans. While practically, anthropology is a science that studies humans in various human beings, ethnicities, customs and habits in that society.

In general, it is often understood that the field of anthropology is a "primitive" society, which is considered to have a culture that is different from the culture of European society. In fact, until now the field of legal anthropology has continued to develop into the realm of modern society. On the other hand, Masinambow, ed. in his book entitled "Koentjaraningrat and Anthropology in Indonesia" (1997) explains that anthropology is a scientific discipline that studies human society or groups. Conrad Philip Kottak in his book entitled "Anthropology, the Exploration of Human Diversity" (1991) explains that anthropology does not only study non-industrial societies but has a broader perspective.

According to Kottak, anthropology is the study of all societies, from primitive societies to modern societies. (ancient) to modern society, from simple society to complex society. Even anthropology is a cross-cultural (comparative) study that compares the culture of one society with the culture of another society.

METHOD

This study employed a qualitative approach that integrates various forms of written, oral, and

cultural data to explore the interaction between law and social practices within the community. The research materials consisted of three main sources. Written documents included historical records, customary laws, court decisions, and relevant legal literature, which provided a foundation for understanding the evolution and formalization of legal norms. Oral information was gathered through interviews with key informants such as traditional leaders, judges, and community elders, as well as through participant observation and the collection of folklore that reflects communal values and local interpretations of justice. Additionally, cultural media including art, music, rituals, and symbolic expressions, were analyzed to identify the embodiment of legal principles and moral values within the cultural framework of the society.

The research methods were designed to capture the lived experience and contextual understanding of law in practice. Participant observation involved the researcher living within the community to gain direct insight into their daily interactions, conflict resolution mechanisms, and the application of customary law in real situations. In-depth interviews, both structured and unstructured, were conducted to obtain comprehensive and nuanced perspectives from participants regarding their understanding of justice and legal norms. Furthermore, a case study method was employed to analyze specific legal cases that illustrate how laws are interpreted and enforced within the social and cultural context of the community. Finally, a comparative approach was used to examine similarities and differences in legal systems and cultural practices between different communities, providing a broader understanding of how local legal traditions relate to formal state law and universal legal principles.

RESULTS AND DISCUSSION

The development of legal anthropology is always associated with the customs of society and the culture that develops within it, referring to the procedures and legal values that develop in the community itself. To examine the benefits obtained in studying the legal anthropology school, there must be an understanding of the types of schools studied in legal anthropology, namely as follows:

Evolutionism Stream

The evolutionary perspective in cultural anthropology is founded on the basic assumption that culture develops progressively through a continuous process of change from one stage to another in an evolutionary manner. This view suggests that human culture, like biological organisms, evolves from simple to more complex forms as societies advance in knowledge, technology, and social organization. The evolutionist approach seeks to identify universal patterns and stages of cultural development that can be observed across different societies and historical contexts.

Several prominent scholars contributed significantly to the foundation of this school of thought. E.B. Tylor introduced the theory of animism, which explains the origin of religion as a belief in spiritual beings that arises from human attempts to understand life and death. J.J. Bachofen developed the theory of family formation, exploring the transition from matriarchal to patriarchal systems in human societies. J.G. Frazer expanded the discussion by formulating a theory on the boundaries between reason, magic, religion, and science, illustrating how human thought evolved from magical explanations to religious beliefs and eventually to rational scientific reasoning. R.R. Marett (often referred to as “He mourns” in older texts) proposed the theory of dynamism, emphasizing the belief in impersonal supernatural forces preceding animistic thought. Meanwhile, Andrew Lang introduced the theory of the supreme god, arguing that belief in a single high deity existed even in early societies, contradicting the assumption that monotheism evolved late in human history.

From an evolutionist standpoint, culture can be understood through three interrelated concepts. First, culture as a system of ideas (cultural system) encompasses the abstract elements of culture such as beliefs, values, norms, ideologies, and laws that shape the worldview of a community. Second, culture as a social system (cultural universal), as defined by C. Kluckhohn, includes tangible social institutions and practices such as tools, livelihood systems, social organization, language, art, knowledge, and religion that constitute the structure of communal life. Third, culture as a result of human behavior (material culture) refers to both physical objects or artifacts produced by humans and the behavioral expressions that reflect their way of life.

The evolutionary approach aims to describe the universal elements of culture and patterns of change through comparative analysis of various societies. By studying the similarities and differences between cultures that coexist or evolve across time, anthropologists can trace the general trajectory of human cultural progress. The main characteristics of the evolutionist perspective include:

1. recognition that cultural change occurs gradually and continuously over time;
2. a holistic approach that views legal and cultural systems in relation to broader social and cultural aspects;
3. a comparative objective, seeking to identify commonalities among different cultures; and
4. a universal scope, emphasizing that the findings of cultural studies are generally applicable to humanity as a whole.

In essence, the evolutionist perspective provides a foundational understanding of how human culture transforms and adapts, emphasizing the shared developmental patterns that underlie diverse cultural expressions throughout human history.

Cognitive Flow

The cognitive anthropology perspective is based on the fundamental assumption that culture is a reflection of human cognition, that is, the way humans perceive, interpret, and make sense of their world. This approach emphasizes the interrelationship between language, culture, and thought, suggesting that human cognition shapes cultural systems, and that language serves as the primary means through which culture is expressed and transmitted. One of the most influential figures in this school of thought is Ward H. Goodenough, who argued that culture is not a material phenomenon such as physical objects, behaviors, or emotions, but rather the system of knowledge and conceptual frameworks that humans use to organize and interpret these phenomena.

According to cognitive anthropology, understanding culture means understanding how individuals categorize, classify, and assign meaning to the world around them. Culture, therefore, exists in the human mind as a mental model or cognitive map that guides behavior and social interaction. This approach explores how different societies structure knowledge, define relationships, and communicate meaning through symbols, language, and shared mental representations. Cognitive anthropology is generally divided into two main areas of focus. First, it views language as the raw material of culture, asserting that every form of material culture in human life originates from the development of human perception, instincts, and reasoning. Language becomes the foundation for thought and serves as a key to understanding how people conceptualize their environment. Second, it positions culture as a product of human cognition, meaning that all material culture produced by humans artifacts, technologies, and social practices, are manifestations of the cognitive processes that generate and organize human creativity and knowledge.

Research in cognitive anthropology often combines elements of linguistics, psychology, and cultural analysis to examine how people construct meaning through words, symbols, and conceptual categories. It seeks to reveal the underlying mental structures that influence behavior, communication, and cultural evolution. Through vocabulary analysis, semantic mapping, and the study of cultural models, cognitive anthropologists aim to understand not only how individuals think within their cultural frameworks but also how these cognitive systems evolve over time. In essence, cognitive anthropology views culture as an intricate system of knowledge stored in the human mind. It bridges the gap between language, thought, and behavior, illustrating that what people create, believe, and practice in their daily lives ultimately reflects the workings of human cognition.

Structural Flow

The structural anthropology approach is grounded in the assumption that human reason or the human mind forms the basis of both culture and language, which occupy an equal and interdependent position as products of human cognition. This school of thought, pioneered by the French anthropologist Claude Lévi-Strauss, emphasizes that beneath the diversity of cultural expressions and linguistic forms lies a shared universal structure of human thought. Structural anthropology seeks to uncover the deep, underlying patterns that govern human behavior, social relations, and systems of meaning across different societies. Lévi-Strauss proposed that human cognition operates through binary oppositions such as nature and culture, raw and cooked, male and female, which serve as fundamental organizing principles in the human mind. These oppositions are reflected in myths, kinship systems, rituals, and language, revealing that cultural phenomena are not random but structured by the logic of human reasoning. Thus, the study of culture becomes an exploration of the mental structures that shape the way humans understand the world and interact within it.

The primary objective of structural anthropology is to identify and analyze the linguistic and cultural models that represent the structure of human thought and behavior. Through structural analysis, anthropologists attempt to uncover the hidden rules and relationships that form the foundation of social organization, symbolic communication, and cultural practices. Language, in this context, is not merely a medium of communication but a model of how the human mind organizes meaning. Similarly, culture functions as a system of symbols that expresses the logic of human thought through collective traditions, myths, and customs.

The system of relationships in structural anthropology can be divided into three interconnected domains:

1. The relationship between humans and culture, which highlights how individuals express their cognitive structures through cultural symbols, values, and social norms;
2. The relationship between humans and language, emphasizing that linguistic systems mirror the structure of human thought and serve as a framework for understanding cultural expression; and
3. The relationship between humans and tradition, which reveals how inherited systems of belief, myth, and ritual embody the mental patterns that connect individuals to their collective cultural identity.

In essence, structural anthropology views human culture as a complex network of relationships and symbolic systems that reflect the logic of the human mind. By decoding these underlying structures, Lévi-Strauss and his followers sought to demonstrate that despite surface-level differences, all cultures share common mental frameworks that reveal the universal nature of human reasoning and the deep coherence of social life.

Symbolic Flow

The interpretive anthropology perspective views culture as the totality of human knowledge, beliefs, and meanings that guide and give sense to human actions. Culture, in this understanding, serves as a system of symbols and shared understandings that individuals within a society use to interpret their experiences and organize their behavior. It functions as a collective “guideline” for life one that is regarded by members of the society as true, valid, and meaningful. The central figure of this school of thought is Clifford Geertz, who revolutionized anthropological theory by shifting the focus from observing behavior as an external fact to interpreting the meanings behind human actions. Geertz defined culture as a “web of significance” spun by human beings themselves, within which they are suspended and which they continuously interpret. For Geertz, anthropology is not merely the study of social structures or functional systems, but rather the interpretation of symbols and meanings through which people understand their world. Culture, therefore, is not an objective entity that exists outside human experience; it is a dynamic system of meanings that must be comprehended from the point of view of those who live within it.

The key methodological principle of interpretive anthropology is “seeing reality from the actor’s point of view.” A researcher must seek to understand how people themselves perceive, feel, and experience their social world. This approach emphasizes thick description, a method introduced by Geertz to capture not only what people do but also the layered meanings behind their actions the intentions, values, and interpretations that give social behavior its significance. Through thick description, anthropologists can reveal how individuals make sense of their lives, interpret symbols, and construct shared realities within their cultural context.

In essence, interpretive anthropology argues that to understand a culture, one must first understand the meanings that its members attribute to their actions and the symbols that shape their worldview. Culture is not a static set of norms, but a living discourse of meaning-making that reflects the inner logic of human thought and emotion. By adopting this interpretive approach, anthropology becomes a deeply humanistic discipline, one that bridges the subjective experiences of individuals with the collective patterns of meaning that define society.

Functionalism School

This school of thought emerged as a reaction to the thinking of evolutionists, whose basic idea was that society was analyzed as separate parts, interdependent based on their function. This theory views society as a complex system in which the parts work together to promote solidarity and stability; this suggests that our social life is based on a social structure whose behavioral patterns are relatively stable (Maconis, 1997). For example, law in society, the theory is no longer universal but concerns society, tribe, nation, and single village. Method of going into the field and making descriptions/explanations.

Functionalist understanding of society and culture must be poured into ethnography. According to Radcliffe Brown, this functionalism is a development of Durkheim’s functional theory. The function of every activity is always repeated.

For example, punishment of crimes/funeral rites are the part they play in social life as a whole and therefore constitute a contribution made to the maintenance of structural continuity. According to Bronislaw Malinowski, he pioneered a theoretical framework for analyzing the function of human culture, namely a functional sub-theory of culture.(Fungsional Theory Of Culture).

Through this theory, many anthropologists made this theory a theoretical basis until the 1990s. Students use this theory as a thesis data analysis. Based on the schools of legal anthropology that have

developed over time, studying the school of legal anthropology has various benefits in the human life system. The benefits provided are not limited to knowledge alone, but include theoretical and practical benefits. Some of the theoretical benefits are as follows:

1. Can understand the legal concepts that apply in simple and modern societies.
2. To be able to understand how society can maintain its basic values and at the same time understand how society can make changes to these basic values.
3. Be able to identify differences in opinion/views in society regarding what they should do.
4. Can find out which ethnic groups/communities are still strong/fanatical in upholding the validity of their cultural values.

Meanwhile, the practical benefits are:

1. Practical benefits of law Legal practitioners are legal scholars on the stage of the legal arena in the life of society such as law makers (DPR) law enforcers (government officials, law enforcers, police, prosecutors, judges). The practical function in the legal field is to ground the law in accordance with a particular society.
2. Practical benefits of politics The political practitioners referred to are activists, namely all those whose thoughts and behavior play a role in the political era, both those who sit in the implementation of government (state administrators) and those who are outside the government (political institutions). The practical function in the political field is to balance the development of public policy / political decision making with the laws that live in a particular society.
3. Practical benefits of society It is meant by social interaction in society that the earth is getting smaller, not only radio and television that have reached rural areas but also telephones through mobile phone networks that have mushroomed so that long-distance conversations can be achieved in a short time due to technological advances. The practical function for society is to provide legal education for the community about the importance, role and position of law in society itself.

CONCLUSION

Legal anthropology serves as a vital interdisciplinary field that bridges law, culture, and society, providing a deeper understanding of how legal norms are conceived, interpreted, and applied within specific socio-cultural contexts. It transcends the traditional positivist view of law as a set of rigid rules imposed by the state, instead framing law as a dynamic social institution that both shapes and is shaped by cultural values, belief systems, and power relations. Through its theoretical evolution, from classical evolutionism and structural functionalism to interpretivist and postmodern perspectives, legal anthropology has revealed that law is not a universal construct but a culturally embedded phenomenon that varies across time, space, and community practices.

The discipline's significance lies in its dual contribution: theoretical and practical. Theoretically, legal anthropology enriches our understanding of legal pluralism, emphasizing that multiple legal systems, state law, customary law, and religious law, often coexist and interact within a single society. This recognition challenges the dominance of state-centric legal paradigms and opens up new ways to conceptualize justice from within local contexts. Practically, insights from legal anthropology play a crucial role in designing and reforming legal policies that resonate with the lived realities of the people they are meant to serve. By grounding legal reform in the socio-cultural character of a community, policymakers can foster laws that are not only effective in implementation but also legitimate and

culturally acceptable.

Ultimately, legal anthropology provides a comprehensive analytical framework for constructing a contextual, inclusive, and just legal system, one that acknowledges cultural diversity, respects local wisdom, and integrates societal values into the fabric of legal governance. In an increasingly globalized world, where tensions between formal law and local norms persist, legal anthropology offers the intellectual and ethical foundation for reimagining law as a living, adaptive process rooted in human experience and social justice.

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