

THE OBEDIENCE AND EFFECTIVENESS OF LAW:
A STUDY OF THE SOCIAL STRUCTURE AND
INDIVIDUAL BEHAVIOR

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Abstract

According to Adam Podgórecki, the purpose of the sociology of law, a theoretical and a general discipline studying regularities in the functioning of law, is to have the principles of law and order realized in a rational manner, based upon well-grounded diagnoses. The purpose of this paper is to reveal as fully as possible the conditions for the efficiency of the working of law. The awareness and understanding of such conditions would provide better information in the law making and law enforcement processes and thereby increase the likelihood of the law being more effectively observed and enforced.

By diagnosing various relevant research reports done mainly by American legal and social science scholars, this author with the aid of his own personal experience and observation finds that certainty of punishment, legality and reasonableness of the law, peer opinion and conscience appeal, all have a positive influence in the obedience of law. He also points out that the differences in cultural, racial and socio-economic backgrounds have bearings on the actor's law-related behaviors. Moreover, he casts doubt on the propriety of the use of discretionary power by many individual enforcement agents and argues for a stronger and more systematic internal supervisory function within the agencies, particularly the police. Finally, this author discusses the problem of communication and the method of social control and urges the social science scholars in Taiwan to begin to look more closely into these matters.