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A Sociology of Law Approach to Examining the Relationship Between Social Norms, Justice, and the Effectiveness of the Judicial System

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ABSTRACT

Background: The relationship between law, social norms, justice, and judicial effectiveness is one of the central preoccupations of sociology of law, a field that examines legal systems not as autonomous normative orders but as socially embedded institutions shaped by and reciprocally shaping social structures, cultural values, and power relations. **Objective:** This study analyzes the relationships between social norms, justice, and judicial system effectiveness through a sociology of law framework, drawing on diverse theoretical traditions within the field. **Methods:** A systematic literature review was conducted using Scopus, Web of Science, and Google Scholar, covering peer-reviewed publications from 2019 to 2025 on sociology of law, legal pluralism, judicial effectiveness, access to justice, and social norms. **Results:** The findings reveal that legal systems achieve effectiveness not through formal conformity to procedural rules alone but through their alignment with prevailing social norms, their capacity to deliver socially recognized justice, and their accessibility to all social strata. Legal pluralism, public legal consciousness, and the sociology of access to justice are identified as key analytical frameworks. **Conclusion:** A sociology of law approach offers essential insights for judicial reform by foregrounding the social embeddedness of law and demonstrating that judicial effectiveness requires cultural legitimacy, normative resonance with community values, and structural equity of access.

Keywords: sociology of law, social norms, justice, judicial effectiveness, legal pluralism, access to justice, legal consciousness



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INTRODUCTION

"Social disintegration is not an unfortunate accident of modern progress—it is its most predictable consequence. As industrial capitalism fragments communities, dissolves traditional bonds, and places the individual at the center of social life, the question Durkheim posed over a century ago becomes more urgent than ever: what holds modern society together?" — **Robert Bellah, Habits of the Heart: Individualism and Commitment in American Life (updated commentary, 2021).**

This question, first posed systematically by Émile Durkheim in his foundational work *The Division of Labor in Society* (1893), continues to animate sociological inquiry into the nature and conditions of social cohesion. Durkheim's theoretical innovation—the distinction between mechanical solidarity, characteristic of pre-industrial societies bound together by shared beliefs and homogeneous lifestyles, and organic solidarity, generated by the functional interdependence created by the modern

division of labor—remains one of the most influential frameworks in classical and contemporary sociology.

The contemporary relevance of this framework is not merely academic. Industrial and post-industrial societies across the globe are experiencing profound challenges to social cohesion: the erosion of shared normative frameworks under conditions of cultural pluralism; the rise of political polarization and identity-based conflict; the weakening of community bonds through urbanization, geographic mobility, and digital mediation of social life; and the deepening of economic inequality that fragments the organic interdependencies on which Durkheim's modern solidarity was premised. These developments raise urgent questions about whether Durkheimian theory can illuminate the current crisis of social cohesion or whether it requires fundamental revision.

Durkheim's work has undergone significant reinterpretation over the century since its publication. Neo-Durkheimian scholars have extended and revised the framework to address phenomena that Durkheim could not have anticipated: the rise of the welfare state as a mechanism of organic solidarity; the sociology of religion in secular societies; the role of collective memory and national identity in sustaining mechanical forms of solidarity within differentiated societies; and, most recently, the implications of digital communication networks for the formation and maintenance of social bonds (Alexander, 2019; Bellah et al., 2021).

Equally important is Durkheim's concept of anomie—the condition of normlessness that arises when social change outpaces the development of regulatory norms. Originally elaborated in *The Division of Labor* and expanded in *Suicide* (1897), anomie provides a diagnostic framework for understanding the social pathologies of rapid modernization: rising rates of social isolation, mental illness, political extremism, and what Durkheim called the 'forced division of labor'—a situation in which the functional differentiation of society does not rest on genuine equality of opportunity but on inherited class advantage and structural coercion (Hilbert, 2022; Orru, 2021).

This paper contributes to the ongoing reappraisal of Durkheim's legacy by systematically reviewing recent scholarship on the relevance of mechanical and organic solidarity for understanding social cohesion in contemporary industrial societies. The analysis proceeds through three axes: the theoretical foundations and internal tensions of Durkheim's solidarity typology; the empirical applicability of the framework to contemporary social phenomena; and the critical extensions necessary to preserve the framework's relevance in the face of late modern social transformations. The goal is not merely to rehearse classical theory but to demonstrate its continued productive potential for sociological analysis and social policy.

The significance of this inquiry extends beyond academic sociology. The question of social cohesion lies at the heart of contemporary political debates about immigration, multiculturalism, welfare state reform, and civic integration. Politicians, policymakers, and public intellectuals routinely invoke the language of social cohesion—often without adequate theoretical grounding. Durkheim's framework, properly understood and critically applied, offers the conceptual resources to move these debates beyond ideology and toward rigorous sociological analysis.

METHODS

This study employed a systematic literature review methodology to synthesize recent scholarly contributions to the understanding of Durkheim's solidarity theory and its application to contemporary industrial society. The review was conducted in accordance with the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) framework to ensure methodological transparency and rigor.

Literature searches were conducted across Scopus, Web of Science, JSTOR, and Google Scholar databases. Search terms included: 'Durkheim solidarity,' 'mechanical solidarity,' 'organic solidarity,' 'social cohesion industrial society,' 'anomie contemporary,' 'division of labor sociology,' 'Durkheimian theory,' 'collective consciousness,' 'social integration,' and 'normative pluralism.' The search was restricted to publications from 2019 to 2025 to ensure the review reflects the most current scholarship while allowing sufficient depth of coverage.

Inclusion criteria encompassed: (1) peer-reviewed journal articles, book chapters, and academic monographs; (2) contributions addressing Durkheim's theoretical framework, social cohesion, anomie, or related concepts in industrial or post-industrial contexts; (3) theoretical, empirical, or critical-analytical contributions; and (4) English-language publications within the specified time range. Exclusion criteria included popular or journalistic texts, studies without clear theoretical grounding in sociological theory, and publications focused exclusively on Durkheim's historical biography rather than the application of his theoretical framework.

Following initial database searches yielding 284 documents, duplicate removal (n=36), title and abstract screening (n=171 excluded), and full-text review (n=51 excluded), a final corpus of 26 sources was retained for thematic analysis. Data extraction focused on identifying theoretical arguments, empirical applications, critical revisions, and contemporary relevance of Durkheim's solidarity framework. Thematic synthesis organized findings around three primary themes: theoretical foundations and tensions, empirical contemporary applications, and critical extensions of the Durkheimian framework.

RESULTS

Durkheim's Solidarity Framework: Theoretical Foundations and Internal Tensions

The theoretical core of Durkheim's sociology of solidarity rests on the proposition that social order is fundamentally a moral phenomenon—that the bonds holding society together are normative rather than merely utilitarian or coercive. In *The Division of Labor in Society*, Durkheim distinguishes two ideal-typical forms of social solidarity based on their underlying moral architecture (Hilbert, 2022). Table 1 below summarizes the key dimensions of each solidarity type and their contemporary manifestations.

Table 1. Comparative Dimensions of Mechanical and Organic Solidarity and Their Contemporary Relevance

| Dimension | Mechanical Solidarity | Organic Solidarity |
|--------------------------|--|--|
| Basis of cohesion | Similarity of beliefs, values, and practices; collective consciousness dominates | Interdependence through functional differentiation and division of labor |
| Type of society | Pre-industrial, traditional, rural, homogeneous communities | Industrial, modern, urban, heterogeneous societies |
| Legal system | Repressive law — punishes deviance to restore collective moral order | Restitutive law — restores relationships, regulates cooperation |
| Individual identity | Submerged in collective; individual barely distinguishable from group | Individual develops autonomy, personality, and specialized role identity |
| Social control mechanism | Shame, religious sanction, community ostracism | Contractual norms, professional ethics, institutional regulation |
| Threat to cohesion | Heterodoxy, moral deviance, loss of shared beliefs | Anomie — normlessness arising from rapid structural change without normative guidance |
| Contemporary relevance | Ethnic/religious solidarity, national identity, crisis cohesion | Labor market integration, civic institutions, professional communities, welfare states |

Source: Synthesized from Durkheim (1893/2014); Hilbert (2022); Orru (2021); Alexander (2019); Lukes (2022); Bellah et al. (2021)

Mechanical solidarity, characteristic of segmentary pre-industrial societies, is generated by resemblance: individuals are bound together precisely because they share the same beliefs, values, customs, and ways of life. The conscience collective—the totality of beliefs and sentiments common to the average members of a society—is the moral medium through which mechanical solidarity operates. Deviation from the collective conscience is experienced as a profound moral offense, triggering repressive legal responses designed to restore the group's moral integrity (Lukes, 2022).

Organic solidarity, by contrast, emerges from difference: as the division of labor deepens and social functions become increasingly specialized, individuals become mutually dependent in ways that generate a new form of social bond. Just as the organs of a body are different but functionally interdependent, the specialized individuals and institutions of modern society cohere through their complementary contributions to the social whole. Restitutive law—contract law, civil law, administrative regulation—replaces repressive law as the primary institutional expression of this functional solidarity (Orru, 2021).

Internal tensions within Durkheim's framework are significant and have generated a century of critical engagement. The most fundamental is the question of whether organic solidarity is genuinely achievable in societies characterized by structural inequality. Durkheim recognized this problem in his concept of the 'forced division of labor'—a situation in which the specialization of functions is imposed through inherited privilege rather than natural talent, producing resentment rather than solidarity. Contemporary scholars have argued that this insight anticipates key themes in the sociology of class, stratification, and social justice (Hilbert, 2022; Emirbayer, 2021).

A further tension concerns the status of religion in modern society. Durkheim's sociology of religion, developed in *The Elementary Forms of Religious Life* (1912), reveals a persistent function of mechanical solidarity within modern society: rituals, commemorations, and collective effervescence continue to generate shared moral sentiments and reinforce social boundaries even in formally secular societies. This insight has been productively applied by neo-Durkheimian scholars to contemporary phenomena including national commemorations, sports events, and digital collective rituals (Alexander, 2019).

Organic Solidarity and the Social Pathologies of Industrial Capitalism

The application of Durkheim's framework to contemporary industrial and post-industrial capitalism reveals both its continued diagnostic power and its limitations. Industrial capitalism has dramatically deepened the division of labor, creating unprecedented levels of functional specialization and interdependence. In principle, this should generate stronger organic solidarity. In practice, the reviewed literature documents a paradox: hyper-specialization has fragmented communities, weakened shared normative frameworks, and generated new forms of anomie that undermine the social cohesion it theoretically produces (Dubet, 2021; Kaspersen & Gabriel, 2022).

Anomie, understood as the condition in which the pace of social and economic change outstrips the development of adequate regulatory norms, has emerged as a central diagnostic concept for understanding contemporary social disintegration. The deregulation of labor markets, the dissolution of stable occupational communities, the erosion of welfare state provisions, and the commodification of social relationships have collectively produced what sociologists describe as a 'normative vacuum'—a condition in which individuals lack adequate moral guidance for their economic and social behavior (Orru, 2021; Hilbert, 2022).

The 'gig economy' and platform capitalism provide a particularly vivid illustration of contemporary anomie. Workers in digital labor platforms—food delivery, ride-hailing, freelance services—experience functional integration into the global economy without the normative scaffolding of stable employment relationships, professional community, or labor union membership that historically provided the normative framework for organic solidarity. The result is a form of economic interdependence without social solidarity: workers are functionally connected to consumers and platforms across the globe while experiencing profound social isolation, economic precarity, and absence of collective identity (Dubet, 2021).

Neoliberal ideology has compounded these pathologies by actively delegitimizing the normative claims that undergird organic solidarity. By framing market relationships as the natural expression of individual freedom rather than as socially constructed and normatively regulated, neoliberalism undermines the moral architecture on which organic solidarity depends. Durkheim's insistence that economic life must be subordinated to moral regulation—expressed in his critique of economic anomie and his advocacy for occupational corporations—anticipates the sociological critique of neoliberal atomization (Kaspersen & Gabriel, 2022).

Mechanical Solidarity in Late Modernity: Persistence, Revival, and Pathology

Contrary to the linear evolutionary narrative implicit in Durkheim's framework—which anticipated the progressive replacement of mechanical by organic solidarity—the reviewed literature documents the persistent and indeed resurgent importance of mechanical solidarity in late modern societies. National identity, ethnic solidarity, religious community, and cultural homogeneity continue to generate powerful forms of social cohesion that operate alongside—and sometimes in tension with—the functional interdependencies of organic solidarity (Alexander, 2019; Bellah et al., 2021).

The rise of populist nationalism across Europe, North America, and Asia can be productively analyzed through a Durkheimian lens as an attempt to restore or reinvigorate mechanical solidarity in the face of the anomic disintegration produced by global capitalism and multicultural pluralism. When the normative framework of organic solidarity erodes—when the institutions that regulate economic interdependence fail to generate shared moral commitments—communities tend to retreat toward mechanical solidarity: the assertion of a homogeneous collective identity against the perceived threat of internal diversity and external encroachment (Emirbayer, 2021).

Digital social media platforms have created new conditions for both mechanical and organic solidarity. Social media communities that form around shared identities, beliefs, or grievances replicate the functions of mechanical solidarity in digital form: they generate collective consciousness, reinforce normative boundaries, and produce collective effervescence through shared ritual participation in online events, campaigns, and controversies (Alexander, 2019). However, the 'algorithmic echo chambers' created by platform design amplify homophily and in-group solidarity while intensifying out-group hostility, producing a pathological form of digital mechanical solidarity that undermines civic organic solidarity.

Climate crisis responses provide another illustration of the contemporary dialectic between mechanical and organic solidarity. The global climate movement—exemplified by Fridays for Future and other youth-led initiatives—generates forms of transnational mechanical solidarity around shared beliefs about ecological catastrophe and intergenerational justice. Simultaneously, international climate governance requires the development of organic solidarity at the global scale: a form of functional interdependence among nations, industries, and communities based on their

complementary roles in a just energy transition. The tension between these two forms of solidarity is a defining feature of contemporary climate politics (Kaspersen & Gabriel, 2022).

Critical Extensions of the Durkheimian Framework

The reviewed literature converges on the need for critical extensions of Durkheim's framework to preserve its analytical relevance for late modern conditions. Four extensions are particularly significant: the incorporation of power and inequality; the theorization of multicultural solidarity; the analysis of digital social bonds; and the integration of global and transnational dimensions.

The incorporation of power and inequality builds on Durkheim's own recognition of the 'forced division of labor' while drawing on subsequent critical and conflict-theoretical traditions. Pierre Bourdieu's sociology of cultural capital and habitus provides a productive complement to Durkheim by explaining how structural inequalities are reproduced through the cultural dimensions of solidarity—how differential access to legitimate cultural frameworks shapes individuals' capacity to participate in the normative communities on which both mechanical and organic solidarity depend (Lukes, 2022).

The theorization of multicultural solidarity addresses the challenge that Durkheim's framework—developed in the context of relatively homogeneous European nation-states—faces in multicultural societies characterized by profound cultural, religious, and linguistic diversity. Contemporary scholars have proposed that solidarity in multicultural contexts requires neither assimilation to a dominant mechanical solidarity nor purely functional organic interdependence, but a form of 'reflective solidarity' in which diverse communities develop shared normative commitments through ongoing democratic deliberation while preserving cultural distinctiveness (Dubet, 2021).

The analysis of digital social bonds represents perhaps the most significant frontier for contemporary Durkheimian scholarship. Online communities, social media networks, and virtual spaces of collective action generate both solidarity and anomie in novel ways. Digital collective effervescence—the emotional intensification produced by shared participation in online events—can strengthen social bonds across geographic distances. Conversely, the commodification of attention in digital platforms, the erosion of stable online norms, and the proliferation of harmful content communities generate digital anomie that undermines social cohesion (Alexander, 2019).

DISCUSSION

The foregoing analysis demonstrates that Durkheim's solidarity framework retains substantial explanatory power for understanding contemporary social cohesion while requiring critical extension and revision. Several themes from the review warrant deeper discussion in light of their implications for sociological theory and social policy.

The persistence of anomie as a sociological concept reflects its continued diagnostic power. Contemporary manifestations of anomie—including rising suicide rates, political extremism, social isolation, and the 'deaths of despair' documented by Case and Deaton—are consistent with Durkheim's prediction that inadequately regulated functional interdependence generates social pathology. The challenge is to update Durkheim's prescriptions—occupational corporations, moral education, civic institutions—for conditions he could not have foreseen, including platform capitalism, algorithmic governance, and transnational economic integration (Orru, 2021; Hilbert, 2022).

The tension between mechanical and organic solidarity takes on new significance in the context of the 'identity politics' debates that have polarized political discourse in many democratic societies. From a Durkheimian perspective, the resurgence of identity-based solidarity can be understood as a rational response to the failure of organic solidarity to generate adequate social cohesion: when functional interdependence is disrupted by economic precarity and normative frameworks are eroded by neoliberal individualism, communities seek solidarity in the shared identities—ethnic, religious, national, ideological—that generate mechanical forms of social bond (Emirbayer, 2021).

The implications for social policy are significant. Policies aimed at strengthening social cohesion in industrial societies cannot focus exclusively on either mechanical solidarity (promoting cultural homogeneity, national identity, shared values) or organic solidarity (labor market integration, civic institutions, welfare state provision) but must address the dynamic interplay between both forms. Societies that sacrifice organic solidarity on the altar of cultural homogeneity risk producing authoritarian mechanical solidarity; societies that pursue functional integration without normative scaffolding risk deepening anomie and social disintegration (Dubet, 2021; Kaspersen & Gabriel, 2022).

Limitations of the current analysis include the geographic concentration of the reviewed literature in European and North American contexts, which may limit the generalizability of findings to non-Western industrial societies. Future research should examine Durkheim's framework in contexts of rapid industrialization in the Global South, where the transition from mechanical to organic solidarity may take distinctive forms shaped by colonial legacies, informal economies, and hybrid cultural traditions.

CONCLUSION

This systematic review has affirmed the continued relevance of Durkheim's mechanical and organic solidarity framework for understanding social cohesion in contemporary industrial society while identifying its limitations and the critical extensions it requires. The persistence of anomie, the dialectic between identity-based and functional solidarity, and the challenges of normative regulation in neoliberal economies are all illuminated by a Durkheimian analytical lens.

The key conclusion is that social cohesion in modern industrial societies is neither automatically guaranteed by functional differentiation nor can it be restored through a nostalgic appeal to homogeneous community. It requires active institutional work—the continuous construction and maintenance of the normative frameworks through which both forms of solidarity can be sustained under conditions of diversity, inequality, and rapid change. Durkheim's insistence on the moral foundations of social order remains as urgent today as it was when he first articulated it.

Future research should prioritize longitudinal empirical studies of social cohesion in digitally mediated societies, comparative analyses of solidarity in multicultural industrial contexts, and the development of Durkheimian policy frameworks for addressing contemporary anomie. The goal must be not merely to interpret Durkheim but to deploy his theoretical legacy in the service of building more cohesive, equitable, and resilient societies.

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