

CRIMINAL AND ADMINISTRATIVE ASPECTS OF THE SOCIOLOGY OF LAW: OPPORTUNITIES FOR EXPANDING THE RESEARCH AND THE FIELD OF EXPERTISE

Valerii Karpuntsov*
Roman Veresha**

ABSTRACT

At the moment, the sociology of law is one of the interdisciplinary sciences involving the study of law as a social institution. Nevertheless, despite attempts by social scientists to consolidate legal and sociological ideas, law and sociology remain split up. This study examines the current situation with the sociology of law, existing problems within theoretical discourse, and the opportunities for extending its theoretical and methodological feature set to criminal and administrative law. Given the ongoing debate about the disciplinary affiliation of sociology of law, science continues to face problems of terminological uncertainty, the need for a clearer definition of the scope of the study, prioritized from the perspective of the science development logic. This makes it difficult to apply the resources of sociology of law not only to criminal and administrative law but also to other branches of jurisprudence.

KEYWORDS: *administrative law, crime, criminology, deviance, rules of law.*

1. INTRODUCTION

The sociology of law is a relatively new branch of scientific knowledge, established as a subject and branch of science in the second half of the 20th century. The emergence of the sociology of law can be called natural for this historical period. Among other disciplines that emerged in the late 19th and early 20th

* Valerii Karpuntsov, Kyiv National University of Construction and Architecture, Kyiv, Ukraine; vakarpuntsov6@ukr.net.

** Roman Veresha, Academy of Advocacy of Ukraine, Kyiv, Ukraine; rommveresha@ukr.net.

centuries, it was preceded by the emergence of criminology, victimology, the ultimate development of psychology into a science, and, in essence, sociology as such.¹ The need to distinguish the sociology of law as a separate science may be referred to as a consistent phase in the development of jurisprudence. This phase, in turn, was preceded by:

- the legal community’s awareness of the need to better understand social processes for the further development of legal science;
- expansion of the jurisprudence methodologies;
- accepting the possibility to address such legal phenomena, which had not been covered previously.

Yet, there was a growing awareness among researchers of the need for an independent avenue of research, capable of unlocking the opportunities for using the sociological approach to jurisprudence - the sociology of law.²

As things stand, despite some differences in definitions, there is no fundamental disagreement among researchers about the understanding of the essence of sociology of law as a science, a branch of knowledge. Sociology of law is commonly regarded as an interdisciplinary science addressing the social nature and goals of the law, identifying and analyzing the essence, logic, and patterns of interaction of law with other social phenomena and the entire society.³

Modern sociology of law is an empirical study of how law, regulation, rule, or legal maxim is implemented. Its scope extends to the study of legal reality’s social dimension, the study of human behavior in society insofar as it is determined by, and insofar as it affects, generally recognized ethical and legal standards. Jurisprudence, on the other hand, studies rules as such from three main perspectives: analytical, historical, and theoretical.⁴ Roughly speaking, the sociology of law is designed to understand and explain how the law works. Consequently, the sociology of law can provide a more detailed and unbiased insight into the law and the legal arrangements than the tools that doctrine and black letter laws can provide.⁵ As for theoretical and methodological certain-

¹ Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abington, New York, 2017, p. 12.

² Varchuk, V.V.: *Sociology of law is a branch of sociology*, Sociological Research, 10 1996, pp. 102-109.

³ Kudryavtsev, I.: *Sociology of Law*. Thesis for PhD. Project: Introduction and use of information technologies in law-making activities, 2021, p. 7.

⁴ Timasheff, N.S.: *What Is “Sociology of Law”?*, American Journal of Sociology, 43(2) 1937, [<https://doi.org/10.1086/217681>], pp. 225-235.

⁵ Kasyanov, V.V.; Nechipurenko, V.N.: *Sociology of law. Textbook*, Rostov on Don, 2001, p. 8.

ty, the spread of sociology within jurisprudence, where sociology of law also found itself dispersed between relevant disciplines and the general theory of state and legal theory, plays a special role. Such branches as civil, criminal, and administrative law, having accepted the sociological method, created their own sociological and legal knowledge.⁶

Unlike the legal approach to the study of legal arrangements, which includes a study of the rules of law, pieces of legislation, case history, the sociological approach seeks to reveal more profound connections, reflecting the essence of legal phenomena in terms of logic, including such components as social interactions, the law itself, the operation of legal standards in society, their social effectiveness. The sociological approach helps to outline the subject of sociology and contributes to the study of legal phenomena.⁷

The sociological methods are applied in jurisprudence to establish the extent to which the rules of law are implemented in everyday life, whether there is a gap between the ends and means. Sociological methods may be used to assess the effectiveness of legal rules (arrangements) through the study of public opinion, etc.⁸

Sociological perceptions of law as an institution provide legal practice and legal theory with insights into social processes, and social science helps jurisprudence investigate whether its assumptions are based on the actual state of things in everyday life. Nevertheless, despite attempts by social scientists to consolidate legal and sociological ideas, law and sociology remain separate and theoretical debates about the disciplinary affiliation of sociology of law continue to this day.⁹

While the definition of sociology of law suggests more or less clearly to which branch of knowledge it refers, the theoretical developments in this area are much less obvious. More specifically, this is due to questions about its institutional structure. Current studies often suggest that in some countries research institutions and university professors in the sociology of law have almost com-

⁶ Gaidareva, I.N. et al.: *BR sociology of law in the system of legal sciences: The history of formation*, Research-Science, 13 2020, pp. 40-44.

⁷ Marchenko, M.N.: *Concept and subject of sociology of law*, Moscow University Bulletin. Series 11. Law, 5 2012, pp. 21-37.

⁸ Varchuk, V.V.: *Sociology of law is a branch of sociology*, Sociological Research, 10 1996, pp. 102-109.

⁹ Bengoetxea, J.: *Legal theory and sociology of law*, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, [https://doi.org/10.4337/9781789905182], pp. 7-18.

pletely disappeared over the past few decades.¹⁰ Contemporary studies concerning the extension of the sociology of law into related branches focus on:

- theoretical and legal issues of the development of the sociology of law in Germany;¹¹
- contribution of jurisprudence to the sociology of law;¹²
- contemporary aspects of a critical sociology of law;¹³
- deviance and criminal law;¹⁴
- sociology of law and the new legal realism;¹⁵
- sociology of law as a special field of expertise in legal education.¹⁶

Despite the obvious opportunities offered by the sociology of law's toolkit, current theoretical and empirical research on this issue is very limited. Most theoretical studies do not assess the possibilities of expanding the sociology of law, typically limiting themselves to describing the current situation. This fact contributes to the purpose of this study - to determine what prospects the sociology of law has in terms of expanding its feature set to the legal sciences.

2. METHODOLOGICAL FRAMEWORK

Keeping in mind the theoretical nature of this paper, the research is based on the method of content analysis, which involves the study of the sociology of law from various researchers' perspectives. The paper focuses on the

¹⁰ Bora, A.: *Sociology of law in Germany: Reflection and practice*, Journal of Law and Society, 43(4) 2016, [<https://doi.org/10.1111/jols.12005>], pp. 619-646; Kharel, A.: *Sociology of Law: An Overview of Jurisprudential Foundations*, 2020, p. 6.

¹¹ Bora, A.: *Sociology of law in Germany: Reflection and practice*, Journal of Law and Society, 43(4) 2016, [<https://doi.org/10.1111/jols.12005>], pp. 619-646.

¹² Kharel, A.: *Sociology of Law: An Overview of Jurisprudential Foundations*, 2020, p. 6.

¹³ De Munck, J.: *Human rights and capabilities: a program for a critical sociology of law*, Critical Sociology, 44(6) 2018, [<https://doi.org/10.1177%2F0896920517715764>], pp. 921-935.

¹⁴ Anleu, S.R.: Sociology of deviance and criminal law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, [<https://doi.org/10.4337/9781789905182>], pp. 318-331.

¹⁵ Morrill, C.; Edelman, L.B.: Sociology of law and new legal realism, in: *Research Handbook on Modern Legal Realism*, Cheltenham, UK, Northampton, MA, 2021, [<https://doi.org/10.4337/9781788117777>], pp. 413-431.

¹⁶ Lista, C.A.; Begala, S.: La sociología jurídica como campo de conocimiento especializado en la formación de los abogados, in: *XV Congreso Nacional Y V Latinoamericano De Sociología Jurídica*, Rosario, Argentina, 2014, pp. 1-20.

development of the sociology of law as a branch of science, the relationship between the sociology of law with jurisprudence and general sociology, and the academic debate on the disciplinary affiliation of sociology of law. Based on the object of this study, the paper brings up an issue of the current state, opportunities, and obstacles to the expansion of sociology of law to criminal and administrative law. The paper addresses the difficulties of theoretical and methodological nature attributed to the application of sociological approaches to the study of administrative, and public legal relationships.

3. RESULTS AND DISCUSSIONS

The emergence of the sociology of law as a branch of science and field of expertise is often attributed to dissatisfaction with the explanations of legal reality that traditional legal science can provide. The need to shift the focus from the legal field to the society's perception of specific legal arrangements, primarily to find out what the current laws actually do for citizens in one form or another, or what citizens are deprived of due to the absence or low effectiveness of specific legal arrangements, serves as the main argument on this issue.¹⁷

Going back to the classic works of Émile Durkheim and Max Weber, for some time the sociology of law was essentially a part of the interdisciplinary field of law and social studies or movements, but recently it has evolved into a relatively autonomous branch of theory and research in sociology. It is from the theoretical and methodological profile of sociology that sociology of law draws its unique approach and value as a contribution to the social study of law.¹⁸

Following positivist approaches to the definition of law, the latter, as a social institution, during its evolution included many socio-historical phenomena that have taken different forms and functions at different times and under different circumstances and, accordingly, cannot be covered by a single definition. Sociological perceptions of law as an institution are intended to provide an unbiased understanding of the connection of legal practice and legal theory with social processes, and the social sciences help jurisprudence examine whether its assumptions are based on legal reality.¹⁹

¹⁷ Gaidareva, I.N. *et al.*: *Sociology of law in the system of legal sciences: The history of formation*, Research-Science, 13 2020, pp. 40-44.

¹⁸ Deflem, M.: *Sociology of law: Visions of a scholarly tradition*, Oxford, 2008, [<https://doi.org/10.1093/OBO/9780199756384-0056>], p. 5; Thornhill, C.; Christodoulidis, E.: *New bearings in the sociology of law*, *Social & Legal Studies*, 23(4) 2014, [<https://doi.org/10.1177/2F0964663914543218>], pp. 487-489.

¹⁹ Bengoetxea, J.: Legal theory and sociology of law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, [<https://doi.org/10.4337/9781789905182>], pp. 7-18.

The separation of sociology of law and jurisprudence as disciplines is largely based on the distinction between the categories of “is/should be,” facts, and values, which are separate dimensions. Along with this radical division, research in the field of sociology of law, as part of its subject matter, should focus on the current situation with legal processes based on their social essence, which, in turn, is not addressed by jurisprudence. To support the latter claim, the argument is made that analytical jurisprudence of legal positivism is becoming increasingly abstract, specific, and narrow, ignoring social theory or history - ignoring the essence.²⁰

One of the main debates focuses on the issue of whether the sociology of law is a legal science or a sociological science. Development of the sociology of law, like any new branch of science, is established in related fields and is accompanied by regular discussions of its scientific affiliation and status as an academic discipline. In this context, sociological literature predominantly perceives sociology of law as one of the branches of general sociology, i.e. a sociological, rather than a legal discipline.²¹

In basic sociological research, sociology of law is viewed as an academic major within the general discipline of sociology that attempts to theorize and explain the relationship between:

- the law and society;
- the social organization of a legal institution (order or system);
- social interactions of all who come into contact with the legal institution and its representatives;
- the meaning that people put into the definition of their legal reality.²²

Yet, in jurisprudence, the sociology of law is regarded as an independent area of law with a general theoretical status and significance. Within jurisprudence, the sociology of law has general research, and yet general educational importance.²³

²⁰ Bengoetxea, J.: Legal theory and sociology of law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, [<https://doi.org/10.4337/9781789905182>], pp. 7-18.

²¹ Gurvitch, G.; Hunt, A.: *Sociology of law*, New Brunswick, London, 2020, p. 12.

²² Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abigton, New York, 2017, p. 12.

²³ Kudryavtsev, I.: *Sociology of Law*. Thesis for PhD. Project: Introduction and use of information technologies in law-making activities, 2021, p. 7.

The prevailing view in contemporary research is that the sociology of law is primarily concerned with empirical jurisprudence rather than doctrinal or prescriptive legal research. Empirical jurisprudence emphasizes that understanding the nature of law requires not only systematic empirical analysis of legal doctrine and institutions but also of the social context in which legal institutions exist.²⁴

The tension between the sociology of law as a major in the broader discipline of sociology, on the one hand, and one approach to law and society, on the other, is discussed in writings in the area of sociology of law. Some of such writings have nothing to do with the sociological study of law, but instead provide overviews of the interdisciplinary area of law and society or treat sociology of law in more general terms (as a social science) or, in a very broad sense, particularly as an approach (method) in jurisprudence.²⁵

The ongoing debate over the discipline to which sociology of law belongs is far from over. Contemporary legal studies in the field of sociology of law suggest that, despite the recognition of sociology of law as a new area of law, there is a recognition of such social phenomena, which cannot be studied within jurisprudence, considered as an analysis of legal standards, because, ultimately, its effectiveness is expressed in the impact on non-legal phenomena, on the actual relations between people.²⁶ This being the case, sociologizing of jurisprudence involves the need to develop new problems that cannot be posted within jurisprudence. Yet, sociology opens the way for discussion of the legal system and its principles in terms of social relations. Such reasoning, in turn, raises questions as to whether the sociology of law actually belongs to the field of law.

On the contrary, when speaking of the relationship between the theoretical and methodological framework of sociology of law and general sociology, it should be emphasized that this relationship can be traced much more intrinsically. For example, the methods used in the sociology of law (surveying, comparative historical, statistical methods, etc.) are primarily adaptations of sociological methods. The same is true of terminological issues. Such terms as “social coercion” and “social control” are widely used in sociology.²⁷

²⁴ Kharel, A.: *Sociology of Law: An Overview of Jurisprudential Foundations*, 2020, p. 6.

²⁵ Deflem, M.: *Sociology of law: Visions of a scholarly tradition*, Oxford, 2008, [<https://doi.org/10.1093/OBO/9780199756384-0056>], p. 5.

²⁶ Alvesalo-Kuusi, A.; Tombs, S.: Sociology of law, in: *The Encyclopedia of Crime and Punishment*, Hoboken, NJ, 2015, pp. 1-5.

²⁷ Varchuk, V.V.: *Sociology of law is a branch of sociology*, *Sociological Research*, 10 1996, pp. 102-109

Despite the above arguments that sociology of law has more in common with sociology than with law, it is important to mention that there is an opposing view. It is counterargued that contemporary writings devoted to the theoretical issues of sociology of law currently lack a conceptual and theoretical link between the subject and method of general sociology and the subject and method of sociology of law as its separate branch. Furthermore, relevant studies lack a definition of law as a sociological term, the law as a social phenomenon, and as a component of the society's sociological definition. Yet, there is no description of the sociological vision of law and the scope of research, prioritized from the perspective of the science development logic. To say that the sociology of law as a sociological discipline has already been developed would be premature relying on such arguments.²⁸

Despite the objective need for the existence of sociology of law, and the potential contribution it could make to both sociology and jurisprudence, sociology of law as a science and academic discipline has had great difficulty expanding its influence. Lawyers feared an erosion of the prescriptive nature of law, and sociologists feared the introduction of an evaluative component to their science.²⁹ In part, this resulted in a situation where the sociology of law is now sometimes regarded as a marginal science.³⁰ Nevertheless, such an assessment is completely undeserved. Although less attention is currently given to the sociology of law than it deserves, an expansion of socio-legal research into a legal relationships in the areas of labor, administrative, and family laws could significantly improve the understanding of the role and functioning of specific legal instruments from the perspective of public perception.

Speaking about the focus area in which sociology of law can be expanded, attention should be paid, first of all, to criminal law (the relationship of sociology of law with law, general sociology, administrative and criminal laws in terms of the research focus - see Figure 1). Criminal law and sociology are the essences of criminology. The latter, despite differences of opinion, is typically referred to as the criminal law system.³¹ Yet, it is clear that criminology cannot

²⁸ Deflem, M.: *Sociology of law: Visions of a scholarly tradition*, Oxford, 2008, [<https://doi.org/10.1093/OBO/9780199756384-0056>], p. 5; Thornhill, C.: *The sociology of law and the global transformation of democracy*, Cambridge, 2018, p. 15.

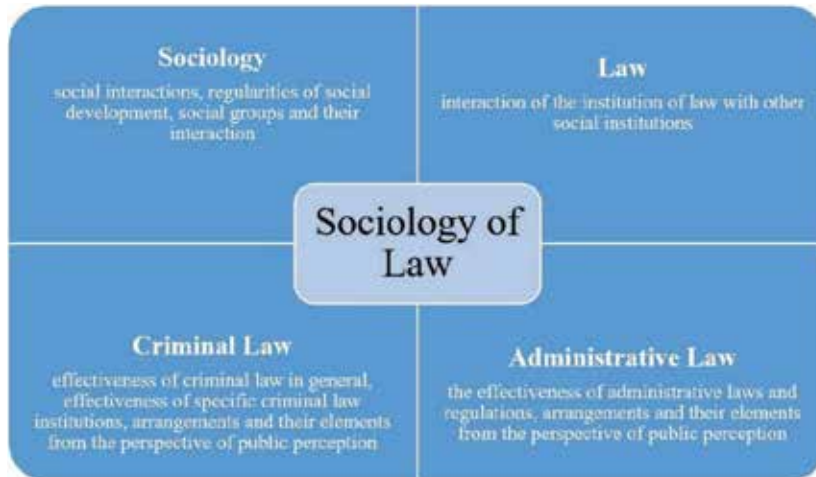
²⁹ Gaidareva, I.N. et al.: *Sociology of law in the system of legal sciences: The history of formation*, Research-Science, 13 2020, pp. 40-44.

³⁰ Bora, A.: *Sociology of law in Germany: Reflection and practice*, Journal of Law and Society, 43(4) 2016, [<https://doi.org/10.1111/jols.12005>], pp. 619-646.

³¹ Markuntsov, S.A.: *On the relationship between criminology and criminal law sociology in the context of the theory of criminal law prohibitions*, All-Russian Criminological Journal, 3 2012, pp. 22-27.

absorb many social issues directly related to the institutions and rules of criminal law, which, in particular, comes from the very definition of criminology as the crime science, focusing on the offender's personality (with an emphasis normally made on the latter).³²

Figure 1. Interrelation of sociology of law with law, general sociology, administrative and criminal law in terms of the research focus.



Such issues should include:

- influence (protection) in terms of criminal law, which is not directly included in regulation under criminal law;
- social causation and overall effectiveness of the criminal law and specific criminal law institutions (for example, complicity, active remorse, suspended sentencing);
- issues closely related to those mentioned above, including such issues as thinking in terms of criminal law, risks under criminal law, assessment of the role and importance of criminal law for society and its specific social groups, etc.³³

³² Clarke, R.V.; Felson, M.; Introduction: Criminology, routine activity, and rational choice, in *Routine activity and rational choice*, New York, 2017, [https://doi.org/10.4324/9781315128788], pp. 1-14; Vito, G.F.; Maahs, J.R.: *Criminology*, Burlington, MA, 2015, p. 4.

³³ Markuntsov, S.A.: *On the relationship between criminology and criminal law sociology in the context of the theory of criminal law prohibitions*, All-Russian Criminological Journal, 3 2012, pp. 22-27.

In the context of criminal law, the issues of sociology of law and criminology include the study of the socially conditioned nature of deviance, as well as ideas about the relationship of deviance to the public authority and the social structure.³⁴ The fundamental task of socio-legal research in this area involves examining the relationship between deviance, social control, and the criminal justice system, using research methods such as statistical analysis, surveys, methods based on ethnographic knowledge, content analysis, etc. Different categories of people perceive deviance, social control, and attitudes toward the criminal justice system differently.³⁵ Sociology of law was designed to bring clarity to issues of understanding the social processes that influence commitment to, or respectively rejection of, deviance. The results of sociological research on criminal law, criminology, and deviance as a component of criminology should address the development of new theories and such issues as:

- components, the trends of criminal justice development;
- development of philosophical views in the criminal justice system;
- enforcement of proper behavior;
- the impact of law and lawmaking on social change and people's rights.

In a broader sense, the sociology of law should focus on:

- crime as a social phenomenon;
- theory and structure of community corrections programs;
- criminal policy and law enforcement;
- current trends in the involvement of various categories of individuals in crime and their attitude towards the legal system.³⁶

Revisiting the issue of extending the sociology of law to the branch of administrative law, it should be emphasized that this area looks very promising for research. Furthermore, only a few writings have been devoted to this issue. In this case, there are known discrepancies in the interpretation of the concept of

³⁴ Gendzwill, A.; Swianiewicz, P.: *Does local democracy perform better in smaller jurisdictions? Survey evidence from Poland*, *Lex Localis*, 14(4) 2016, [[https://doi.org/10.4335/14.4.759-782\(2016\)](https://doi.org/10.4335/14.4.759-782(2016))], p. 759; Onyango, G.: *Organizational disciplinary actions as socio-political processes in public organizations*, *Public Organization Review*, 19(2) 2019, [<https://doi.org/10.1007/s11115-017-0401-7>], pp. 227-248.

³⁵ Pecile, V.: *The legal field as battleground for social struggle: Reclaiming law from the margins*, *Oñati Socio-Legal Series*, 11(6) 2021, [<https://doi.org/10.35295/osls.iisl/0000-0000-0000-1216>], pp. 187-208.

³⁶ Baratta, A.: *Sociology of law and sociology of criminal law*, *Sociologia Del Diritto*, 2 1974, pp. 245-253.

administrative law, features, and differences associated with its role in public law. Summarizing existing definitions, both from the perspectives of the continental and case law systems, administrative law is an integral part of the legal science and a branch of public law regulating:

- social interactions among individuals with state authorities and authorized officials;
- relations attributed to the public functions of the government's executive branch.³⁷

When it comes to the empirical aspect of the sociology of law's relationship with administrative law, primary attention should be drawn to the theoretical gap in research. On the one hand, this gap looks understandable and legitimate, because it is attributed to the limited methods of sociology of law, which require adaptation to the new field of research, the subject, and object of research. To put that into perspective, it is acceptable to refer to interviewing, as one of the main sociological tools for public opinion research, in order to study the effectiveness of the impact of specific administrative (legal) arrangements on individuals interacting with administrative bodies. This method raises the question of whether the examination and evaluation of administrative law instruments will become an overall assessment of policy, and how relevant the answers will be for the purpose of making an unbiased assessment of the object of study on their basis. On the other hand, the lack of attempts to study specific elements of relations under administrative law with input from available sociological tools does not contribute to the knowledge expansion in the sociology of law. Yet, even the limited results of empirical research could become the basis for subsequent improvement of the methodologies and research methods. Needless to say, studies are relying on sociological methods related to the issues of:

- competence of employees in the system of public administration;³⁸
- public opinion research;
- trust in public authorities, the legal system, public administration reforms, public services, etc.

Some authors apply sociological methods to investigate ideas, the rule of law, civil society, and direct democracy.³⁹

³⁷ Mazhari, M.; Marandi, S.: *Survey on the legal effects of competence in public law and capacity in private law*, Journal of Civil Law Knowledge, 7(1) 2018, pp. 67-75.

³⁸ Mazhari, M.; Marandi, S.: *Survey on the legal effects of competence in public law and capacity in private law*, Journal of Civil Law Knowledge, 7(1) 2018, pp. 67-75.

³⁹ Kasemets, A.: *Sociological and public opinion research as reflection for the parliament and civil society*, in: *Ageing Societies, New Sociology - 6th Conference of the European Sociolog-*

All such studies typically are of general nature and tend to focus more on views concerning issues of a general legal nature, not limited to a purely single area of law. Yet, the specific nature of sociology of law directly for administrative law is leveled. Put differently, an outsider cannot assess the effectiveness/inefficiency of specific administrative tools and procedures.

However, research in sociology has rarely been devoted to theorizing about this kind of source, focusing on the social features of the law. Empirical data are usually summarized and analyzed from the political science perspective. This is particularly true of individuals' attitudes toward public authorities, political decisions and actions of the government within the existing authority, and the degree of legitimacy. Sometimes the resulting data are analyzed within general sociological theoretical approaches when the object of research is considered in terms of inclusion, and conflict resolution models.⁴⁰

As for socio-legal research in administrative law, the theoretical and methodological training of professionals (who might not have the appropriate knowledge of the problem statement, research algorithm, data interpretation, etc.) for field research (such as interviews, questionnaires, etc.) seems quite justified.

Existing discussions of the purpose, subject matter, and methods of sociology of law at various historical periods provide plenty of resources that make it possible to arrive at certain theoretical conclusions. First of all, it becomes apparent that sociologists and lawyers often do not understand each other, since there is no common language of terms in the sociology of law. A similar conclusion extends to the field of research methodology. This, in turn, leads to difficulties in determining the ability of sociology of law to expand into areas of law.

Nevertheless, such an expansion would make sense. At the moment, sociologists and lawyers have unequivocally acknowledged that achievement of the rule of law depends not so much on the degree of perfection of legal standards, as on the study and proper interpretation of the essence of legal and social phenomena and processes underlying the implementation of legal standards in specific relations, proper behavior. Based on such considerations, it is obvious

ical Association. Panel: Political Sociology, Murcia, Spain, 2003, pp. 1-10; Malyshev, E.A.; Fedorov, P.A.: *The results of a sociological study of administrative and legal regulation in the field of migration: on the example of the internal affairs bodies*, Bulletin of the St. Petersburg University of the Ministry of Internal Affairs of Russia, 4(60) 2013, pp. 50-57; Smith Jr, P.F.: *Administrative law survey*, Denver University Law Review, 71 1993, p. 801.

⁴⁰ Thornhill, C.: *The sociology of law and the global transformation of democracy*, Cambridge, 2018, p. 15; Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abington, New York, 2017, p. 12.

that without the study of the legal and social context, which underpins the operation of law, effective rule-making and law enforcement would be impossible.⁴¹

When it comes to the expansion of the sociology of law into related branches, the greatest convergence is currently taking place between the sociology of law and criminology. Sociology studies specific social interactions taking place at various levels. Criminology essentially also focuses on various aspects of social interactions, but it looks at them through studying crime. In Western economies, sociology of crime and criminology are often part of the same academic course.⁴²

Even though the concept of sociology of crime is much narrower than that of criminology, it nevertheless provides a sufficiently capacious idea of the subject of science and the relationship with the latter.⁴³ In addition to many common overlaps in terms of subject and object of study, criminology relies in part on the achievements of sociology. This being the case, the relationship is described by reciprocal influence. Sociology relies on criminological findings to study social interactions, including studies of the offender's personality, data on crime, causes, contributing factors, statistics for criminology, etc. In turn, criminology exploits sociological research focusing on society and personality, upbringing, education, and social interaction within groups. Criminology can essentially resort to the entire range of sociological methods for studying social phenomena within its tasks. At the intersection of several disciplines, including criminology, sociology, psychology, and medicine, a general theory of deviance is developing.⁴⁴

Yet, in contemporary sociology of law, where the leading role is played by legal professionals, the research focus has recently shifted from the established prerogatives in the study of the effectiveness of legal standards towards the objective nature of law, the study of the origin and comparative analysis of law and other social regulators. The latter is consistently considered within the system of prescriptive self-regulation being developed in society and the

⁴¹ Kudryavtsev, I.: *Sociology of Law*. Thesis for PhD. Project: Introduction and use of information technologies in law-making activities, 2021, p. 7.

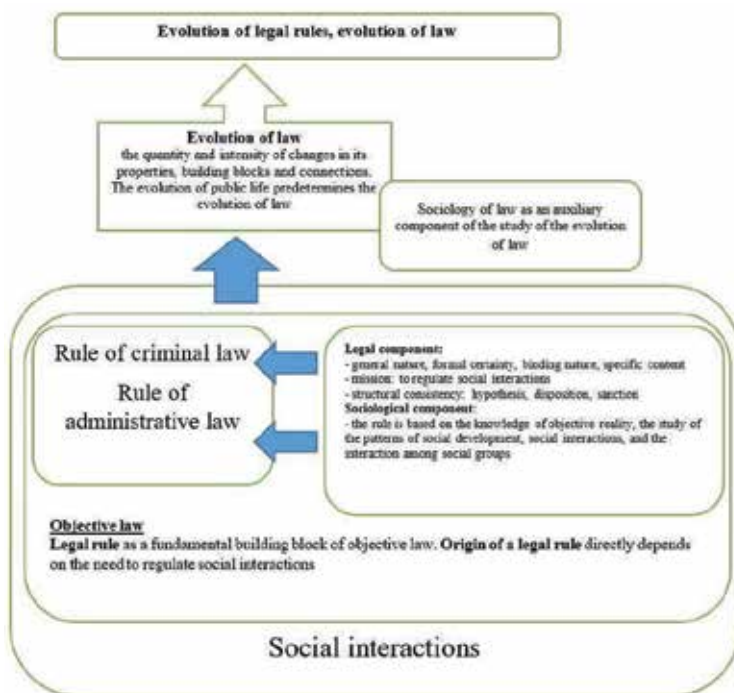
⁴² Hester, S.; Eglin, P.: *A sociology of crime*, London, 2017, [<https://doi.org/10.4324/9781315660318>], p. 4.

⁴³ Cohen, S.: Criminology and the sociology of deviance in Britain: A recent history and a current report, in: Rock, P.; McIntosh, M. (eds.): *Deviance and social control*, London, 2018, [<https://doi.org/10.4324/9781351059039>], pp. 1-40.

⁴⁴ Thornhill, C.: *The sociology of law and the global transformation of democracy*, Cambridge, 2018, p. 15; Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abington, New York, 2017, p. 12.

identification of existing rules, which, based on their prescriptive and regulatory essence, need to be enshrined in law. No less importance is given to the need to study the social causation of law and the legitimacy of existing legal arrangements, the search for tools to resolve social and political contradictions based on an understanding of the underlying social and legal causes (Rules of criminal and administrative law in the context of their social causation and role in the structure of social interactions: see Figure 2).⁴⁵

Figure 2. Rules of criminal and administrative law in the context of their social causation and role in the structure of social interactions.



In practical terms, the sociology of law increasingly focuses on the legal decision-making, that is, on the sociological validation of the legal innovations being prepared. This transit is logical and is due to the obvious fact that the main obstacle to the development of effective statutory provisions is not so much the lack of arrangements for their implementation, as their inconsistency with the objective needs of harmonizing the various public interests. The latter, in

⁴⁵ Cohen, S.: Criminology and the sociology of deviance in Britain: A recent history and a current report, in: Rock, P.; McIntosh, M. (eds.): *Deviance and social control*, London, 2018, [https://doi.org/10.4324/97811351059039], pp. 1-40.

the end, results in blocking the implementation of statutory provisions due to failure to take into account the interests of society. Yet, lawyers might not have the sociological tools of research, which again brings up the need for synergy between lawyers and sociologists.⁴⁶

When it comes to the application of sociology of law from the administrative and legal perspective, at the moment science needs to develop a solid theoretical framework and methodological approaches. When the methods of sociological research, describing the situation, expectations, political preferences, and readiness for new ideas of various groups of society, have been recognized and are transparent, then the findings express the will of the people and the embodiment of that will.⁴⁷ However, currently, no such basis exists. Empirical data are usually summarized and analyzed from the political science perspective. This view is widely shared among researchers debating on the role and place of sociology of law in the system of sociology and legal science.

Despite the fact that today sociology of law has established itself as a science and branch of knowledge, the existing theoretical underpinning in this area remains quite limited, and ongoing academic debates over its institutional structure and methods constrain the potential use of its tools, which could make a significant contribution not only to criminal and administrative law, but also to other branches, including family, medical, labor, and other law.

At least a few components are needed to finally establish the general consistency of sociology of law as a distinct branch within general sociology. First of all, there is no generally accepted vision of the subject, as well as the methodologies of sociology of law as a discipline and science. Such an approach calls for logical consistency with the general idea of the subject and method of sociology. Furthermore, there is no sociological definition of law within the sociological vision of society. Perhaps, the last gap that needs to be filled is the need to implement the visionary provisions concerning the theoretical and methodological components of sociology of law in the course of the research work, including its theoretical and empirical components.⁴⁸

⁴⁶ Přibáň, J.: Introduction to research handbook on the sociology of law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, [https://doi.org/10.4337/9781789905182.00006], pp. 1-5; Varchuk, V.V.: *Sociology of law is a branch of sociology*, Sociological Research, 10 1996, pp. 102-109

⁴⁷ Kasemets, A.: Sociological and public opinion research as reflection for the parliament and civil society, in: *Ageing Societies, New Sociology - 6th Conference of the European Sociological Association. Panel: Political Sociology*, Murcia, Spain, 2003, pp. 1-10; Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abington, New York, 2017, p. 12.

⁴⁸ Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abington, New York, 2017, p. 12.

4. CONCLUSIONS

When it comes to the expansion of sociology of law into criminal law and related studies, there is a close connection between the sociology of law, criminology, and deviance. In particular, criminology often relies on sociological tools for criminal law research. Yet, the emergence of new forms and types of crime will require the application of knowledge from various fields of science to study and counteract such crimes. This, in turn, can be facilitated by the sociology of law. It is expected that the sociology of law will include general sociology of law and sociologies of various areas of law.

Whereas pertaining to the expansion of sociology of law to the criminal law, existing opinions on possible expansion vary. When it comes to administrative law it should be emphasized that the limited research on this topic makes it difficult to give an unbiased assessment of this process from a predictive position. Although drawing an analogy between the expansion of sociology of law to criminal law and administrative law, it can be argued that there are many background causes for such an expansion. This being the case, at this point, there are no science-based methods and techniques for research using the tools of sociology to study administrative-legal relationships.

The difficulties attributed to extending the applied research tools exploited within the sociology of law to the branches of administrative and criminal law are in part exacerbated by the lack of a theoretical explanation of the relationship between the subject and method of general sociology and the subject and method of sociology of law as a branch thereof. Furthermore, relevant studies lack a definition of law as a sociological term, the law as a social phenomenon, and as a component of the society's sociological definition. Yet, there is no description of the sociological vision of law and the scope of research, prioritized from the perspective of the science development logic.

Indeed, in a general sense, the scope of sociology of law as science is broad enough, and existing methodologies used in the social sciences, including sociology, can also be relied upon to study administrative-legal relationships, but issues related to techniques and methodologies of empirical research still require additional theoretical underpinning. Given the opportunities for extending the sociology of law to other branches of law, future studies might focus on the expansion of the sociology of law to the tort-related legal relationship.

LITERATURE

1. Alvesalo-Kuusi, A.; Tombs, S.: Sociology of law, in: *The Encyclopedia of Crime and Punishment*, Hoboken, NJ, 2015, pp. 1-5.
– DOI: <https://doi.org/10.1002/9781118519639.wbecpx109>
2. Anleu, S.R.: Sociology of deviance and criminal law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, pp. 318-331.
– DOI: <https://doi.org/10.4337/9781789905182>
3. Baratta, A.: *Sociology of law and sociology of criminal law*, *Sociologia Del Diritto*, 2 1974, pp. 245-253.
– DOI: [https://doi.org/10.1016/0047-2352\(74\)90020-8](https://doi.org/10.1016/0047-2352(74)90020-8)
4. Bengoetxea, J.: Legal theory and sociology of law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, pp. 7-18.
– DOI: <https://doi.org/10.4337/9781789905182>
5. Bora, A.: *Sociology of law in Germany: Reflection and practice*, *Journal of Law and Society*, 43(4) 2016, pp. 619-646.
– DOI: <https://doi.org/10.1111/jols.12005>
6. Clarke, R.V.; Felson, M.; Introduction: Criminology, routine activity, and rational choice, in *Routine activity and rational choice*, New York, 2017, pp. 1-14.
– DOI: <https://doi.org/10.4324/9781315128788>
7. Cohen, S.: Criminology and the sociology of deviance in Britain: A recent history and a current report, in: Rock, P.; McIntosh, M. (eds.): *Deviance and social control*, London, 2018, pp. 1-40.
– DOI: <https://doi.org/10.4324/9781351059039>
8. De Munck, J.: *Human rights and capabilities: a program for a critical sociology of law*, *Critical Sociology*, 44(6) 2018, pp. 921-935.
– DOI: <https://doi.org/10.1177/0896920517715764>
9. Deflem, M.: *Sociology of law: Visions of a scholarly tradition*, Oxford, 2008, p. 5.
– DOI: <https://doi.org/10.1093/obo/9780199756384-0056>
10. Gaidareva, I.N. et al.: *Sociology of law in the system of legal sciences: The history of formation*, *Research-Science*, 13 2020, pp. 40-44.
11. Gendzwill, A.; Swianiewicz, P.: *Does local democracy perform better in smaller jurisdictions? Survey evidence from Poland*, *Lex Localis*, 14(4) 2016, p. 759.
– DOI: [https://doi.org/10.4335/14.4.759-782\(2016\)](https://doi.org/10.4335/14.4.759-782(2016))
12. Gurvitch, G.; Hunt, A.: *Sociology of law*, New Brunswick, London, 2020, p. 12.
– DOI: <https://doi.org/10.4324/9780429338656>

13. Hester, S.; Eglin, P.: *A sociology of crime*, London, 2017, p. 4.
–DOI: <https://doi.org/10.4324/9781315660318>
14. Kasemets, A.: Sociological and public opinion research as reflection for the parliament and civil society, in: *Ageing Societies, New Sociology - 6th Conference of the European Sociological Association. Panel: Political Sociology*, Murcia, Spain, 2003, pp. 1-10.
15. Kasyanov, V.V.; Nechipurenko, V.N.: *Sociology of law. Textbook*, Rostov on Don, 2001, p. 8.
16. Kharel, A.: *Sociology of Law: An Overview of Jurisprudential Foundations*, 2020, p. 6.
–DOI: <https://doi.org/10.2139/ssrn.3541628>
17. Kudryavtsev, I.: *Sociology of Law*. Thesis for PhD. Project: Introduction and use of information technologies in law-making activities, 2021, p. 7.
18. Lista, C.A.; Begala, S.: La sociología jurídica como campo de conocimiento especializado en la formación de los abogados, in: *XV Congreso Nacional Y V Latinoamericano De Sociología Jurídica*, Rosario, Argentina, 2014, pp. 1-20.
19. Malyshev, E.A.; Fedorov, P.A.: *The results of a sociological study of administrative and legal regulation in the field of migration: on the example of the internal affairs bodies*, Bulletin of the St. Petersburg University of the Ministry of Internal Affairs of Russia, 4(60) 2013, pp. 50-57.
20. Marchenko, M.N.: *Concept and subject of sociology of law*, Moscow University Bulletin. Series 11. Law, 5 2012, pp. 21-37.
21. Markuntsov, S.A.: *On the relationship between criminology and criminal law sociology in the context of the theory of criminal law prohibitions*, All-Russian Criminological Journal, 3 2012, pp. 22-27.
22. Mazhari, M.; Marandi, S.: *Survey on the legal effects of competence in public law and capacity in private law*, Journal of Civil Law Knowledge, 7(1) 2018, pp. 67-75.
23. Morrill, C.; Edelman, L.B.: *Sociology of law and new legal realism*, in: *Research Handbook on Modern Legal Realism*, Cheltenham, UK, Northampton, MA, 2021, pp. 413-431.
–DOI: <https://doi.org/10.4337/9781788117777>
24. Onyango, G.: *Organizational disciplinary actions as socio-political processes in public organizations*, Public Organization Review, 19(2) 2019, pp. 227-248.
–DOI: <https://doi.org/10.1007/s11115-017-0401-7>
25. Pecile, V.: *The legal field as battleground for social struggle: Reclaiming law from the margins*, Oñati Socio-Legal Series, 11(6) 2021, pp. 187-208.
–DOI: <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1216>

26. Přibáň, J.: Introduction to research handbook on the sociology of law, in: *Research Handbook on the Sociology of Law*, Cheltenham, UK, Northampton, MA, 2020, pp. 1-5.
–DOI: <https://doi.org/10.4337/9781789905182.00006>
27. Smith Jr, P.F.: *Administrative law survey*, Denver University Law Review, 71 1993, p. 801.
28. Thornhill, C.: *The sociology of law and the global transformation of democracy*, Cambridge, 2018, p. 15.
–DOI: <https://doi.org/10.1017/9781108186049>
29. Thornhill, C.; Christodoulidis, E.: *New bearings in the sociology of law*, Social & Legal Studies, 23(4) 2014, pp. 487-489.
–DOI: <https://doi.org/10.1177/0964663914543218>
30. Timasheff, N.S.: *What Is "Sociology of Law"?*, American Journal of Sociology, 43(2) 1937, pp. 225-235.
–DOI: <https://doi.org/10.1086/217681>
31. Treviño, A.J.: *The sociology of law: Classical and contemporary perspectives*, Abington, New York, 2017, p. 12.
–DOI: <https://doi.org/10.4324/9781315135069>
32. Varchuk, V.V.: *Sociology of law is a branch of sociology*, Sociological Research, 10 1996, pp. 102-109.
33. Vito, G.F.; Maahs, J.R.: *Criminology*, Burlington, MA, 2015, p. 4.

