

# Traditional Society to Direction of Modernization using Empirical and Comparative Approach in Legal Anthropology

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Abstract: The traditional society and modern society provide an enormous influence in the life of social change society to achieve progress and needed rules governing the life of society. Should change the traditional towards modern society should be addressed properly for benefit of the next generation in social life through norms, behaviours that avoid deviation of social change traditional and modern what we see at Dago Pojok at Bandung City.

## 1 INTRODUCTION

Dago Pojok is a location which recently as one of icons of Bandung, because in there, we can see traditional society and modernization with the concepts of Creative Village, society participation indirectly adding society mind more advanced, so that create society desire to go ahead and change the direction of modern.

It can be concluded that the traditional community turn out to be identical modern city, with variable Talcot Parson who have relationship based on feeling, action, interaction, communication turn into a special group that is limited by space and time. Nevertheless with the times, the Dago Pojok Creative Village Bandung society has changed from a traditional society towards a modern society.

The traditional values are not just limited to formal institutions and individuals in people's live and have been accustomed to a patterns of behaviour habits that modern because traditional cultural change towards modern society, so that social change ( Akhmad Solihin ) can be seen from the technology development as a means to a change of cultural patterns in traditional although modern societies that bring modern culture in all aspects of traditional community life often happens when a traditional society turn towards modern society.

To that end, the law protection in traditional and modern society would able to protect its people in avoiding the occurrence of deviations in social

change life so that forming a urbanity society who regulated, orderly, comfortable, and give hope of a future life better, as the embodiment of the Dago Pojok creative village Bandung.

Social Change include elements of culture, either in the form of material or immaterial, that the emphasis is on the influence material culture elements to immaterial elements ( William Ogburn )

## 2 FRAME THEORY

These changes include the structure , functions, values, norms, institutions, and all aspects resulting from the interaction between people, organizations or communities, including changes in terms of culture ( Bagya Waluyo )

According to Gillin, understanding social change is a variety of ways of life that have been received, either because of changes in geographical conditions, material culture, demographic composition, ideology and for their diffusion or new discoveries in the society

Social Change has characteristic that describe that a certain society have changes toward progress. Talking about the characteristic features of traditional social change is a traditional change toward modernization in social change society.

As the opinion of the expert of legal anthropology named Sir Henry Maine, there are two main classes

of human society. First, traditional society, second modern society in community.

#### 1). Traditional Societies

Traditional term is derived from the tradition or traditum which means something that is forwarded from the past to the present. something that can be passed on objects, and ideals that exist in a society. Traditional society some are able to open themselves to new discoveries and to the modern society. Its later associated with social change. So for example traditional societies have different characteristic with modern society include

- a) less oriented toward change
- b) technology usage is simple or less advanced
- c) the level of education is still low
- d) communications which do with outside society still so little
- e) traditional term is derived from the latin word "traditum" which means something that is transmitted or passed from one generation to the next. Something that can be passed on objects, patterns of behaviour, value systems and norms system, expectations and ideals that exist in a society. Something that inherited can be : ( Roger and Shoemaker )
  - 1/ the value system, can be trust, belief, religion, or idea
  - 2/ how to life
  - 3/ technology
  - 4/ institutions or social institutions

So in traditional societies, general cultural elements which bring social cultural changes are easily accepted by local people for example in the elements that easily adapt to the state of society that accepts the element and is considered by local people bring big benefits.

#### 2). Modern Society

The modern term is derived from the word "modo" which means "now", so people considered modern if its residents living with value systems, ways of thinking, feeling and acting, new technology and social organization, appropriate to the today circumstances. Example of society is the city society.

Wilbert Moore contends the concept of modernization is a complete transformation of traditional or pre-modern society that its technology pattern and social organization related such as on progressive and prosperous country from economy aspect and relatively stable from politic aspect and relatively stable from politic aspect.

Soekanto Soerjono for modernization is a process of becoming modern. So that modernization can be

interpreted as a way of life according to the circumstances that now exist, or the present time.

Harsojo defining the term modern as an attitude of mind which has a tendency to prioritize something new compared to something that is tradition. Definition modern society is a society that prefers the rationality of science and technology as manifestation rather than anything that is tradition, customs, and others.

The researcher decipher that a society can be called a traditional society when living with a values system, ways of thinking, feeling and acting, technology and institution inherited from generation are well maintained in traditional societies are rural communities, that way to modern society.

Such as the opinion stated by Koentjaraningrat stating that modernization as an effort to live appropriate with era and the present world constellation, example Dago Pojok village is a traditional community that will cause change towards modern society to have a symbol as the creative village.

### 3 RESEARCH METHOD

to obtain the data are complete and accurate (Valid and reliable), required certain methods ( Soekanto, Soerjono )

- 1) Approach Method to legal anthropology, namely is empirical and comparative approach. The empirical approach is an approach that directly view culture in their communities and be more relevant to the fact that exist in traditional and modern societies
- 2) Research Population  
The study population is the association of art and culture Dago Pojok Village has an open space with a settlement below 10.000, the population is still rare 163 heads of household
- 3) Sources of Data  
Primary law materials (literature review, the literature related to this research). Secondary law materials consists of research results, scientific journals related to the object under research, and laws and regulations in force.
- 4) Data Collection Methods  
Researcher obtain resources through interview/interviews with respondents are required to explore the data in Dago Pojok

Village, such as initiator creative activities does and the government of Bandung

5) Analysis data

The research data received will be analyzed by using analysis of anthropological approach such as empirical and comparative in legal anthropology.

## 4 RESULTS AND DISCUSSION

### 4.1 Traditional Society toward Modern Society

Identification that in society, certainly there are changes in traditional and modern, although slowly among others :

- (1) No society that stops growing, every society definitely change, only that sooner or later
- (2) Changes that happen in certain social institutions will be followed by changes in other institutions
- (3) Rapid social change will lead to disorganization
- (4) Social Disorganization will be followed by a reorganization through various adaptations and accommodations

- (5) Changes cannot be confined to the material or spritual fields only, both will be oven

Thus, every human in the society ;ife both traditional societies and modern societies will surely experience changes both changes in values and social norms, organizational behaviour patterns, the layers of society, power and authority, social interaction of creative Dago Pojok Bandung. Then it will look new symptoms in a society oriented ( Abraham ) on the technology progress, innovation destination and attitudes in Traditional societies, because on the progress of the technology, the purpose of innovation and change attitude, because of traditional attitudes based on experience accumulated on tradition, on the contrary modern society, emphasis on material values, use of time, openness to new experiences, individualism, so the dago pojok representations and integration of traditional towards modern society.

### 4.2 Empirical and Comparative in Legal Anthropology

To the researchers conclude that in traditional societies toward modernizationi legal anthropology can be analyzed in an empirical dan comparative

approach to the legal anthropology research as described below :

(1) Empirical Approach

As proposed by Sir Henry Maine that devide the two main classes of human society that is both traditional community customs have changed because of cultural influence from outside the village who had entered despite strong binding customs still in peoples lives to give effect to the relevant society as a traditional community and modern society.

(2) Comparative Approach

In traditional societies it is said that in case of conflict in society solved by traditional leaders adapted to the customs regulations in force. In modern society, regulations to resolve problems that happen in the community using the rules that have been created by the country.

So we need a rule that regulates public life of both traditional and modern society in society concerning any changes in the social system, social values, attitudes, social interaction and behaviour patterns in traditional and modern society.

## 5 CONCLUSIONS

- 1) In modern society, we can see the life patterns and behaviour of some people who seem different from the life patterns and behaviour that is practiced by the majority of members of the traditional society in general.
- 2) In traditional society towards to modern society should be addressed properly for the benefit of future generation in society life, both traditional societies although modern and understand some studies approaches in legal anthropology public are expected to be examined problems that happen in traditional societies towards modern society well in accordance with the society development and in accordance with the laws in force in the community, both traditional and modern societies, as has been described in the above research.

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## APPENDIX

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