

KARAKTERISTIK ILMU HUKUM

Abstrak :

Jurisprudence is a sui generis discipline. The growth of positivism leads to the application of natural science method to social studies, which relied upon empirical observations. This brought about the establishment of legal positivism, which delimits the study of law to the study of observable phenomenon in the form of positive law. As positive law imposed by authority, this law neglects every unobservable aspect of the law, such as justice, ethics, etc. The increase of the study of social perspective on law in the 1970s is misperceived as the shift of jurisprudence to social science realm. The study of law, then, is patterned on social study. Consequently, law deals only with observable phenomenon. This, certainly, mislead the study of law. Jurisprudence is a prescriptive as well as applied science. Social method, consequently, is inapplicable to jurisprudence.

Keyword :

jurisprudence, positive law, social study