



TOWARD A (RE)CONCEPTUALIZATION OF LEGAL CULTURE

by MATEJA ČEHULIĆ

The concept of legal culture, created at the end of the 60s, by its creator Lawrence Friedman was identified as one of the main topics of sociology of law; an essential component that combines all the key elements for conceptualization and understanding of the legal system (Cotterrell, 1997, 2006). The proof of the relevance of the concept is the increasingly frequent use of the notion of 'legal culture' in legal and socio-legal scientific literature, as well as numerous criticisms related to theoretical and empirical shortcomings of the concept.

The aim of this presentation is to offer potential answers to criticisms of the legal culture and a different theoretical and empirical approach to the concept. Starting from the specificity and characteristics of sociology of law as a field connecting society and law, the idea of a new conceptualization of legal culture will be built on the structural-functional settings. Determinants and elements of the theory of the social system and the action theory will be used as the basis for positioning of the legal culture in the framework of the legal system, and within the wider social and cultural context. Theoretical framework is an introduction to a new approach of operationalization and empirical research that could contribute to long lasting discussions on stability and usefulness of the concept of legal culture.



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