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WHY WE OBEY LAW- POSITIVISM **OR NATURALISM**

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ABSTRACT

This paper talks about why we obey the law and involves the interpretation that what makes people obey laws in light of Positivist schools and natural school scholars. The question of the duty to obey the law is an old question and many have tried to answer the same in their own capacity.

Whether we should obey the law is a question that affects everyone's day-to-day life, from traffic laws to criminal laws to requirements to pay our taxes. Even if most people obey unreflectively or out of habit, the question remains: why we are morally required to do so? If we fail to obey, the state may well enforce compliance, but is it right for it to do so, and if so, why?

The objective of this research paper is to undergo those factors that influence people to follow laws to study the importance of morality and laws in human life and to understand the role of morality in restraining people from wrongful acts. To determine why people obey laws and identify the difference between naturalism and positivism in light of law and morality and assess the role of two systems in defining the rights and duties of the individual in society.

The outcome of this study is that we will explore the positivist/naturalist debate with the help of scholarly references and would help in a bid to explain why we obey the law with the help of this study we will try to find out whether people prefer morality over legal laws or vice-versa.

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INTRODUCTION

The law is required during a society, for maintaining order, but will that mean, if there's no law, there'll be no order. What if tomorrow we don't find any punishment for committing murder, will it result into people committing murder everywhere? The solution will surely be a 'no'.

Is it some sense, natural humanistic approach towards law or will it only be supported sanction? Perhaps this is often a division point of thoughts, where both school of law clashes. Both the edges have a legitimate point to justify themselves and their arguments. On the opposite side, this is often also true, that if there's no punishment of murder then there could be a rise in cases of murder.

So, will it mean that the essential natural humanistic approach is different for various people? This difference is where the 2 schools divide. Perhaps it'd not be faithful much extent in today's world, which we'll discuss later. Positivist, often doesn't entails themselves with, what need to be, separating the ideals from the law, which is why there seems an excellent criticism of positivist separating law from moral.

The understanding society without the conception of law and legal doctrine isn't possible. It explains the laws necessary for the existence of society as without laws or system the survival of societies is impossible. Bix (2000) explains jurisprudence as, "the existence of law is one thing; its merit or demerit is another. Whether it's or be not is one enquiry; whether it's or be not conformable to an assumed standard, may be a different enquiry.

A law, which exists, is a law, though we happen to dislike it, or though it varies from the text, by which we regulate our approbation and disapprobation" (Bix, 2000). The jurisprudence involves the laws that are essential for the regulation of society and therefore the people. Without laws, the probabilities of neglecting duties are more. The laws define the standards that motivate people to fulfil their duties and responsibilities.

Laws set the bounds that outline the probated and allowed actions. Jurisprudence is additionally effective in maintaining the ideology of right and wrong. The concepts of equality and justice also are relevant to jurisprudence because it impacts the socio-political aspects. Without laws, people are more likely to act beyond limits that also confer the thought of disobedience.

THE NATURALIST PERCEPTION:

The Natural School advocates the importance of reason behind everything. The naturalist model do contains valid legal knowledge but unlike the positivist model, where the legal knowledge is constrained to only what the authority says, the naturalist will base the legal knowledge justifiably also like rational awareness and acceptance of the existence of objective values, standards and norms of proper conduct.

This factor makes the natural school more appealing, since, it gives us the presupposition which enables us to deal with all these facts or judgment in an intelligent manner.

To moreover, get into the detail, natural school doesn't delve into declaring or discriminating this system or any legal theory. The main contention being the element of reason must be complied by, regardless of the legal theory it discusses.

THE POSITIVISM PERCEPTION

The positivists, generally, have always maintained a really clear notion of law, being limited to what law 'is'. The primary aim for the positivist is merely limited to review the law, as it is.

The law got the very sanction behind it since it's got its validity from the authority itself. Positivist views this authority, because the only reason to obey the law, within the famous words of Austin, it being the "Command of the Sovereign".

Perhaps it'd not be faithful to much extent in today's world, which we'll discuss later. Positivist often does not entail themselves with, what ought to be, separating the ideals from the law, which is why there seems a great criticism of positivist separating law from morality

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(1) DO PEOPLE HAVE A MORAL DUTY TO OBEY THE LAW?

The duty to obey the law, or because it is usually called, political obligation, may be a moral requirement to obey the laws of one's country. Traditionally, this has been viewed as a requirement of a specific kind, to obey the law for the "content-independent" reason that it's the law, as against the content of particular laws. In characterizing this as an ethical requirement, theorists distinguish political obligation from legal obligation.

All legal systems claim to bind people subject to them; a part of what we mean by a legitimate law is that the relevant population is required to obey it. This requirement is usually supported by coercion, while those that don't obey are subject to sanctions. But these aspects of legal obligation leave open more ultimate questions on the state's justification for imposing such requirements. Unless citizens have moral requirements to obey the law, they will be forced to try, but in compelling obedience, the state is acting unjustly and impinging on their freedom.

As H. L. A. Hart argues, the distinctive thrust of political obligations is often seen within the contrast between being obliged to try and having an obligation to try it (Hart 1961: 80–88). If a gunman holds Smith up and threatens to shoot her unless she turns over some cash, she is probably going obliged to surrender this sum. But by this locution, we mean no over that the alternatives to complying are significantly unpleasant, which provides her a robust reason to comply.

As per Hart, obligation add to the current an inside dimension. While Smith's being obliged to try and do p is analyzed in terms of her assessment of the results of obeying or not obeying, her having an obligation to try. It adds to those concerns the moral legitimacy of what she is compelled to try.

If Smith could be a citizen of a legitimate state that needs she pay it in taxes, once more she could preferably be forced to comply; the results of noncompliance might be unacceptable to her. But during this case, it's right that she surrender the cash. If she recognizes the requirement, she's going to believe it's the correct thing to do—although we must always note that this is often a clear moral requirement, capable of being overridden by additional moral considerations.

At this time, no theory of political obligations is mostly accepted. All accounts are subject to vigorous controversy. Absence of consensus on moral reasons is among more basic disagreements about the

character of political obligations themselves and whether a satisfactory account is feasible. At the current time the dominant position within the literature would be that there aren't any political obligations within the traditional sense. But this contention too is disputed by scholars from numerous directions.

According to standard analysis, an obligation may be a moral requirement that a private imposes on himself or herself. For example, if A promises B to do, the moral requirement to try is generated by the act of promising and wouldn't otherwise exist. But in spite of the label “political obligation,” most scholars argue that moral requirements to obey the law needn't be grounded in requirements of this sort. In spite of other disagreements, scholars largely agree a few basic criteria that a successful theory of political obligation should satisfy. First, the idea should be general; that's, it should explain the obligations of all or the majority citizens.

It should also explain their requirements to obey the laws of their own country. This criterion is usually remarked as “particularity”. It should be comprehensive, i.e., explain requirements to obey all or most laws. Finally, as indicated above, to keep with the overall thrust of liberal ideology, the moral requirements in question should be of only limited force.

They must bind citizens as a rule, but, as clear obligations, able to be overridden by conflicting moral requirements. Other features are discussed within the literature. But these should be adequate for this essay. Putting these four features together, we may say that a successful theory of political obligation explains the wants of all or most citizens to obey all or most laws of their own countries, with these requirements of limited force.

In the literature, scholars have attempted to justify political obligations on a spread of grounds. Within the liberal tradition, arguments from voluntary consent are traditionally most central. Until relatively recently, the history of political obligation has been a history of consent.

Additional approaches which will be discussed during this essay are consequentiality arguments, supported the results of obedience or disobedience, arguments supported the principle of fairness (or fair play), which activate receipt of advantages from the state, and arguments supported a principle of membership or association, and a natural duty of justice. I'll examine the strengths and weaknesses

of those different approaches and up to date developments that have called into question central features of political obligations as traditionally understood.

CONSENT THEORY:

Although elements of a consent theory of political obligation are present in earlier thinkers, the view receives its classic statement in John Locke's Second Treatise of presidency. Locke argues that folks are naturally free within the state of nature. Although the state of nature is governed by concept, within the absence of an authority to enforce this, Locke subscribes to the "strange Doctrine" that each one man have the proper to enforce it for themselves.

However, general self-enforcement results in conflict, and then people are willing to surrender their enforcement powers. They are doing this in two stages—erecting a community, which then places its powers in an exceedingly legislative authority. Because people surrender only certain of their rights, the legislative power is ready to act only in these areas. But in these areas, individuals agree "to pass through the determination of the bulk, and to be concluded by it". Because Locke's overall purpose within the Second Treatise is to justify revolution, he's deeply concerned with limitations on authority. Although he doesn't use the word "contract," he argues that legitimate political authority is held in trust. When the restrictions are violated, people have strong rights of resistance, including resistance by single individuals once they believe "the explanation for sufficient moment". However, Locke argues that this right won't cause disorder, as individuals will realize the futility of acting alone. Locke holds that, because people are naturally free, only their own consent can place them under political authority. It follows that one isn't bound by the consent of one's father, or by an imaginative contract made at the inspiration of society.

However, although "express consent" establishes clear political bonds, Locke recognizes that few people actually consent during this way. Thus he turns to "tacit consent," which is in a position to bind most or all inhabitants of a given country. As a result, his theory of political obligations supported consent is for all intents and purposes a theory of commendation.

(2) WHY ARE MORALITY & LAWS IMPORTANT FOR THE PEOPLE?

In the times, morality and law are almost universally held to be unrelated fields and, where the term "legal ethics" is employed, it's taken to ask the professional honesty of lawyers or judges, but has nothing to try to with the possible "rightness" or "wrongness" of particular laws themselves. This is the result of the lack of some sense of "reality" about man, as well as the elimination of the concept of natural law. It destroys any sense of true human rights, renders individuals powerless in the face of unjust laws, and opens the door to various forms of totalitarianism. For a person who is open to the facts, this should be obvious; nevertheless, many people's minds have become stuck in shallow ways of thinking, and they will not respond unless they are guided step by step to deeper reflection and understanding. The political, social, and economic relationships in society are reflected in laws. It establishes citizens' rights and responsibilities to one another as well as to the state. There has been a discussion about the relationship between law and morality ever since it was accepted as an important tool for social order. Law and morality have a common root. Morals gave rise to rules. Moral laws were sanctioned and implemented by the government. The term "law" was given to these rules.

According to Hart "The law of every modern State shows at a thousand points the influence of both the accepted social morality and wider moral ideal. Both law and morality have a standard object or end in thus far as both of them direct the actions of men in such how on produce maximum social and individual good. Both law and morality is backed by social or external sanction".

Bentham said that legislation has the same center with morals, but it has not the same circumference. Morality is generally the basis of law, i.e. illegal (murder, theft, etc.) is also immoral. But there are many immoral acts such as hard-heartedness, ingratitude, etc. which are immoral but are not illegal. Similarly, there may be laws that are not based upon morals and some of them maybe even opposed to morals, e.g. laws on technical matters, traffic laws, etc.

Laws are usually founded on societal moral values. Both govern an individual's behavior in society. They have a lot of impact on each other. Good laws, on the other hand, will help to arouse people's moral consciences and establish and sustain conditions that promote moral development. In defining certain virtues that are connected to the common good, the law is linked to morality. This does not imply that positive human law should prohibit all vices or command all virtues; rather, it should prohibit only those human failings that endanger society's very existence, and command only those virtues that can be ordained by human means for the common good.

Morals as a test of law: Several Jurists have stated that law must follow morality and that laws that do not follow morals should be disobeyed, and the government that enacts them should be overthrown.

THE IMPORTANCE OF ETHICAL BEHAVIOUR:

Morality and honesty are essential qualities to show for people, particularly though we have no plans to pursue a career in law enforcement. We instinctively know that being virtuous and acting with dignity is a good thing to do, but knowing the reasons behind these virtues will inspire us to promote them.

Among the reasons to be moral and integral, regardless of occupation are to:

➤ **Treat everyone equally-**

Equality is a staple in most Western economies, in which everyone has the same rights. This would not be possible until the majority of people act morally.

➤ **Secure meaningful employment-**

Employers often use a person's previous behavior as an indicator of potential behavior. Someone with a history of unethical behavior would have a tough time finding successful work because they cannot be trusted.

➤ **Lessen stress-**

When we make unethical decisions, we appear to feel uneasy and concerned about our choices. Stress is reduced by making the right moral decision or taking a principled stance on a subject.

➤ **Make society better-**

When we contribute to the betterment of society, we are rewarded with bettering our own lives as well as the lives of our families and friends. Society would be a miserable place if moral behavior did not exist.

There are two “Natural Law” theories about two different things:

- A natural law theory of morality, or what’s right and wrong.
- A natural law theory of positive law.

The two theories are mutually exclusive, accepting one while rejecting the other is completely compatible. Natural law and legal positivism. Theories of positive law are opposing viewpoints about what constitutes law and how it relates to justice and morality. Legal positivism claims that the natural law theory of positive law is false.

NATURAL LAW THEORY OF MORALITY:

Natural law is a collection of spiritual and legal truths; it is a set of laws that must be followed to live a healthy or flourishing life. By using unaided human rationality, we will figure out what these concepts are. The natural law theory of morality opposes ethical subjectivism (“all moral opinions are equally legitimate, rational, and likely to be true”) and affirms ethical objectivism (“some moral opinions are more valid, reasonable, or likely to be true than others”). Even things that aren't man-made (like plants, rocks, planets, and people) have purposes or functions, and the realization of those purposes or functions is what makes something "good."

NATURAL LAW THEORY OF LAW:

Natural law is an ethical and philosophical principle that claims that humans have inherent principles that control our reasoning and actions. These laws of right and wrong, according to natural law, are inherent in people and are not produced by culture or court judges. Natural law asserts that fundamental moral values exist in humans throughout history and that these standards should serve as the foundation for a just society. Natural law is not taught to humans in the traditional sense; rather, we "discover" it by repeatedly choosing well over bad. Natural law, according to some schools of thought, is transmitted to humanity through a divine presence. Although law mainly applies to the realm of ethics and philosophy, it's also used extensively in theoretical economics.

Normally, we ask the question around the other way, trying to know what it's that causes people to interrupt the law. But it's even as interesting and potentially informative to invert the proposition and consider the explanations citizens have for staying on the straight and narrow.

WHEN ASKED WHY PEOPLE OBEY THE LAW, LEGAL SCHOLARS AND ACADEMICS USUALLY GIVE TWO ANSWERS:

➤ To avoid legal consequences and sanctions.

This is considered the economic or instrumental explanation. Under this explanation, the rationale that I don't jaywalk is because I'm afraid that I'll be caught and ticketed, not because I think that there's any validity within the laws against jaywalking or that jaywalking is inherently wrong. Under this paradigm, people are viewed as shaping their behavior to retort to changes within the immediate incentives and sanctions related to following a given law.

➤ It possesses legitimate authority in their eyes.

This is considered the sociological explanation. Under this explanation, the explanation that I don't jaywalk is that I view ordinances against jaywalking as a legitimate exercise of the state or city's power. Whether or not I knew that I might not be caught, I'd still not want to interrupt a law.

“These two explanations have dominated legal discussions for many years. In recent years, however, Professor Richard McAdams at the University Of Chicago School of law has been developing new theories about how the law works. Professor McAdams argues that additionally to deterrence and legitimacy, the law works "expressively" by allowing people to coordinate and by signaling new information and beliefs.”

COORDINATION:

According to McAdams, the law coordinates people by working as a "focal point" to assist people avoids conflict or other undesirable situations. He gives the instance of a one-way traffic sign, which “we could imagine working without sanctions or legitimacy, because you'd be a fool to ignore it.” If you recognize that people are seeing that sign, you'd want to obey that sign whether or not you knew that there was no police enforcement, so as to avoid a head-on collision.

SIGNALING:

Law works expressively by signaling information about risk or public attitudes that causes people to update their behavior: “People take the beliefs of others as input into their own beliefs, and changing their beliefs can cause them to vary their behavior.”

He gives the instance of a hypothetical new smoking ban: It may be an indication from the legislature that the lawmakers believe smoking is harmful; it could even be a sign from those that there's a rising disapproval of smoking. The speculation is that a non-smoker would hear about this law and conclude that it signals a message about the risks of smoke inhalation.

Armed with this conclusion, a non-smoker is also more aggressive about confronting and criticizing smokers. Smokers, in turn, might quit so as avoiding confrontation and criticism, thereby changing their behavior—in conformance with the law.

(3) WHICH SYSTEM PROVIDES MOST POWERFUL SOLUTIONS IN TODAY'S WORLD?

This article will plan to analyze both the situations moving from positivism to naturalism in its strict sense. Before discussing about the idea of faculty, we must analyze one distinct situation which will be very helpful for us to know the difficulty at large. If we assume a situation during which an individual with no legal training be made a judge.

This scenario are often discussed by concerning one of the famous article titled “Two concept of interest: Reflection on Supreme Court's balancing test”, and authored by Charles Fried, Assistant Professor of Law, Harvard school of law published in Harvard Law Review in 1964. Can it's said that system will break down only due to the rationale that judge is unaware of law?

The truth is that the system will continue, and therefore the new judge won't underperform as compared to his colleagues. The reason behind is that the simple notion that the judge, regardless of what ‘law’ he knows, his position will reflect the essential natural assumption.

It's not that he should be compared with those having knowledge at par but even without getting compared, the judge knows that he's having an authoritative “role” to play in a legal argumentative situation that's itself highly structured.

Hence indeed, these sorts of various instances do make us retrospect, on whether we obey law only of its sanction behind it or its just moral reasoning of human about judging what is good or bad?

There has always been a trend on both the side to characterize their legal position by either maintaining as more 'positivistic', i.e., the law is what it's and no deviation must be allowed, or maintain the notion, that law is more 'naturalistic', i.e. towards humanistic approach and leaning more towards the perfect code that drives person forward.

The positivists, generally, have always maintained a really clear notion of law, being limited to what law 'is'. The primary aim for the positivist is merely limited to review the law, as it is. The law got the very sanction behind it since it's got its validity from the authority itself. Positivist views this authority, because the only reason to obey the law, within the famous words of Austin, it being the "Command of the Sovereign". Perhaps it might not be true to much extent in today's world, which we will discuss later. Positivist, often does not entails themselves with, what ought to be, separating the ideals from the law, which is why there seems a great criticism of positivist separating law from moral.

NATURALISM VIEW- IT'S TESTING AS PER TODAY'S SOCIETAL NEEDS:

The supporters of naturalism view it as a law defining the activity of purpose. It works to resolve the disputes and protects legitimate rights of the people that function to maintain law and order in the society. Legal neutralists consider the system because the genuine law that eliminates the problems of injustice and inequality.

The ideology of human obligation started with the idea of divine command that emphasized on the role of nature. The theory explains that folks are obedient because nature sets limitations and laws that they're unable to avoid. God ordains individuals to remain on right path and restraints them from what's wrong.

It is a natural force 'morality' that plays an important role in defining human roles and duties within the society. The divine command theory explains that no fore is more powerful than nature that could eliminate the concepts of evil and sins (Richard & Lefkowitz, 2012).

The law theory relies on the weather of the universe, attribute and morality. The law theory emphasizes the moral obligations explaining that laws are good legislation for creating people of excellent society citizens.

Every individual has duty to obey laws and perform their role as an honest citizen. Fuller (1969) defines naturalism as, “legal naturalism is according to either the view that status depends on moral standards external to the law (the more familiar “natural law” version of the doctrine), or the view that the moral standards that outline status are to be found within the character of law itself” (Fuller, 1969). Natural theorists agree with moral realism as they consider nature’s law as the strongest force motivating people to fulfill moral obligations.

To moreover, get into the detail, natural school doesn't delve into declaring or discriminating this system or any legal theory. The main contention being the faculty of reason must be complied by, irrespective of the legal theory it discusses.

POSITIVISM VIEW- IT'S TESTING AS PER TODAY'S SOCIETAL NEEDS:

The legal positivism focuses on the merits and demerits of laws. Law exists irrespective if the very fact if we like or dislike. Laws add same fashion for each individual of the society. The positivists, generally, have always maintained a really clear notion of law, being limited to what law ‘is’. The primary aim for the positivist is merely limited to review the law, as it is. The law got the very sanction behind it since it's got its validity from the authority itself. Positivist views this authority, because the only reason to obey the law, within the famous words of Austin, it being the “Command of the Sovereign”. Perhaps it might not be true to much extent in today’s world, which we will discuss later. Human positive laws remained the subjective consideration for the political theorist Thomas Aquinas. Positive laws also are crucial in achieving commonweal that needs deployment of state of power. Legal positivism represents opposing views to naturalism because the focus is of objectivism is on objective moral truths.

It argues that naturalism lacks subjectivity thus it fails to figure in realistic settings. Legal positivism stresses on determining if the rule is law or not. Creation of legal obligations depends on valid laws that are capable of restricting individuals from engaging in wrongful conducts. Having a right to try

to to a particular thing entails having an ethical right. Laws of society define the legal rights and their impacts on the members of society. While in case of moral rights one needs to distinguish between right and wrong. Jeremy Bentham and John Austin are prominent supporters of legal positivism. Positivism states, “it is nothing but a prediction that if a person does or omits certain things, he are going to be made to suffer during this or that way by judgment of the court” (Richard & Lefkowitz, 2012).

The role of penal laws and judgment of court becomes simpler in controlling wrongful acts of the people. The courts and those they exist in society makes it difficult for the people to flee legal laws. Punishments and penalties are the first motivators restricting them from illegal conducts. The claim that positivism differentiates between legal and illegal acts results in the social order.

(4) What influence the people more morality or legal laws?

There is a standard fallacy that the crime statistics reflect in how the morality of the society. Stop here and think twice! The crime statistics reflect first to which extent the human behavior may be considered to be criminal, i.e. these figures mirror the criminalization of certain activities. We can legalize prostitution or the retail sales of alcohol in Sweden then statistics of crime will look different, not necessarily better. We can change the definition of the crimes; a broader definition will increase the statistics a minimum of within the playing period after the amendment.

A narrower definition and a harder burden of proof for the prosecution will decrease the statistics, but attention not the criminality. The most fallacious part of the statement is to pass by the fact that an increase in the statistics can often reflect a more effective enforcement. The police and therefore the other authorities have invested many public money during a betterment of the enforcement. This has nothing to try to to with the morality of the people living therein jurisdiction.

Think about the taxation for instance! One can define taxation as a very moral activity, it is after all about sharing and giving to the people in need, but also as an immoral activity because a person is dispossessed by his/he property, property which has been obtained completely during a legal manner. Of course that some crimes appear to be absolutely horrifying and undoubtedly immoral, but you as an outsider, as a secondhand listener, you will never know the whole story. Therefore the biblical story remains wise: Don't throw any stones on nobody! You might be less innocent than that person.

Law and Morality:

Ever since law has been recognized as an efficient instrument of social ordering there has been an ongoing debate on its relationship with morality.

According to Paton, morals or ethics is a study of the supreme good. In general, morality has been defined to include; All manner of rules, standards, principles or norms by which men regulate, guide and control their relationships with themselves and with others. Both, law and morality, have a common origin. In fact, morals gave rise to laws. The State put its own sanction behind moral rules and enforced them. These rules were given the name law.

In the words of Hart; the law of every modern State shows at a thousand points the influence of both the accepted social morality and wider moral ideal. Both, law and morality have a common object or end in so far as both of them direct the actions of men in such a way as to produce maximum social and individual good. Both, law and morality are backed by social or external sanction.

Bentham said that legislation has the same center with morals, but it has not the same circumference. Morality is generally the basis of law, i.e. illegal (murder, theft, etc.) is also immoral. But there are many immoral acts like relationship between two unmarried adults, hard-heartedness, ingratitude, etc. which are immoral but are not illegal. Similarly, there could also be laws which aren't based upon morals and a few of them could also be even against morals, e.g. laws on technical matters, traffic laws, etc.

Ever since the revival of the scientific study of jurisprudence the connection of law and morality has much discussed, but the question isn't yet, and maybe never are going to be settled. Every sort of opinion has been entertained, from the acute doctrine held by Austin that for the aim of the jurist, law is completely independent of morality, almost to the opposite positions, held by every Oriental cadī, that morality and law are one. Morals as test of law: several jurists have observed that law must conform to morals, and therefore the reform the law which doesn't conform to morals must be disobeyed and the government which makes such law should be overthrown.

Paton said that if the law lags behind popular standard, it falls into dispute, if the legal standards are too high; there are great difficulties of enforcement. Morals as end of law: consistent with some jurists, the aim of the law is do justice. Paton said that justice is that the end of law. In its popular sense, the word justice is based on morals. Thus, such morals being a part of justice become end of justice. The end which the preamble of our constitution tries to realize is that the morals.

Law is an enactment made by the state. It is backed by physical coercion and it is the duty of each and every individual to obey the same with utmost priority. Its breach is punishable by the courts. It represents the desire of the state and realizes its purpose.

Laws reflect the political, social and economic relationships within the society. It determines rights and duties of the citizens towards each other and towards the state. It is through law that the govt. fulfils its promises to the people. It reflects the sociological need of society.

Law and morality are intimately associated with one another. Laws are generally based on the moral principles of society. Both regulate the conduct of the individual in society.

They influence each other to a great extent. Laws, to be effective, must represent the moral ideas of the people. But good laws sometimes serve to awaken the moral conscience of the people and make and maintain such conditions as may encourage the expansion of morality.

Laws regarding prohibition and spread of primary education are samples of this nature. Morality cannot, as a matter of fact, be divorced from politics. The ultimate end of a state is that the promotion of general welfare and moral perfection of man.

Roscoe Pound says:

As to application of ethical principles and legal precepts respectively, it's said that moral principles are of individual and relative application; they need to be applied with regard to circumstances and individuals, whereas legal rules are of general and absolute application. In the preceding paragraph the points of distinction between law and moral are discussed, but thanks to these points of distinction between the two, it shouldn't be gathered that they're against one another and there's no relationship between the two. Really speaking, they are very closely related to each other.

In considering the connection between law and morals much will depend upon how one defines law. Analytical, Historical, Philosophical and Sociological jurists all have defined law in their own way and these definitions materially differ from one another. If the law lags behind popular standard it falls into disrepute, if the legal standards are too high; there are great difficulties of enforcement.

CONCLUSION

Naturalism exhibits limitations thanks to the inherent weaknesses thus proposing Positivism as a strong model for promoting justice and fairness. When society discusses the political philosophy, the factors controlling the actions of individuals have a dominant role.

The comparison of the legal systems depicts that positivism provides a practical solution to influence the behaviors of individuals. The concept of punishments and penalty makes a positive theory more vital compared to naturalism. Nature laws provide the discretion to the people while the central authority liable for imposing laws is additionally missing.

Naturalism states that moral laws are defined by God that folks explore through scriptures. Objectivity of naturalism does its weakness because it fails to figure in realistic settings. Positive legal laws, on the opposite hand, are effective in identifying possible conducts. The compassion between the two school of thought exhibits the strengths of positivism overpowers naturalism.

Natural law sometimes lacks the detailedness and particularization of positive law. Positive law sticks to what the law is and need to be. This 'ought to' can have various expressions in it which could depend on things and person. The 'ought' is where the 'belief' system starts.

Natural law indeed stands for reason behind, and it's eminently decent in asserting the quality of right or wrong. But the matter arises when this expression of 'ought' or rather the 'belief' is different for various being, there it becomes necessary to possess an authoritative role and make a law which should be described under the notion of what law is and not what law need to be.

Theory of rational choice explains the behavior of humans and therefore the reasons behind making a choice. The rational choice of individuals relies on the notions of maximizing happiness and

The central claim states that without penalties it's impossible to regulate the behaviors or eliminate possibilities of wrongful conducts. The fear of punishment and penalties end in the disadvantage of the folks that encourage them to avoid harming others. Positivism is additionally significant in controlling emotions of the people.

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