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**SOCIOLOGY OF LAW IN THE REGION:
FROM HISTORIES OF
SOCIO-LEGAL THINKING TO
NEW RESEARCH AND TEACHING AGENDAS**

**Sociologija prava u regionu:
od istorije sociološko-pravne misli
ka novim temama u istraživanjima i nastavi**

**1. Setting the scene,
socio-legal scholars in Belgrade in 2014**

This volume of *Sociologija* is dedicated to a special field of study situated on the borders of jurisprudence and sociology: sociology of law. It contains a selection of five articles presented at the conference “Citizens, Societies and Legal Systems: Law and Society in Central and South Eastern Europe”. The conference was organized by The Belgrade University, Faculty of Law, Serbian Association for Legal and Social Philosophy and the Hungarian Academy of Sciences, Centre for Social Sciences, Institute for Legal Studies – Research Group for Interdisciplinary Legal Studies. It was held in Belgrade, at the Faculty of Law on 21 November 2014. A major aim of this event was to gather younger scholars from the former Socialist region with a strong interest in socio-legal studies. In order to start a closer academic cooperation in the future it was envisaged as a first step of common work and also as a first in a series of biannual conferences.

The first part of this introductory article provides a brief overview of the conference and the articles presented in this volume in order to summarize the main scholarly findings as well as to show up the perspectives of such studies. In the second, an overview of the developments in the field of the sociology of law is presented, including the current status of legal sociology in legal and sociological education, and some key researchers and their fields of interest.

2. The Belgrade conference

2.1. *The Belgrade conference: the event*

In essence, the conference was devoted to a critical discussion of the recent “state of the art” in the region’s sociological understanding of law and society. Furthermore, it aimed at promoting socio-legal studies by pointing out that these can be usefully applied to the study of specific local or regional problems, too. In sum, in addition to the general scholarly discussion, the conference tried to raise the awareness of the regional scholarly community to the relevance of recent socio-legal insights.

Almost twenty scholars from the region responded to the conference call, and the eight presentations¹ were selected on a competitive basis, with special regard to both the relevance and the socio-legal nature of the subject proposed. In order to facilitate and boost the discussion the organizers chose discussants – previous speakers, faculty members or other experts.² Following the twenty minutes of presentation the discussants had around ten minutes to react and debate the main points. We are convinced that this way of discussion strongly contributed to the success of the event, in academic terms, since the discussants’ critical, but supportive comments helped the speakers to refine their positions and to get a more nuanced view on their topics. In general, the discussions resulted in a fruitful exchange of ideas and opinions.

2.2. *The Belgrade conference: findings and positions*

Finally, from the eight presentations five papers were submitted to the editors. All of them went through a thorough and detailed peer-review procedure and this made it possible to secure a high academic standard for this special issue. In geographical terms, the papers cover three countries: Hungary, Serbia and Slovenia. Two studies focus on Hungary; the first one studies to what extent procedural fairness contributes to the general trust in public institutions (Boda and Medve-Bálint, 2015, in this issue), while the second examines the transformation of general legal knowledge based on a comprehensive empirical survey (Fekete and Gajduschek, 2015, in this issue). The two papers dedicated to

1 Zsolt Boda (Hungarian Academy of Sciences Centre for Social Sciences, Budapest, Hungary); György Gajduschek and Balázs Fekete (Hungarian Academy of Sciences Centre for Social Sciences, Budapest, Hungary); Jan Bazyli Klakla (Jagiellonian University, Cracow, Poland); Marek Mikus (Comenius University, Bratislava, Slovakia); Tina Oršolić Dalessio (University of Zagreb Faculty of Law, Zagreb, Croatia); Tilen Štajnpihler (University of Ljubljana Faculty of Law, Ljubljana, Slovenia); Bojan Vranić (Belgrade University Faculty of Political Sciences, Belgrade, Serbia) and Danilo Vukovic (Belgrade University Faculty of Law, Serbia).

2 Biljana Djordjević (Belgrade University Faculty of Political Sciences, Belgrade, Serbia); Balázs Fekete (Hungarian Academy of Sciences Centre for Social Sciences, Budapest, Hungary); István H. Szilágyi, (Pázmány Péter Catholic University Faculty of Law, Budapest, Hungary); Maja Lukić (Belgrade University Faculty of Law, Serbia); Bojan Spaić (Belgrade University Faculty of Law, Serbia); Dušan Spasojević (Belgrade University Faculty of Political Sciences, Belgrade, Serbia); Danilo Vukovic (Belgrade University Faculty of Law, Serbia) and Zsolt Zódi (Hungarian Academy of Sciences Centre for Social Sciences, Budapest, Hungary).

Serbia elaborate on the same problem, how to discuss the Serbian civil society and its dysfunctions – either as non-transparent and non-democratic participation in lawmaking or as low performance in contributing to government accountability – in an academic way. Interestingly, one of them follows an anthropological framework of understanding (Mikuš, 2015, in this issue), while the other one approaches its subject with the help of classic qualitative sociological methods (Vuković, 2015, in this issue). Last but not least, an evergreen problem of sociology of law is explored with respect to the work of the Slovenian high level judiciary, the role of case law and the use of precedents in an empirical way (Štajnpihler, 2015, in this issue).

Four of the five papers concentrate explicitly on testing Western-originated theories and scholarly positions against the former Socialist and post-transitory regional context. Štajnpihler made a well-founded and detailed inquiry to verify if and to what extent the Slovenian high courts rely on former court decisions, though the principle of *stare decisis* is unknown in Slovenian law. That is, practically, he tested the well-established position of Western legal theory and comparative law arguing that even the courts of the continental systems consider case law as a potential source of law, either in an explicit or implicit manner. In the same vein, Boda and Medve-Bálint analyzed whether procedural fairness, being able – as demonstrated by Tom Tyler and his followers – to foster public trust in general, has a similar importance in shaping legitimacy beliefs toward law and public institutions in Hungary as in the United States or in Western Europe. In general, both of these papers convincingly argue that local experience justifies these Western theses. In sum, Slovenian high courts rather frequently decide by partially using former court decisions as well as the requirement of procedural fairness has a measurable impact on trust expectations in Hungary. Thus, at these points, one may discover a strong correlation between former Socialist realities and Western “state of affairs”.

Mikuš and Vuković, however, reach very different, not so optimistic, conclusions, when examining certain Western tenets on the functioning of civil society. For instance, Western scholars and policy-experts convincingly argue that the participation of civil society in law-making can make this process more efficient and transparent. However, Mikuš seriously doubts this generalization based on his insights rooted in his extensive anthropological fieldwork concerning the birth of the new law on associations in Serbia. He reaches the conclusion that the involvement of civil society did not have such a serious impact on law-making that would have resulted in a representative and democratic procedure. On the contrary, due to the limited number of participants and their close, often informal relations, the drafting of the new law on associations was rather non-transparent and biased. Vuković also concludes in a pessimistic way when exploring the potential of civil society to contribute to the general realization of social accountability in contemporary Serbia. Although civil society is conceived of by Western scholars as a channel for the articulation of people’s interest as well as a sum of “agents” being able to foster government accountability, the Serbian experience is different. It is argued by Vuković that Serbian civil society cannot

efficiently fulfill this role, mostly due to external factors, mainly the lack of a real popular support, the serious dependence on foreign donors and the weak institutional environment, with special regard to judiciary and independent regulatory bodies. In conclusion, these two studies convincingly point out that there are manifest deficiencies in the functioning of Serbian civil society, and that these may question the general validity of Western insights at this field.

The paper by Fekete and Gajduscsek has a different scope; it does not deal with the applicability of Western theories, but it is devoted to the discussion of the general knowledge about law in Hungary. It is based on a timely comparison between a general survey that was carried out in 1965 and the authors own examination of how general knowledge about law changed in post-transitory Hungarian society. The comparison of the data from 1965 and 2013 indicates that the level of general knowledge about law has certainly been increasing in the last fifty years. However, as certain regression analyses show it, this positive change is almost solely due to the parallel development of general education. That is, other factors – such as gender, place of residence, media consumption or interaction with the legal system – have much less impact than was anticipated.

The papers are well-founded in methodological terms. Each author applied either quantitative – semi-structured interviews, content-oriented document analysis, participant observation – or qualitative research methods – survey data analysis, quantitative analysis of court decisions – in a concise and transparent way. This overall methodological clarity strengthens the reliability of the main theses, though some of them do not conform to former Western findings. Hopefully, all these papers will invite scholarly discussion from both a methodological and a substantive aspect.

Lastly, a general dilemma should be mentioned. The present papers only deal with three former-Socialist countries in detail; therefore, they do not formulate any general conclusions concerning the whole post-Socialist area in Central- and Eastern-Europe. Obviously, no one can be enough brave to raise them based on these individual, country-specific findings. However, as intuition may suggest it, manifest convergences may occur among certain phenomena in the former Socialist region. For instance, Hungarian studies on the role of case law in the decision-making of courts (Zódi, 2014) pointed out almost the same findings as Slovenian ones. Alternatively, the dysfunctions of civil society seem to be similar in almost all former Socialist countries in the region, that is, other regional experiences can certainly be compared to the Serbian ones. And, this list of similarities can easily be continued on the level of various hypotheses. All in all, these studies seem to be worthy of being extended to other countries, they may even offer solid starting points for regional comparative studies.

3. Sociology of the law in Hungary and Serbia as well as in other former Socialist countries

The following section is dedicated to the presentation of the actual status of the sociology of law in certain parts of the former Socialist region, with special regard to Hungary and Serbia. The aim of this analysis is to provide an overview

of the state of the development of the discipline in certain selected countries. This has been achieved by analyzing the content and the status of university courses, by focusing on key researches and the topics they cover as well as by identifying channels of cooperation between them. The analysis included only public universities as all available data indicate that private higher education institutions do not invest in this field. The study was conducted using a two-stage method: desk-analysis and in-depth interviews with selected university researchers and teachers in the field of the sociology of law.³ The interviews covered the following issues: (1) data on courses and status of sociology of law in higher education system, (2) key academic interest and (3) international cooperation.

Furthermore, it has to be added that no “state-of-the-art” discussion on current sociology of the law in the region can completely be free of references to its past. In some of countries covered by this brief analysis, such as Hungary or Serbia, it is particularly obvious that modern history of sociological interest in law definitely made its mark on nowadays’ setting. Thus, in order to make the present comprehensible, the main points of this story were sketched prior to assessing the recent developments, too. In conclusion, in some cases the closer or farther past of socio-legal studies had to be studied in order to get a balanced and intelligible picture.

3.1. Main points of the history of Hungarian legal sociology

As Western socio-legal studies in general, Hungarian legal scholarship with a sociological interest is also marked by certain twofoldness. On the one hand, sociological insights may be applied in order to enrich or refine a theoretical understanding of law, while, on the other, a sociological approach to law may refer to law-oriented empirical research generally and to the grounding of ideas by the explanation of the collected data. That is, a sociological approach to law may mean both theoretical reflection and specific empirical fieldworks. In most of the cases these two interests merge in the work of the scholars,⁴ but sometimes scholars has specialized themselves to one of these main streams of study.⁵

3 The quality of data was heavily dependent on the availability of university staff and scholars for interviews. In some cases we were able to conduct very useful interviews, in some we only managed to organize a scattered email correspondence, while in many cases we were not able to establish contacts. Interviews were conducted with Amila Ždralović, Faculty of Law, University of Sarajevo, Samir Forić, Faculty of Political Sciences, University of Sarajevo, Tilen Štajnpihler, Faculty of Law, University of Ljubljana, Antonija Petričušić, Faculty of Law, University of Zagreb, Josip Kregar, Faculty of Law, University of Zagreb, Stefka Naumova, Faculty of Law, University of Sofia, Saša Bovan, Faculty of Law, University of Belgrade, Mátyás Bencze, University of Debrecen Faculty of Law and Political Sciences, and Zoltán Fleck, Eötvös Lóránd University Faculty of Law and Political Sciences.

4 See, for example, the works of Barna Horváth in the interwar-period. He analyzed extensively the sociological understanding of law with respect to the framework of Neo-Kantianism (Horváth 1934), furthermore, he also conducted empirical research on the formation of public opinion (Horváth 1942a) and the character of law students (Horváth 1942b).

5 See for instance the early researches of Mária Neményi, who, in cooperation with András Sajó, carried out an extensive empirical research on the letters sent to a TV-program devoted to the discussion of legal problems (Neményi-Sajó 1984).

To start with, the pioneer of Hungarian socio-legal studies was undoubtedly Barna Horváth (1896–1973), professor at the Faculty of Law of the University of Szeged during the interwar period. He prepared the first comprehensive monograph on the theoretical perspectives of sociology of the law in German in the early thirties (Horváth, 1934). Naturally, this work was steeped in the theses of Neo-Kantian philosophy. However, Horváth aimed at the introduction of the so-called “synoptical method” that would make it possible to treat both the factual and normative dimensions of law in harmony (Horváth, 1934: 63). In addition, besides theoretical endeavors, Horváth also conducted the first public opinion poll in the country (Horváth, 1942a; H. Szilágyi, 2006: xxii). Regrettably, due to the drastically changed socio-political circumstances Horváth had to emigrate in 1949; thereafter, with his family, he settled in the United States. Although Horváth carried out a wide range of scholarly activities in the United States and in Europe, for instance his articles and reviews were mostly published in *The American Journal of Comparative Law*, he never returned to a systematical study of socio-legal issues.

Admission of general sociology as an autonomous field of study did not happen easily in the deeply politicized academic life of the Socialist Hungary of the early sixties. Since sociology was essentially developed in Western Europe prior to World War One the leading and politically powerful personalities of the Socialist academia passionately debated its compatibility with the official ideological materialism and doubted its “bourgeois” achievements (Fleck, 2004). However, contrary to all these obstacles, various fields of sociology had started to institutionalize in practice, inter alia the sociology of law.

A young researcher of the Hungarian Academy of Sciences Institute for Legal Studies had a decisive impact on the formation of Socialist legal sociology. Kálmán Kulcsár (1928–2010) published a monograph about the major problems of the sociology of law when he was 32 years old (Kulcsár, 1960). He became the director of the Institute of Sociology at the Hungarian Academy of Sciences nine years later. In the mid-sixties, Kulcsár carried out the first comprehensive and countrywide survey measuring and assessing the knowledge about law in the Hungarian population (Kulcsár 1967, for discussion see: Fekete-Gajduscek, 2015, in this issue). Symbolically, this research paved the way to a Socialist “golden-age” of empirical sociology of law from the mid-seventies, since many other ones focused on either specific groups and their attitudes to law (e.g. the legal culture of physical workers, Sajó-Székely-Major, 1977) or specific socio-legal problems (the peculiarities of civil litigation, Kulcsár, 1982) followed it. That said, a favorable atmosphere toward empirical research – in both intellectual and financial terms – inspired the work of legal sociologists in the period from 1965 to 1989 although the ideological cornerstones of Marxism-Leninism obviously could not be overstepped.

In addition, important works of theoretical nature were published in the Socialist era. Kulcsár prepared the first manual on the sociology of law (1976), which was later developed into a university textbook (1981), too. The outstanding Marxist legal philosopher, Vilmos Peschka, analyzed Max Weber’s theses on the

sociological understanding of law, and he also provided a high-level Marxist criticism of Weber's method (1975). Lastly, at the end of the eighties András Sajó published an insightful book on the hypocrisies of Socialist law arguing that there was a considerable gap between the reality and the official image of law in Hungary (1986). All in all, the sociology of law gradually acquired a renowned status in Hungarian legal scholarship; furthermore, it also heavily contributed to the better understanding of the regime's deficiencies. The establishment of the country's first department of legal sociology, chaired by Kulcsár in Budapest in 1985, also reflected this development.

Interestingly, the political changes of 1989 weakened the positions of legal sociology in the Hungarian academia in general. Due to a significant decrease in governmental financial support, empirical research efforts have been seriously reduced. Further, a considerable shift toward qualitative and speculative directions in the scholarly interest also occurred. Moreover, certain leading scholars turned their attention toward other fields of study. For instance, Sajó, a leading personality of both empirical and theoretical socio-legal studies, has started to study constitutionalism and human rights in the nineties and, thereby, left behind problems of legal sociology.

3.2. The current status of sociology of the law in Hungary

Sociology of the law is part of the curricula of all Hungarian faculties of law. In the majority of these faculties it is taught in the second year, while, in some faculties, students meet it in the later years of their studies. With the exception of the Faculty of Law and Political Sciences at Eötvös Loránd University sociology of the law is taught in the form of 'lectures', that is, these classes are more about the presentation of specific problems by the teacher than an interactive discussion and week-to-week seminar work in which students are also involved to a certain degree. At the Faculty of Law and Political Sciences of Eötvös Loránd University the method of teaching has a mixed nature as it is partially based on lectures as well as on seminars.

Various collective works have been used as course textbooks these years. For instance, the courses of sociology of law are based on a textbook written by the fellows of the faculties of law in Miskolc and Debrecen (Bencze-Vinnai, 2012), while the Eötvös Loránd University Faculty of Law and Political Sciences has its own legal sociology textbook (Fleck, 2014). Interestingly, the latest version of Kulcsár's book (1997) is still on reading lists of these courses in either compulsory or elective status. That is, although it may be somehow outdated, Kulcsár's work still has a strong authority in this sphere. Furthermore, there are other books focused on a sociological understanding of law being used to a certain degree in teaching (e.g. Maczonkai, 2010; Pokol, 2003).

Two major scholarly research projects of a socio-legal nature are currently financed by governmental sources. The first one started in the second half of 2012 and is devoted to the study of the general legal culture in Hungary. As a research tool it relies on country-wide empirical surveys managed by independent, market-based public opinion research companies. The main aim of this project

is to provide a better understanding of the general Hungarian legal culture on the basis of quantitative data analysis (for details, see: Fekete-Gajduschek, 2015 in this issue). The second one started at the end of 2013 and is led by Zoltán Fleck, professor at Eötvös Loránd University, Faculty of Law, and it focuses on the application of normative arguments in a normal, non-professional use. The researchers hope that through the study of the role of normative arguments in everyday situations they can get closer to the main reasons behind the general non-compliance with law in Hungary. The first, intermediary results of this project are under publication.

Our interviews indicate that the sociology of law has a solid place in the educational plan of faculties and according to some of the interviewed teachers, its status has, compared to the earlier period, improved in the eyes of the scholarly community. However, there are also divergent views pointing to the sociology of law as a peripheral subject, a perception dominant among some academics. Although sociological methods are sometimes used in the works of 'doctrinal' scholars it is mostly done "without methodological consciousness". These opinions reflect that the sociology of law certainly has a tradition in Hungary, but scholars with such research interest still have to work hard in order to be recognized as 'normal' members of the academic community.

As for the interest of students the opinions are converging. The interviewed academics argued that students "found the sociology of law interesting, but it was difficult to make them understand its practical relevance". Students could only be motivated by new methods of teaching since they intend to focus on courses having practical legal outcomes, which help their future careers. That is, teaching of legal sociology is certainly not among the easiest scholarly tasks mostly because of the general negligence of students toward "non-profitable" theoretical courses in general, but this attitude of students can gradually be changed by either the introduction of new teaching methods or a careful selection of the subjects discussed.

3.3. Main points of the history of Serbian legal sociology

Early traces of the Serbian sociology of law go back to the end of 19th century and the work of who Valtazar Bogišić (1834–1908). His work was twofold. As lawmaker and codifier, his most prominent work was the codification of traditional norms into a General Property Code. As a scholar, he was involved in gathering and studying the traditional norms and customs of Slavic nations (Bogišić, 1986). His thinking was influenced by the German Historical School and he had considerable admiration for Vuk Stefanović Karadžić. That is, insistence on empirical research in social and legal sciences characterized his work. His teaching experience in Odessa was marked by an effort to introduce the sociology of law in the curricula. However, he considered social science not as value neutral, specifically in the light of growing de-traditionalization and capitalist individualization and he understood the close relationships between rural sociology and sociology of law (Molnar, 1994: 574 ff.).

In spite of the fruitful work of Bogišić, later developments in the Serbian sociology of law took divergent paths. Unlike abundant empirical research in the

field of rural sociology (e.g. by Sreten Vukosavljević, 1881–1960), later sociology of law was characterized by the separation of theoretical interest from empirical work. Unlike the USA and Germany, no empirical sociological research was conducted. The late thirties witnessed the final separation of theoretically focused sociology of law from the empirically based rural sociology (Molnar, 1994: 577 *ff.*). This took place in spite of the social circumstances characterized by the emergence of new capitalistic society, one that needed to be regulated and that required new rational regulatory efforts that would replace the traditional patriarchal norms of rural Balkan societies (Mitrović, 1982: 137).

One of the prominent figures of inter-war Serbian sociology was Đorđe Tasić (1892–1944), whose role in the institutionalization of sociology will be addressed in the following paragraphs. His research covered a vast field from the issues of the nature of law and society (Tasić, 1933) to social rights (Tasić, 1934). However, the outbreak of the Second World War and the early death of Đorđe Tasić, together with the domination of dialectical Marxism in social thought and sociology, led to the interruption of the development of the Serbian sociology of law. One of the prominent figures of the post-war period was Radomir Lukić (1914–1999), a close associate of Đorđe Tasić and one of the most influential post-war sociologists in Serbia and Yugoslavia. In his inauguration lecture (Lukić, 1940), Radomir Lukić set out a sociological approach to the study of law, defining the tasks of sociology of law as not just studying the text of law, but its social elements, including the group that created it, and social interests that lay behind it. Moreover, the influence that the law had on society was also worthy of a closer study, as explained by Lukić (Lukić, 1940: 179). Nevertheless, his interests were wide and he was not focused on sociology of law exclusively. In the later decades of the postwar period, the cooperation with the international scientific community was weak and the works that would introduce progressive socio-legal ideas from abroad were scarce. Therefore, domestic, particularly empirical, sociology of law was underdeveloped. However, several important studies appeared in this period, focused on the analysis of the legal profession (Zvekić, 1985), the death penalty (Janković, 1985), and the independence of judiciary (Mršević, 1990). Early works by Aleksandar Molnar could also be regarded as an effort to reinvigorate the Serbian sociology of law (Molnar 1989; Molnar, 1992; Molnar, 1994), but his academic career in sociology of law was interrupted and he shifted his focus to other subjects. Although important, these studies somehow remained a lone effort that has not induced further scholarly achievements, academic collaboration or empirical researches.

Introduction of sociology and sociology of law into the university curricula took place at the Faculty of Law of Belgrade University in the early decades of 20th century. The Faculty of Law of Belgrade University was the birthplace of not only modern Serbian sociology but also the sociology of law. Its teaching staff, some of the most prominent socio-legal scholars of the first half of the 20th century, initiated the institutionalization of sociology and its integration into the curricula of law faculties. In 1926 the Seminar for Statistics and Sociology was formed, Slobodan Jovanović thought course in general legal theory and sociology, while the Society for Sociology and Social Sciences was created in

1935 by Đorđe Tasić. The first scientific journal, *Sociological Review (Sociološki pregled)* was established in 1939 and a year later the Department for Sociology, too (Antonić, 2015; Mitrović, 1982).

All these developments were impeded by the outbreak of war. One of the pioneers of Serbian sociology, Đorđe Tasić, was killed in the Banjica concentration camp; Slobodan Jovanović left the country as he was the Prime minister of Yugoslav Government in exile as did Mirko Kosić (1892–1956), while Dragoslav Todorović and Jovan Đorđević were not engaged in sociology anymore (Antonić, 2015: 267–268). After the pause in the teaching, research and institutional development caused by the Second World War, the general evolution of sociology was hampered by the domination of rigid Marxism. Sociology was seen as a “bourgeois science”. It took a whole decade, and the Yugoslavia’s break with Stalin, until the authorities and the scientific community became more benevolent towards it. Finally, it was introduced into the curricula of legal education across former Yugoslavia in the fifties. Belgrade Faculty of Law was again in the focus of these developments since the leading figure that initiated institutionalization of sociology in legal education was Radomir Lukić from the Belgrade Faculty of Law, together with Albin Goričar from the Ljubljana Faculty of Law and Oleg Mandić from the Zagreb Faculty of Law. Lukić was persistent in introducing wider curricula in legal education as he believed that otherwise law schools would be producing lawyers incapable of understanding the social circumstances in which law is created and implemented (Todorović, 2015: 204). Institutionalization went further as Yugoslav Association for Sociology was created in 1954. Soon afterwards the Serbian Sociological Association was created, again led by prominent figures from the Faculty of Law: Radomir Lukić and Stevan Vračar.

3.4. *The current status of sociology of the law in Serbia*

For decades sociology was thought as introductory course in the first year of studies while the sociology of law was an optional course in later phases of studies. Few years ago these two courses were merged into a single course entitled “Basics of the Sociology of Law”. It is conceived as a general introduction to sociology with elements of sociology of law. The first part of the course includes an introduction to theory and methodology as well as to topics of social groups, organizations and institutions, social changes etc. The second part provides an overview of key issues in the sociology of law, including sociological analysis of legislation, invocation and implementation of law. Currently, there are two textbooks, one written by Professor Milovan Mitrović and Danilo Vuković and the second one written by Professor Saša Bovan. Mitrović’s work ranges from history of sociology (Mitrović, 1982) to rural sociology (Mitrović, 1998; Mitrović, 1999) and sociology of law (Mitrović, 2006; Mitrović, 2006b). Bovan’s scholarly attention is mainly concentrated on the field of legal hermeneutics (Bovan, 2013; Bovan, 2014) and the theory of law (Bovan, 2004). Conversely, Vuković’ focuses on both the sociology of law (Vuković, 2013; Vuković, 2013b; Vuković and Cvejić,

2014) and the sociology of public policies (Vuković and Babović, 2013; Babović and Vuković, 2015).

Clearly, sociology is well entrenched in the history of the Faculty of Law in Belgrade and there is a historical continuity from late fifties to the present day in teaching and research. However, this is not the case with other legal faculties. Sociology of law is not among either compulsory or optional courses at some of the major public universities in Serbia, such as Kragujevac. Faculty of Law in Novi Sad has a course in Sociology in the first year as well as an optional course in the Sociology of Law. However, teaching staff for these courses is scarce and it is hardly conceivable that in the near future these courses will remain as they are now. The faculty of law at the University of Niš has an optional course in the Introduction to Sociology and the Sociology of Law. The course is based on the course taught in Belgrade as well as the textbook written by Milovan Mitrović from the Belgrade University Faculty of Law. Dr Slaviša Kovačević and Mrs Natalija Žunić are engaged in delivering the course. However, their academic interests are not focused on the sociology of law. Dr Kovačević's main field of interest is political sociology (Kovačević, 2015) while Mrs Žunić is working in the fields of antidiscrimination, feminism and gender studies (Žunić, 2012).

3.5. Sociology of the law in former Yugoslavian countries: Croatia

Sociology as an academic discipline was established at the University of Zagreb, Faculty of Law in 1906 by the establishment of the Department for criminology and sociology, but it was not until 1919 that sociology was established as compulsory course (Mitrović, 1982). In 1987, sociology of law was introduced as an optional course in the final year of studies. Some of the early works relevant for the field of the sociology of law were those by Dinko Tomašić (1902–1975) who presented and studied traditional customs and norms (Tomašić, 1937). His work also had elements of rural sociology. This academic tradition was continued with the work of and Rudolf Bićanić (1905–1968) (particularly Bićanić, 1996). Following the Second World War the dominance of dogmatic Marxism had stopped the pre-war development. However, there was an effort to revive sociology as an academic discipline and as part of university curricula. The oeuvre of Oleg Mandić (1906–1979) was of particular importance in this sense, as he was involved in creating the Yugoslav Sociological Association in 1954. The next prominent figure in Croatian sociology was Eugen Pusić (1916–2010) who was primarily interested in political sciences and issues of administration (Pusić, 1989). However, as witnessed by our interviewees, many of his works are perceived as falling in the field of sociology of law. He was succeeded by Josip Kregar who attempted to introduce the sociology of law as an obligatory subject but failed. Since the nineties sociology of law is enlisted as an optional course. In spite of the fact that Kregar did not manage to fully institutionalize sociology of law, he was involved in the series of socio-legal researches related to attitudes and values with regards to the law (Pusić *et al.* 1986; Pusić *et al.* 1976).

At present Josip Kregar teaches sociology of law, which is now a compulsory subject in the first semester of studies. Basically, it is a general introduction to sociology with elements of the sociology of law, roughly covered in more than fifty pages of the textbook. Among younger researchers from Zagreb, dr Antonitija Petričušić is active in the field of the sociology of law as well in other areas of sociology and political sciences.

In addition to Zagreb, the sociology of Law is taught at law faculties in Rijeka, Osijek and Split. At the Faculty of Law in Rijeka there is a group of sociologist dealing with sociology of law and ethnicity (Boris Banovac and Marko Mrakovčić). Here, sociology of law is an optional subject in the third year of studies, while sociology is an obligatory one in the first year. Similarly, students of the Faculty of Law in Osijek have sociology as an obligatory subject in the first semester. This course is conceived of as a general introduction to sociology including some elements of sociology of law. For a long period of time Duško Vrban was active in Osijek. He is the author of a textbook in the sociology of law which is still used across the region (Vrban, 2006). Finally, Faculty of Law in Split also offers a course in sociology in the first year. This is a compulsory course that is conceived as a general introduction to sociology.

Croatian sociologists from this field are mainly interested in the issues of legitimacy of law (Kregar, 2011), corruption (Kregar et al, 2010) and inter-ethnic relations (Banovac, 2010; Banovac, 2012; Mrakovčić, 2010; Petričušić, 2015; Petričušić, 2013). Among the university staff teaching sociology of law, there is still a fair share of sociologists (holding positions in Rijeka and Split), while others have a background in law (Zagreb) or theology (Osijek).

3.6. Sociology of the law in former-Yugoslavian countries: Slovenia

Slovenia has a well-developed network of scientific institutions in the fields of law and sociology. Sociology was developing for decades under the umbrellas of Faculty for Social Sciences and the Faculty of Philosophy in Ljubljana. The Faculty of Law also had a course in sociology which was gradually transformed into the sociology of law, most probably under the influence of a move towards a more practice oriented, non-Humboldtian kind of higher education.

The Faculty of Law at the University of Ljubljana is the main center where sociology of law is developed. The title of the course is "sociology of law" and it is a compulsory course in the first semester of the first year of study. It is based on the textbook written by Albin Igličar (Igličar, 2004). The course contains two parts. The first part is a historical and theoretical introduction to the subject of the sociology of law. The second part of the course covers various topics within the range of socio-legal studies such as litigation and legislation, but also a wider range of topics including the functioning of various legal institutions, the social foundations of law, and legal culture. At present this is the only course in the sociology of law taught in Slovenia. After the retirement of Albin Igličar, dr Tilen Štajnpihler is the only teacher of the course. Like Igličar he too has academic background in law rather than sociology.

Developments in the field of sociology of law in Slovenia that we have identified during the course of the research correspond to those in other countries. The first one is a move from general courses in sociology to allegedly more lawyer-like and practice-oriented courses in the sociology of law. The second one is a move from trained sociologists to trained layers as teachers at the course. These have been trends in at least the last two decades.

The institutional position of sociology of law at Slovenian universities is obviously quite weak. There are, as reported in our interviews, some doubts among some university staff as to the usefulness of sociology for legal education. This is particularly obvious in the ongoing discussions on the reforms of the curricula. One of the leading ideas is to make the program more practice-oriented. In this context sociology is usually referred to as one of the non-essential parts of future curricula.

Other than the Faculty of Law, there are strong academic centers with long tradition in sociology: the Faculty for Social Sciences and the Faculty of Philosophy, the later one being the oldest institution where sociology has been nurtured. Sociology is taught at both of these institutions. Contrary to other examples from the region, sociology of law as a discipline grew at the Faculty of Philosophy and it was developed by the former professors with a background in law.

As we have emphasized, there is only one prominent scholar in the field of sociology of law, Tilen Štajnpihler. His main fields of interest are in the theory and sociology of law and his PhD thesis dealt with judicial precedents and legal argumentation. Otherwise, he is working on the subjects such as theory of legislation and antidiscrimination. Historically, the sociology of law in Slovenia had a strong theoretical focus (Igličar, 1999; Igličar, 2003; Štajnpihler, 2012). However, recent works by Tilen Štajnpihler are creating a balance with empirically based sociology of law (Štajnpihler, 2012b; Štajnpihler, 2013).

There are only a few scientific institutions worth mentioning in the context of our analysis. Apart from the Faculty of Law of the University in Ljubljana, the Faculty for Social Sciences and Faculty of Philosophy, there is also the Institute for Criminology with staff partly touching upon issues in sociology of law. There are research centers with Faculties of Social Sciences but they don't deal with law per se but in the fields close to the issues of constitutional regimes and political sciences. Fortunately enough, the Slovenian academic scene has strong personal and institutional scientific links to other institutions in the region and Europe.

3.7. Sociology of the law in former-Yugoslavian countries: Bosnia and Hercegovina

The higher education system is highly fragmented in Bosnia and Herzegovina along political and ethnic lines. Therefore, there are several large university centers. The largest and oldest university center in the country is situated in Sarajevo, the a capital of the state. Banja Luka, as the capital of Republika Srpska entity has been developing as a university center for decades. Mostar, political center of predominantly Croat areas in western Bosnia has two universities:

the University of Mostar, predominantly Croat-controlled and the University "Džemal Bijedić" in Mostar, predominantly Bosniak-controlled. Furthermore, there are university centers in Tuzla and Zenica which also have faculties of law.

The second line of fragmentation is within universities themselves. None of the observed universities is integrated and all are composed of faculties which are separate entities. All university centers have faculties of law where majority of courses in sociology of law are hosted. However, as we shall see in the following chapters, there are exceptions too.

Sociology of law is taught at main faculties of law in Sarajevo, Banja Luka, Tuzla, East Sarajevo and Zenica. As we have stated, there are two main public universities in Mostar and there are faculties of law at each of those universities. However, none offer courses in sociology or the sociology of law.

Faculties of law offer general introductory courses in sociology with some elements of the sociology of law. Very often, these courses are conceptualized in a wider manner and also offer some elements of the history of social and political thought. This brief analysis of curricula will be dealing with courses in the sociology of law at two major faculties of law: in Sarajevo and Banja Luka.

In Sarajevo, there are two separate courses: general introduction to sociology in the first semester and the sociology of law in the second semester. Both courses are compulsory and taught by Ivo Tomić who also teaches at the Department for Sociology at the Faculty of Political Sciences. The course in sociology is offered as a broad introduction to the sociology and deals with key sociological concepts (society, civil society, nation, family etc.), history of theories of society and contemporary sociological theories (formal sociology, functionalism, structuralism etc.). This serves as a preparatory course for the second semester where sociology of law is taught. This course again comes with elements of the history of social and political thought (and even philosophy). It includes sections on the historical roots of the sociology of law (theories of social contract, the German philosophy of law etc.), theories of law of Durkheim, Duguit, the sociology of law of Weber and Ehrlich, as well as contemporary socio-legal thinking.

Sociology of law is also taught at two Departments of Sociology, where future sociologists are educated. The Department for Sociology at the Faculty of Political Sciences in Sarajevo is unique as it offers the only compulsory course in the sociology of law in the 6th semester (until 2011 it was optional course). There is an optional course of sociology of law at the Department for Sociology at the Faculty of Political Sciences in Banja Luka. In Banja Luka Faculty of Law the sociology of law is taught as a compulsory course in the first semester. Unlike in Sarajevo, this is an introductory course in sociology and a course is the sociology of law at the same time. It is taught by Braco Kovačević and Dragana Vilić.

There are no scientific institutes in Bosnia and Herzegovina and the majority of research efforts take place at universities and under the framework of projects

implemented by non-governmental organizations (NGOs). University teachers delivering courses in sociology of law include Ivo Tomić, Braco Kovačević, Ivan Šijaković, Dragana Vilić, Samir Forić and Amila Ždralović. The majority of them teach general courses in sociology and courses in sociology of law and their fields of interests are in accordance with it and they include general sociology, history of social and political theory (Tomić, 2009), economic sociology and sociology of family (Šijaković, Topić and Puhalo, 2007; Vilić, 2013), political sociology (Kovačević *ed.* 2014), feminist history and theory and sociology of law (Stanić and Ždralović, 2013) and the sociology of law (Forić, 2014).

Research data does not indicate deeper networks of scientific cooperation between Bosnian and Herzegovinian experts and their regional or international counterparts (this fact was partly attributed to language barriers). Some networks exist between faculties from the Federation of Bosnia and Herzegovina and Croatia and between Republika Srpska and Serbia. Broader scientific communities are also created along these lines and there seems to be an exchange going on in terms of publishing, participating at conferences, and visiting professorships. On the other hand, the proper internationalization of scientific careers seems to be more typical of younger scholars and we have been informed about their individual scientific networks. Finally, it is worth noting that a large portion of the scientific effort is taking place under the umbrella of various NGOs. There are some of them who provide funds for scientific research as such, while others use research as a background for policy work and advocacy. In either case, there is a link between the scientific community and the public policy focused NGO sector.

3.8. Sociology of the law in former-Yugoslavian countries: Montenegro

The faculty of law of the largest university in Montenegro, the University of Montenegro, has a course in sociology of law in the first year of studies. It is a compulsory introductory course in sociology with elements of the sociology of law that was introduced in 2014. In previous period, there was a simple course in sociology. There is a department for sociology at the Faculty of Philosophy in Nikšić but it does not offer a specific course in the sociology of law. In addition, there are two scientific journals currently being published in Montenegro that cover the fields of sociology and sociology of law.

Our desk research and interviews indicate that sociology seems to be underdeveloped in Montenegro, even compared to the general tendencies of the former-Yugoslavian region. We were not able to identify prominent sociologists dealing with law or active in socio-legal studies. Those that teach sociology of law seem to be more involved in other fields, such as political sociology, the history of social and political ideas and state interventionism (Dokić, 2014; Dokić, 2015). Neither could we obtain data on links of the Montenegrin scientific community with the international one.

3.9. *The Sociology of law in the former Socialist area: the cases of Bulgaria and Romania*

Early foundations of the Bulgarian sociology of law are traced in the late 19th century and the work of Stefan Bobčev on the Bulgarian custom law. In the first years of the 20th century Ilija Janulov continued empirical research in the fields of labor legislation and social insurance. Much of this research was policy-oriented and served the design of modern labor legislation. After the Second World War the interest in the sociology of law had been slowly fading away until the seventies and the renewed interest in the “knowledge and opinion about law” research (Molnar, 1994: 559 ff).

At present, one of the prominent figures of Bulgarian sociology of law is Stefka Naumova. She teaches sociology of law at the universities in Sofia, Blagoevgrad, Ruse and Varna. Some other universities, such as the New Bulgarian University or University in Plovdiv either do not offer courses in sociology of law or they cannot be found on their webpages. The courses in Sofia, Blagoevgrad, Ruse and Varna are optional and are based on her textbook. The first edition of the textbook was introduced in 1980 but it has had a series of revisions since then. The courses are more focused on the sociology of law than on general sociology, contrary to the praxis at the majority of other universities we have analyzed. It contains chapters dealing with early and contemporary sociologists of law, social control and deviances, legal consciousness, the impact of law, legislation, as well as the methodology and praxis of empirical research in the sociology of law. Sociology of law is also taught at Angel Kachev Faculty of Law although only as part of MA studies. Main fields of interest of Naumova are legal socialization, discrimination and deviance and control (e.g. Naumova, 2005; Naumova, 2013).

As there are numerous universities in Romania,⁶ the desk research was limited to the first three ranked at the webometrics.info: University Babeş Bolyai, University Alecu Ioan Cuza, University of Bucharest.⁷ The first one, University “Babeş-Bolyai” in Cluj (Kolozsvár) offers a course in the sociology of law taught by dr Arthur Mihăilă. His textbook contains a general introduction to sociology and research methods, and chapters on social control, deviances, family, legal culture. Dr Arthur Mihăilă is mostly engaged in theoretical work in the field of the sociology of law.

At the University of Bucharest, Faculty of Law the sociology of law is optional subject at the second semester of the first year of studies. It is taught by Stephen Deaconu, professor of constitutional law who also has a prominent political career. Sociology of law is also a subject at the third year of studies at the Faculty of Sociology and Social Work of the University of Bucharest. The course is led by Dan Banciu who is among the senior sociologist of law and is mostly working in the areas of sociology of crime and deviance.

6 At present, there are at least 57 public and 33 private universities working in Romania.

7 This is not the most reliable indicator of the quality of universities. However, it is the only one that includes Romanian universities. For example, the Shanghai or the Leiden lists, which analyze quality of research and education more than mere presence on the internet, do not include Romanian universities.

Legal sociology is an optional subject in the first year at the Faculty of Law of University “Alexandru Ion Cuza” in Iasi. It leans slightly towards the sociology of deviances and crime and consists of an introduction to sociology and topics such as the political system, social rules, socialization, crime and deviances. The readings include textbooks written by Romanian scholars (Andrei Petre, Don Banciu, and others) as well as works by Bauman and Carbonier. The course leader is Cosmin Dariescu. His fields of interest include history of Romanian law, family law and private international law. Romanian scholars involved in the teaching in the field of sociology of law are predominantly lawyers.

4. Conclusions

As a starting point, we should emphasize that the development of the sociology of law, as well as sociology in general, was burdened by institutional, academic and social underdevelopment of the region. Later the political and scientific rigidity of Marxism also influenced its establishment in a negative way. However, partly inconsistently with these the earlier, it is fairly well represented at law schools in the area that ranges from Hungary to Bulgaria and countries of former Yugoslavia. Looking back in the history of legal education, it appears that lawyers and law schools often had a prominent role in establishing and institutionalizing sociology, particularly in the former Yugoslavia. Ultimately, some of these courses evolved well-developed scholarly approaches to the sociology of law. Hungarian sociology of law had more autonomous paths of development due to the strong backing of the Socialist academic sphere.

Contrary to its divergent historical paths, present-day sociology of law seems to be converging. In the majority of the analyzed countries we have recorded a push toward specialized, practice-oriented legal education and distrust in the traditional general legal education that also contains social sciences, history and economy besides traditional legal disciplines. In this sense, the region seems to be taking, though not coherently, some steps further away from the Humboldtian type of higher education. However strong this impulse might be, the fact unquestionably is that sociology and the sociology of law definitely have their proper roles in the legal academia in the region, and in some cases (e.g. Hungary and partly in Serbia and Croatia) this role is even rooted in the interwar period. Therefore, its utility and results cannot generally be questioned or debated. It is well-reflected by the facts that legal sociology is on the curriculum of the most prestigious faculties of law in the region as a compulsory subject and that there are on-going research projects focusing on legal culture (Hungary and Serbia), lawmaking (Serbia), and the judiciary (Slovenia).

Our interviews confirm that sociology is often conceived as an addendum to the courses in high schools that result in insufficient knowledge and understanding of society, social changes, social science as well as theories. Furthermore, courses in the sociology of law are frequently positioned at the first or second year of legal education and they are designed as general introductions to sociology and sociology of law, presuming some understanding of sociological

theories and topics, as well as knowledge of law and legal institutions. Therefore, they are complicated, abstract and not so easy to follow for the new coming students. We do not have reliable data about the students' perception of the subject. However, scarce comments might imply that the sociology of law does not have the applicability of the traditional law disciplines such as private or constitutional law and is thus considered less relevant by students.⁸

Finally, interviewed scholars would welcome regional initiatives for cooperation. The majority of them are not involved in such projects but they unanimously recognize their importance. Interview data suggest that cooperation may be realized in either comparative projects aimed at discussing the specificities of the regional legal cultures and institutions or projects devoted to the involvement of new, less-conventional methods in teaching.

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8 This might be correlated to the prevailing teaching methods. According to our Hungarian respondents, at faculties that rely on traditional 'lectures' as predominant teaching method, the status is lower than at the faculties where sociology of law is partially taught in seminars. Thus, the transformation of the teaching may improve the status of legal sociology in a longer run.

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