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## SOCIOLOGIE DU DROIT

Le regard sociologique du droit est une perspective, façon d'envisager le droit différente.

Regard spécifique par les concepts pour saisir le droit.

On a coutume de distinguer ce qui serait une approche, formelle, et cette approche dogmatique est l'approche juridique du droit.

L'idée de cette approche juridique est de considérer le droit de l'intérieur comme un système cohérent, logique et relativement clos sur lui-même.

Ce regard formel on le qualifie aussi de regard interne.

Cette approche on peut la distinguer d'une approche sociologique du droit qui serait une approche externe. Elle ne chercherait pas à reconstituer la logique sur droit mais en regardant le droit de l'extérieur d'observer ce qu'on voit.

Le droit est placé dans un certain environnement (temps, pays, époque). le regard sociologique est qualifié externe car il ne cherche pas à reconstituer la logique juridique mais il cherche en observant de l'extérieur à savoir ce qui se passe quand il y a du droit. Ce qui va intéresser ce regard externe est l'effet, l'effectivité des règles de droit, les conséquences qu'elles peuvent avoir sur le comportement de l'individu.

Un des objectifs de l'analyse sociologique va être de situer les phénomènes qui sont observés c'est-à-dire où est-ce que ça se passe, quand, qui fait quoi et qui sont ces personnes. (lieu date identité). Un des présupposés de la sociologie est de considérer que les individus, quand ils agissent, sont situés et il faut tenir compte de leur situation.

### **Introduction générale: approche juridique et approche sociologique: quel regard porter sur le droit?**

#### **A/ Eléments sur l'histoire de la sociologie**

La sociologie, si on la compare au droit, c'est une discipline qui est relativement récente. Le premier auteur qu'on associe à la sociologie est Auguste Comte (1798-1857) premier auteur à avoir utilisé le terme de sociologie. Le terme de sociologie apparaît donc au début du 19ème siècle.

Le 19ème est aussi le siècle où sur le plan politique, se pose la question sociale. Ce qu'on appelle à cette époque la question sociale est l'ensemble des difficultés qui sont nées de l'industrialisation et de la modernisation politique, économique des sociétés européennes. Se développe le salariat de façon massive, qui se retrouve souvent dans une situation très précaire, des conditions de travail et de vie très difficiles. La question sociale est utilisée pour désigner tous ces problèmes nouveaux.

# Le Regard Esthétique Perspectives Croisées Philosophie Sociologie Proximité Sociologie

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