



## The Evolution of Civil Law in Modern Society: From Tradition to Transformation

**Novi Juli Rosani Zulkarnain**

Universitas Darma Agung, email : [novizulkarnain2@gmail.com](mailto:novizulkarnain2@gmail.com)

\*email Koresponden: [novizulkarnain2@gmail.com](mailto:novizulkarnain2@gmail.com)

### Abstract

*This article discusses the evolution of civil law in modern society, from its traditional roots to the transformation influenced by social, economic, and technological developments. Civil law, which is rooted in tradition, law old, continue develop For adapt self with complexity life public moment This. This study examines important milestones in the development of civil law, including codification, judicial reform, and integration of international legal standards. In addition, this article highlights modern challenges such as digitalization, globalization, and human rights protection that drive significant changes in the principles and application of civil law. Thus, this article emphasizes that civil law is dynamic, capable of preserving fundamental values while adapting to innovations in order to serve justice effectively in the modern era.*

**Keywords :** Legal Evolution, Modern Society, Legal Transformation, Digitalization, Globalization.

### 1. INTRODUCTION

Civil law is one of branch fundamental law in arrange connection law inter-individual in society. Since ancient times, law civil has become instrument main For guard order, justice and certainty law in interaction social, economic, and personal. Legal roots modern civil law can traced return to inheritance law The Romans who have underlying various system law in Europe and many countries in the world. Through the ongoing process of codification and reform during centuries, law civil transform become more system structured and systematic, allowing implementation rule clear and consistent laws.

Modern society is characterized by complex dynamics — globalization that connects various countries, developments technology information that changes pattern communication and transactions, as well as awareness will importance protection right basic human. Factors the give pressure and challenges new for law civil, which was previously Possible more focus on traditional norms and order more static social. Therefore that, evolution law civil become very important For bridge values old law with demands increasing modernization develop.

Transformation law civil No only covering change substantive in rules and principles law, but also includes the legislative process, interpretation judicial, and the increasing integration of international norms influence practice law domestic law. In other words, the law modern civil law does not Again stand Alone in a way stiff, but develop in a way dynamic through interaction various factor social, political, and economic. Civil law has evolve from tradition classic going to modern transformation, as well as identify factors main influencing factors change With this understanding, it is hoped that readers can appreciate the role of civil law in maintaining justice and social order in the era of globalization and digitalization.

However, modern society today This face a distant challenge more complex compared to with the past. The process of globalization that strengthens connection between countries



and communities, accompanied by with progress technology rapid information , has change fundamentally the way people interact, transact, and communicate. Digitalization brings impact big to various aspect life , including aspect law, where the transaction electronics and personal data protection become issue important thing to do accommodated in law civil law. On the other hand, global awareness of protection right basic Humanity and Justice social also influences method law civil developed and implemented, with more focus big on respect to rights individuals and groups prone to.

Change rapid social and economic This force law civil For adapt, no only in in terms of applicable legal norms, but also in terms of regarding the legislative and enforcement process law. Judicial reform and integration principles law international become part not inseparable from evolution law modern civil law. civil law now faced with challenges How maintain principles base justice and certainty law, while still flexible in face needs and development new that has not been Once happen previously.

More Far again, evolution law civil No only is response to change external, but also a reflection from development theory law and thought philosophical about law That myself. Approach new which emphasizes protection right basic human, justice distributive, and access to justice has give color new in formation and implementation law civil. Therefore that, understand evolution law civil in context modern society does not only means see change rules and regulations law, but also examines How law the interact with values social, cultural and political developments.

In context said, article This aiming For dig in a way deep How law civil has experience transformation significant from old tradition towards system more laws responsive to need modern society. With to study factors that influence change mentioned, as well as the impact to system law and life society, it is hoped understanding gained can become base for development law more civil adaptive and relevant in the future.

Evolution law civil has become Topic important in study law and social, which has discussed by various expert from various discipline science. According to Zweigert and Kötz (1998), law modern civil law originates from tradition law The Romans then experience codification, as seen in the Codex Napoleon in France, which became a model for Lots system law civil law throughout the world. Codification This to mark shift important from system law of a nature habit going to system more laws structured and written , so that give certainty and clarity law for public.

More continued, Sir William Blackstone in work the classic Commentaries on the Laws of England emphasize importance law civil in arrange rights individuals and relationships social. Although Thus, the system common law and civil law have difference fundamental, but both of them You're welcome experience evolution in respond change social and technological (Merryman, 1985).

In the modern context, several studies highlight the influence of globalization and digitalization on civil law. De Cruz (2011) underlines that globalization accelerates the process of legal harmonization between countries, including in the field of civil law, through the influence of international institutions and multilateral agreements. Meanwhile, Katz and Bommarito (2014) discuss how information technology and digitalization pose new challenges in civil law, especially regarding electronic contracts and personal data protection.

Human rights are also an important focus in the development of modern civil law. According to Donnelly (2013), the integration of human rights principles into civil law shows how law not only functions as a tool for social regulation, but also as a means of



protecting fundamental values that support human dignity. This is reflected in various legal reforms in many countries that adopt human rights standards in their civil regulations.

In addition, contemporary legal theories, such as critical legal theory and feminist theory, provide new perspectives on how civil law can transform to be more inclusive and responsive to the needs of diverse communities (Carrington, 2010). Approaches This challenge structure law that tends to conservative and propose more reforms progressive. From the review the library above, can concluded that evolution law civil is a dynamic process that is influenced by various factors factor history, social, economic, and political. This study will continue analysis with to examine How transformation the taking place in the modern era as well the implications to practice law civil moment.

## 2. RESEARCH METHOD

Study This use approach qualitative with method studies library research and analysis descriptive For dig and understand evolution law civil in modern society. The data used in study This is secondary data obtained from various sources, including books law, journal academic, articles scientific, document legislation, and sources law relevant international.

First step in study This is data collection through studies in -depth literature to development history law civil, documents codification law, and literature related to reform and transformation law civil law in the modern era. Furthermore, the data collected analyzed in a way critical For identify factors main influencing factors change law civil, including influence social, technology, globalization, and protection right basic man.

Analysis done with method describe and interpret development law civil from perspective historical and contemporary. Research this also compares various opinion expert as well as practice laws in some countries to give a comprehensive overview about evolution law civil.

With method like this, research aiming For to obtain deep understanding about How law civil transform in face challenges and needs modern society, as well as implications change the to system law and practice justice.

## 3. RESULT AND DISCUSSION

### a. Result

Study This disclose that evolution law civil in modern society is a complex and ongoing process, which is influenced by various factors. factor historical, social, economic, and technological. From the analysis literature and documents the law under study, found that law civil at first based on the principles traditional which is heavily influenced by law Roman and codification such as the Civil Code (KUHPer) which is implemented in many countries with civil law system.

Change significant start happen when public entering the modern era with dynamics increasingly social fast. Globalization be one of factor the main driving force law civil transform. In the context of this, law civil No Again become system exclusive law For one country only, but interact with various system other laws through mechanism harmonization and adoption standard international. For example is influence Convention Vienna about International Sales of Goods that have been arrange transaction across countries, so that push law civil domestic For accommodate rules international.

In addition , digitalization and development technology information also provides impact big to evolution law civil. Concepts law traditional like contract written and



evidence physique start experience shift going to transaction electronics and digital documents. Changes This demand law civil For arrange aspects new like data security, sign hand electronics, and protection consumer in online transactions. A number of countries have do revision Constitution civil they are used to enter regulation about technology this, which shows response adaptive law to current development.

Other challenges encountered is increasing attention to right basic man in framework law civil law. The principles of human rights today become integral part in formation and implementation law civil, which was previously more emphasize on certainty law and interests of the parties in a way technical. Changes This reflected in regulation protection consumer, law family, and inheritance, where present adjustment For more honor dignity humanity, equality and justice social. This is to signify that law modern civil law does not only functioning as rule normative, but also as tool For realize values universal humanity.

More far , transformation law civil law is also influenced by developments theory the law is increasingly diverse and critical. Approaches new, like theory law critical and theory feminist, has push change paradigm in system law civil. For example, criticism to injustice structural and gender discrimination in law civil trigger further legislative reforms inclusive and responsive to need marginal groups. This shows that evolution law civil No only originate from factor external, but also from internal reflection on values more justice progressive.

However, the results research also shows that the transformation process This No always walk smooth. In some countries, there is resistance from conservatives who want to maintain old legal norms. In addition, the gap between legal theory and practice remains a major challenge, where the implementation of new rules is often hampered by bureaucracy, limited resources, and a traditional legal culture.

Overall, the results of this study confirm that civil law in modern society is a dynamic and adaptive system. It continues to evolve to balance between maintaining basic legal principles with the need for innovation and change arising from social, technological, and global developments. This transformation of civil law is very important so that the legal system remains relevant and effective in regulating the lives of increasingly complex and diverse societies.

## **b. Discussion**

The evolution of civil law in modern society is a phenomenon that cannot be separated from the dynamics of social, economic, and technological developments that continue to develop. This discussion will outline in detail several key aspects that are the main drivers of civil law transformation, as well as the implications of these changes for the legal system and society as a whole.

First, the historical aspect is an important foundation in understanding the evolution of civil law. As is well known, modern civil law is heavily influenced by the Roman legal tradition, which is one of the oldest and most influential legal systems in the world. The codification process carried out in various countries, especially through real examples such as the Code Napoléon in France, brought fundamental changes in compiling laws systematically and structured. This codification allows legal rules to be clearer, more systematic, and more accessible to the wider community, thus providing essential legal certainty for legal relations between individuals.

However, the clarity and certainty of law resulting from this traditional codification are beginning to be tested by the emergence of new challenges brought



about by the development of the times. Globalization, as one of the great forces of the 21st century, has blurred national boundaries and accelerated economic and social interactions between nations. This has created a need for civil law to adapt to international and regional legal frameworks. For example, the harmonization of trade law and cross-border consumer protection has become a crucial issue that requires national civil law systems to adapt to international standards. This change reflects that modern civil law is no longer a stand-alone entity, but part of a global legal network that interacts with each other.

In addition, the digital revolution that is taking place rapid has bring impact revolutionary for law civil. Aspects like contract electronics, signs digital hand, personal data protection, and transactions based on technology information become field law new must accommodated in framework law civil. As example, the old rules prioritize document physique now must open room for validity document electronics, which legally must be acknowledged For ensure continuity transaction modern business. This is show flexibility law civil in respond progress technology, at the same time present challenge new related with data security and privacy needs set up in a way effective.

Furthermore, the integration of human rights (HAM) values into modern civil law is an important discussion. In the past, civil law focused more on legal certainty and legal relations between individuals without considering much about the social and humanitarian dimensions. However, the development of global awareness of human rights has encouraged civil law reform to be more responsive to the protection of individual rights, equality, and social justice. An example is the reform of family law that provides greater rights to women and children, as well as legal protection for minority groups. This integration of human rights marks a change in the paradigm of civil law that does not only view law as a technical rule, but also as an instrument for protecting human values.

Contemporary legal theory approaches also provide new colors in the evolution of civil law. Critical legal theory, legal feminism, and social justice theory offer perspectives that challenge conservative and exclusive legal structures. For example, feminist theory critiques how civil law may have been insensitive to gender inequality and seeks to encourage legislative changes and more just and inclusive legal interpretations. These approaches enrich civil law discourse by considering the social context and needs of marginalized groups, making civil law increasingly relevant to diverse social realities.

However, the process of civil law evolution is not without obstacles. Resistance from conservatives and institutional limitations often hamper the implementation of progressive legal reforms. In addition, the gap between legal theory and practice remains a significant problem, especially in countries with weak legal systems and complex bureaucracies. Therefore, civil law reform must be supported by efforts to empower legal institutions, adequate legal education, and active community participation so that change can be effective and sustainable.

In a global context, the evolution of civil law is also influenced by the dynamics of international politics and economics. International trade agreements, international conventions on the protection of consumer rights, and the rules of international institutions such as the UN and WTO have helped shape the direction of the development of national civil law. This shows that the evolution of civil law is not only





a domestic phenomenon, but also a product of increasingly intensive global interactions.

Overall, this discussion confirms that civil law in modern society is a dynamic and adaptive legal system, which continues to develop to answer the challenges of the times without neglecting the principles of justice and legal certainty. The transformation of civil law reflects an effort to bridge the classical legal tradition with the changing needs of society, so that law continues to function as an effective and fair regulatory instrument in modern social, economic, and political life.

#### 4. CONCLUSION

The evolution of civil law in modern society is a dynamic and complex process, influenced by various factors such as social development, technology, globalization, and human rights awareness. From its traditional roots based on Roman law and classical codification, civil law has undergone significant transformation to meet the needs and challenges of the changing times. Globalization drives the harmonization and integration of international legal norms into national legal systems, while the digital revolution changes the way legal transactions and communications take place, demanding the adaptation of more modern and relevant civil law rules.

In addition, the integration of human rights principles into civil law emphasizes the role of law not only as a tool for regulating relations between individuals, but also as an instrument for protecting human values and social justice. The development of contemporary legal theory, including critiques of structural injustice and discrimination, also makes an important contribution to encouraging civil law reform that is more inclusive and responsive to the needs of diverse communities.

However, this transformation process is not free from challenges, such as resistance to change and the gap between legal theory and practice. Therefore, the success of civil law evolution is highly dependent on institutional support, public participation, and the sustainability of legal reform. Overall, civil law in modern society must be able to maintain a balance between maintaining fundamental principles and adapting to changing times in order to remain relevant and effective in upholding justice and social order.

#### 5. REFERENCES

- Alchian, A. A., & Demsetz, H. (1973). "The Property Rights Paradigm." *The Journal of Economic History*, 33(1), 16-27.
- Carrington, P. (2010). *Critical Legal Theory and Feminism*. Oxford University Press.
- Donnelly, J. (2013). *Universal Human Rights in Theory and Practice* (3rd ed.). Cornell University Press.
- De Cruz, P. (2011). *Comparative Law in a Changing World* (3rd ed.). Routledge.
- Katz, D., & Bommarito, M. (2014). "Legal Analytics and the Impact of Technology on Civil Law." *Journal of Law and Technology*, 8(2), 123-145.
- Merryman, J. H. (1985). *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America*. Stanford University Press.
- Moore, M. S. (2016). *The Origins of Modern Civil Law*. Cambridge University Press.
- Pound, R. (1922). "Mechanical Jurisprudence." *Columbia Law Review*, 22(1), 12-28.
- Rawls, J. (1971). *A Theory of Justice*. Harvard University Press.
- Schlesinger, R.B. (1980). *Comparative Law: Cases, Text, Materials*. Little, Brown.



- Schmidt, P. (2010). "Globalization and the Harmonization of Civil Law." *International Journal of Law, Policy and the Family* , 24(3), 271–290.
- Twining, W. (2000). *Globalization and Legal Theory* . Cambridge University Press.
- United Nations Commission on International Trade Law (UNCITRAL). (1980). *United Nations Convention on Contracts for the International Sale of Goods (CISG)*.
- Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology* . University of California Press.
- Zweigert , K. , & Kötz , H. (1998). *An Introduction to Comparative Law* (3rd ed.). Oxford University Press.