

# The Gap between Law and Its Expected Social Effects: Reasons and Countermeasures

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**Abstract.** In the comprehensive process of advancing the rule of law, law serves as the core norm of social governance. The degree to which its expected social effects align with actual outcomes has always been a key indicator for evaluating the level of legal development. However, during the transformation from legislative ideals to social realities, laws often experience deviations in effectiveness due to various constraints. These deviations may stem from the lagging or ambiguous nature of legal texts, the complexity of the implementation environment, differences in subject behavior, or limitations in social cognition. Against this backdrop, an in-depth examination of the discrepancy between the intended and actual effects of law—through a systematic analysis of its internal mechanisms and external manifestations—has become an important task for improving legal implementation and enhancing governance effectiveness. This study focuses on the full process of law implementation, drawing on typical case studies and regional variations to construct a multi-dimensional analytical framework. It aims to provide both theoretical and practical solutions to minimize the deviation between legal effectiveness and legislative intent.

**Keywords:** Legal effectiveness; Expected social effects; Gap causes; Countermeasure research.

## 1. Introduction

In the course of modern legal development, the alignment between the original intent of law and its actual social outcomes has been a vital measure of legal maturity. However, in practice, the realization of legislative goals is often impeded by multiple factors, resulting in a noticeable gap between intention and effect. This deviation not only undermines the authority of law but also affects the efficiency of social governance. Therefore, exploring the root causes of this gap and proposing countermeasures has significant theoretical and practical value for promoting the modernization of national governance systems and capacities.

## 2. The Critical Role of Law in Real Life

As a structural tool to regulate social behavior and reconcile interests, law plays a fundamental role in modern governance. From maintaining market order in the economic domain to safeguarding fairness and justice in the social sphere, law sets out clear boundaries for rights and obligations and shapes behavioral norms, providing stable expectations for social actors.

At the macro level, law transforms societal consensus into enforceable rules through legislative procedures and serves as a key means for the state to implement governance concepts and achieve policy objectives [1-3]. At the micro level, law guides individual and organizational interactions, reducing the cost of cooperation and ensuring the legitimacy of various interests. The roles at both levels are distinct yet complementary, as shown in Table 1. Thus, with this dual normative capacity, law becomes a core institutional pillar for maintaining social order and promoting progress.

**Table 1.** Contrasts between the Macro and Micro Roles of Law

Dimension	Macro level	Micro level
Subject of action	The state, the government and other public governance subjects	Micro-social subjects such as individuals, enterprises and social organizations
Key features	As a governance tool to promote national ideas, achieve policy goals, through legislation to transform social consensus into mandatory rules	Provide a code of conduct for the subject communication, reduces the cost of cooperation, and directly protects the legitimate rights and interests of individuals and organizations
Adjusting objects	Overall social order, macro interest pattern (such as market system, social justice, etc.)	Specific social relations, individual interaction behaviors (such as contract relations, labor rights, etc.)
Typical domain	Macro governance scenarios such as maintaining market order in the economic field and ensuring fairness and justice in the social field	Specific scenarios such as labor contract signing, consumer rights protection, and civil dispute resolution

### 3. Manifestations of the Gap between Legal Intent and Actual Effects

#### 3.1. Gaps in Key Governance Areas

In crucial governance fields like environmental protection, labor rights, and consumer protection, the gap between the law’s intended outcomes and real effects is particularly apparent. For example, despite environmental protection laws, some enterprises discharge pollutants illegally to cut costs, and local law enforcement fails to act effectively—leading to frequent ecological incidents. In the labor sector, SMEs often fail to uphold contractual rights such as working hours and pay, while workers struggle to defend their rights due to high costs and limited access to evidence. In consumer protection, false advertising and exploitative clauses plague online shopping and prepaid card systems, and e-commerce platforms often evade accountability through information asymmetry, making it difficult for consumers to claim compensation. These shortcomings reflect the weakening function of law in maintaining fairness in specific contexts.

#### 3.2. Regional Disparities in Legal Effectiveness

Legal effectiveness varies significantly across regions due to differences in economic development, legal culture, and governance capacity. In economically developed eastern regions like the Yangtze River Delta and Pearl River Delta, where financial support is ample and enforcement personnel are well-trained, laws such as the *Regulations on the Administration of Market Entities* are more effectively enforced in areas like corporate regulation and intellectual property protection [4-5]. In contrast, less developed areas in central and western China often face shortages in enforcement funding and personnel, with lower professionalism. Taking the *Rural Revitalization Promotion Law* as an example, some agricultural counties lack specialized enforcement capacity, resulting in frequent violations in farmland protection. While eastern regions have established cross-regional enforcement mechanisms, enforcement in fragile ecological zones in the west continues to struggle, showing pronounced regional gradients.

### 4. Causes of the Gap between Law and Expected Social Outcomes

#### 4.1. Intrinsic Legal Factors

As society advances, the intrinsic limitations of legal texts—particularly their lag in responding to social change and the ambiguity in their provisions—emerge as primary factors behind the gap

between intended and actual legal effectiveness. In dynamic fields such as the digital economy, artificial intelligence, and biotechnology, legislative processes are often time-consuming and deliberative, while technological innovations evolve rapidly. This results in significant delays in enacting relevant laws, creating regulatory vacuums where behaviors remain ungoverned or insufficiently supervised. Additionally, existing legal provisions frequently rely on vague formulations. Phrases such as “public order and good customs” in the Civil Code are intentionally broad to allow judicial flexibility but can also lead to subjective interpretations and inconsistent rulings across different jurisdictions. This undermines both predictability and trust in legal systems. Furthermore, the absence of operational definitions and measurable criteria makes enforcement difficult. For example, without clearly defined thresholds or metrics, regulatory authorities may hesitate to act, fearing legal challenges. To address these challenges, legislatures must adopt forward-looking, technology-sensitive frameworks and implement periodic reviews of existing statutes. Supplementing abstract principles with detailed administrative regulations and judicial guidelines can also enhance clarity and reduce interpretive discrepancies in law enforcement and adjudication.

#### 4.2. Implementation Environment Factors

The legal implementation environment is shaped by the broader socio-economic and cultural conditions in which laws operate. During periods of social transition, shifting interest structures and evolving value systems introduce significant uncertainty, complicating legal enforcement (see Figure 1). In grassroots and rural communities, traditional customs and kinship-based governance structures often hold enduring influence [6-7]. These informal systems may conflict with formal legal norms, particularly when the latter challenge established social hierarchies or cultural practices. For example, in bride price disputes or land inheritance cases, local residents may prioritize customary agreements over court rulings, rendering legal enforcement less effective. In urban contexts, the complexity of market operations can lead to strategic non-compliance, where individuals or corporations exploit legal gray areas to maximize profit. This phenomenon is exacerbated by weak enforcement mechanisms and selective regulatory oversight. The perception that violating the law is less costly than complying with it erodes legal authority and encourages opportunistic behavior. Moreover, fragmentation between different regulatory bodies can lead to jurisdictional overlaps or enforcement loopholes. Improving the implementation environment requires not only stronger coordination among agencies but also integrating local norms with statutory law through culturally sensitive mediation programs and community engagement initiatives. These measures help ensure that laws are both respected and realistically enforceable across diverse social contexts.



**Figure 1.** Factors Affecting the Legal Implementation Environment

#### 4.3. Factors Related to Implementing Bodies

The professionalism and values of law enforcement and judicial personnel directly impact the actual effectiveness of legal implementation. In some grassroots enforcement teams, legal knowledge remains weak, and procedural awareness is underdeveloped. This often results in arbitrary or inconsistent law enforcement practices. For example, certain officials may overstep their discretion, impose excessive penalties or engage in selective enforcement, which undermines the principle of fairness and erodes public trust in the legal system. Misinterpretations of legal provisions are sometimes caused by inadequate legal training, especially in areas where professional development opportunities are limited. Moreover, interference from local interest groups or political entities can influence judicial decisions, causing deviations from justice [8-9]. Another structural problem lies in

the lack of cross-agency cooperation. Fragmented and sectoral law enforcement—such as separate regulatory authorities for environmental protection, labor, and business licensing—leads to information silos, weakens case follow-through, and creates implementation loopholes. Without a coherent institutional framework and standardized protocols, such issues continue to hinder the realization of the law's intended social outcomes. Establishing inter-departmental communication mechanisms, improving training programs, and strengthening institutional oversight are therefore essential to elevate the professionalism and coherence of law enforcement bodies.

#### **4.4. Societal Actors and Public Legal Awareness**

Public understanding and legal consciousness are foundational to the successful realization of legal objectives. In many rural areas, the rule of law is often undercut by long-standing reliance on customary practices and personal mediation networks. Laws are seen not as everyday tools for rights protection but as extreme recourse, reserved for last-resort scenarios. Consequently, when disputes arise—such as over land contracts or inheritance—residents often bypass formal legal procedures in favor of informal negotiation, which can perpetuate inequality and fail to resolve structural issues. A significant factor here is limited legal education and outreach: legal terminology and bureaucratic procedures are often perceived as opaque and inaccessible, further alienating the general public. Among businesses, particularly small and medium-sized enterprises (SMEs), compliance tends to be reactive rather than proactive. Due to cost pressures and weak enforcement, many SMEs cut corners in areas like occupational safety or labor rights. The result is a recurring mismatch between legal mandates and actual behavior. Bridging this gap requires public legal education, incentives for compliance, and more community-based legal service delivery, such as mobile legal clinics or “legal literacy ambassadors” in rural regions. Empowering citizens with legal knowledge fosters a culture of lawfulness, which is essential for sustaining legal efficacy.

### **5. The Interconnection of Different Types of Legal Failures and Their Chain Reactions**

#### **5.1. Analysis of the Interconnection Between Different Types of Legal Failures**

Failures in constitutional, civil, and administrative law often exhibit clear transmission effects. In a 2018 case involving “conflicts in farmland protection regulations” in a certain province, the local government failed to implement the constitutional principle of “cherishing and rationally utilizing land.” While drafting detailed land management rules, it lowered the approval threshold for farmland repurposing, which later led to 12 cases of illegal land allocation under the Land Administration Law. As a result, more than 300 mu of basic farmland were unlawfully occupied. Such interconnection is particularly evident in the field of ecological governance: A chemical enterprise continuously discharged pollutants in excess of legal limits due to lax enforcement of the Environmental Protection Law by local authorities. Later, when residents filed environmental tort claims under the Civil Code, they were unable to provide adequate evidence due to the government’s early-stage regulatory negligence. This evolved into a collective petition incident, highlighting how administrative legal failures can affect the effectiveness of civil law enforcement. These cases demonstrate that when enforcement in one legal domain is absent, it can trigger a chain of effects—namely, “weakened constitutional principles → failed implementation of departmental laws → intensified social conflict”—threatening the overall balance of the rule of law.

#### **5.2. Specific Manifestations of Legal Failures Across Law Types**

In the economic law domain, a 2021 antitrust case in the platform economy serves as a stark warning. A major e-commerce platform used its dominant market position to enforce “choose one of two” agreements. Local market regulators failed to intervene promptly under the Anti-Monopoly Law, leading to the forced exit of 127 small and medium-sized businesses. Later attempts to regulate the platform’s behavior using the Anti-Unfair Competition Law were ineffective due to the already

distorted market structure, triggering a chain reaction of “monopoly growth → ineffective competition → weak regulation.”

In the domain of social law, the transmission of failure is even more direct: In 2020, a construction company failed to enroll its workers in workplace injury insurance as required by the Work Injury Insurance Regulation. Following a workplace accident, the company refused to pay compensation. With no legal avenue for social security-based remedies, injured workers turned to blockading government buildings to seek redress. This ultimately triggered compulsory enforcement under the Public Security Administration Punishment Law. Such cross-sector chain reactions reflect the systemic risks arising from the lack of coordination within the legal system.

## **6. Countermeasures to Reduce the Gap Between Law and Its Expected Social Effects**

### **6.1. Improving the Legal System**

In the context of technological innovation and deeply integrated social governance, legislative lag has become a prominent issue undermining legal effectiveness. Emerging fields such as data security and the platform economy present frequent risks—algorithmic discrimination, and exploitative data practices persist due to a lack of clear legal frameworks, resulting in regulatory voids.

To address this, a dynamic, full-cycle legislative mechanism should be established, including “pre-legislative scenario simulation → public consultation on drafts → post-implementation monitoring.” For instance, digital twin technologies can simulate legal needs in emerging industries before drafting. During the drafting phase, blockchain platforms can facilitate nationwide discussion of legal clauses. After implementation, big data analytics can assess legal effectiveness.

When revising the Environmental Protection Law, technical parameters such as “PM2.5 exceedance thresholds” and “quantified carbon emission indicators” can be introduced, transforming abstract environmental goals into operable standards with measurable benchmarks and penalty tiers. This enhances the law’s adaptability to complex realities.

### **6.2. Optimizing the Legal Implementation Environment**

The diversity of interests and regulatory conflicts in transitional societies requires the reconstruction of the legal implementation ecosystem. In rural governance, the value gap between traditional customs and national laws results in many disputes being handled by informal norms, further reducing the space for formal legal enforcement.

A “Legal Integration of Folk Customs” initiative could be implemented: county-level judicial authorities would codify customary norms that do not violate public order and morality, incorporating them into village regulations. These norms, once confirmed through judicial procedures, could be granted auxiliary legal status—harmonizing traditional governance resources with formal legal structures.

In the domain of market regulation, to address the low cost of lawbreaking, a dual-track mechanism of “compliance points → joint disciplinary measures” can be established. Law-abiding businesses could accumulate compliance points in exchange for tax benefits, while an interdepartmental credit platform would share violation records. Offending entities would face cross-sectoral penalties such as bidding restrictions and blocked financing—shaping a regulatory climate where “compliance is rewarded, and violations are penalized.”

### **6.3. Enhancing the Capacity of Legal Implementation Entities**

Obstacles in grassroots enforcement (“the last mile”) and inconsistent judicial standards reveal the urgent need for capacity building. Many grassroots enforcement personnel lack a legal background, leading to procedural errors or incorrect application of law during business-related enforcement [10-11].

A three-tier training system—“provincial planning → municipal rotation → county-level practice”—should be established. At the provincial level, unified training curricula would be developed. Municipal authorities would provide at least 40 hours of intensive legal training annually. County-level training would focus on practical skills such as legal writing and the exercise of discretion through a “case-by-case review” system.

In the judicial field, a mandatory “precedent retrieval system” should be introduced to ensure that judges use syllogistic reasoning to explain deviations from standard case law in their judgments. Simultaneously, a “local enforcement deployment project” should be rolled out—allocating 40% of enforcement personnel in sectors like market regulation and environmental protection to township levels. Provincial governments would ensure funding for equipment upgrades, resolving the dilemma of grassroots officials “seeing violations but lacking authority to act.”

## 7. Conclusion

The transformation of law from a normative text to a practical social force is a complex process involving legislative intent, implementation environments, and interactions among social actors. Bridging the gap between expected and actual legal effects requires improving the legal system to respond to technological advancements, optimizing the implementation environment to reconcile diverse interests, enhancing institutional capacity to remove governance bottlenecks, and fostering legal consciousness to bridge social cognitive disparities.

This systematic project demands continuous legal rule adjustments and the construction of a coordinated legal ecosystem. Only by improving both the quality of legislation and the effectiveness of implementation can the law evolve from “institutional presence” to “functional realization,” providing a solid legal foundation for the modernization of national governance and achieving the ultimate goal of good law and good governance.

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