

Transformation of Legal System across the Globalized World

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Abstract

Globalization is the act of transforming the current international system within all countries across the globe. There have been two first changes that have come into rising at the detriment of the law. The first one being that the rules that were put in place by the transnational corporations and the intergovernmental organizations (IGO) have taken their course to be prominent. The second change is specialized regimes of public international law have gone into regions that were monopolized by the state in the previous years. The sectors include environmental law, human rights, and trade laws. The Westphalian Constitution has played a great role in the transformation of the international legislation in the globalized world. This paper gives an analysis of the transition of the international laws from its beginning to date by combining the societal theory and the conceptualization of international political economy. The international laws have changed since the world started to become globalized. The difference between the state and international laws is diminishing with time as both are becoming one at the same time leaving the world in a dilemma on which are the international laws and which are state laws. The civil law and common law have become the new pattern from the colonization pattern that formed the former international legal system. The world has been made a better place through the transformation of the international legal system that has integrated various nations with different political economy statuses.

Keywords: International law, Legal system, Globalization, Economy, Governance.

Introduction

The sovereign state (a legal framework), has been serving as the paradigmatic arena for both the economic exchange and political governance since the seventeenth century and it has been taken on both the international and national levels [4]. The state laws are domestically channeled through the federal constitution where the citizens agree on what is supposed to be in the national constitution. The ancient international laws have been basically concerned with the relations between the interstates and not on a national level. Various nonstate organizations have formed, and they have made a positive impact in the trans-nationalization of the international rules and laws by seeing through the multilateral and bilateral agreements that take place between nations [6]. The nonstate organizations include the international nongovernmental organizations, intergovernmental organizations and transnational corporations (INGOs, IGOs and TNCs respectively). Dualism and monism do not matter when it comes to respecting the international law as it must be respected under what circumstances.

Folks from all nations are interacting for different purposes making it possible to transform the international legal system from where it was to where it now and finally to where it will be in the future. A great transformation has been noted since the formation of the international legal system. The intervention of the nonstate organizations has made it possible for the current transformation in the international law system sector. Trade is the main cause of the formation of the international laws as trade requires some procedures to be followed so as to enhance effectiveness in the interrelation between states. Some questions have been raised on the issue of the transformation of the international legal system in the globalized world. What are the notable changes that show that there is a transformation of the international legal system? What factors have caused the transformation? Will there be further changes in the future?

The research paper is going to discuss how the transformation of the international legal system in a globalized world has taken place since its implementation, the factors that have contributed to the transformation of the system and the future of the international legal system in the world that is a continuing to become globalized as time goes by and as technology takes the place of everything else in the in the world. The research aimed at determining the transformation that has taken place in the international legal system in the globalized world. Globalization has taken its course, and the world nations have taken it wholeheartedly [5]. Colonialization and neo-colonization have enhanced the transformation of the legal system. The research paper is divided into the methodology, results and discussion and recommendations parts. Each of the section gives details about the research; how it was conducted, a thorough discussion of the findings and the focus area for future researchers.

Methodology

Various methods were used to collect the necessary data that led to the fulfillment of the aim of the study. Many types of research have been conducted on the same topic, but there is no update of the transformation that has taken place recently. Referring to the conducted researches was one of the methods of collecting data for the research. A deep and thorough research of the studies was done, and comparisons were made where the relevant

data for the topic in question were gathered. Various scholars have conducted similar studies in the past, and their work was significant in attaining the necessary information [7]. Library research method that helped in collecting data. Through the search of necessary information about the international laws, national laws and globalization were what rendered to the collecting of data during the study. Reading was not enough to collect the necessary data and so other methods were implemented.

Another method used to collect data was face to face interview with known political analysts, lawmakers and law gurus. The discussion was based on how they feel about the changes that have taken place in the current legal system and how it was for the past few years. Most influential people in the data collection were international students from various schools and international traders. Interaction with the international students provided a lot of information necessary to complete the research. International students and the international traders have benefited from the change in the international legal system, and so they were able to give the difference in the system between the past few years and the current laws. Trade and learning in a different country have been made easy by the transformations in the international legal system [17]. Collecting the data was not as easy as it seems as a lot of time was required to go through the already conducted studies and the hassle of searching for international students in different schools. Some of the interviewees were not willing to give their views since they were ignoring the interviewer. The research was a success despite the hardships.

Results and discussion

After doing the research, the collected data was put together and analyzed according to their importance and relevance. It was found out that the international legal system started in the early seventeenth century where nation started protecting their territories and restricting invasion by people from other regions [10]. The restriction continued until there were laws implemented on the way to allow interaction of people from different nations. The colonization period marked the start of the laws where the colonizing nations started spreading their state laws to the colonized countries [12]. It was during the colonization period that most of the countries learned about democracy, human rights, economics and trade and the rules that govern the use of the factors. The civil and common law have the same classical pattern and were spread during colonization era. Although colonization still exists in a modern way called neo-colonization meaning that the system is still in the process of spreading and transforming [14]. According to the previous researches, the legal system in the past few years had not spread as it has spread in the current years [8]. There is also a change in the world as many nations have become globalized and they are uniting through the legal system to become one nation as a whole that uses the same laws. Although not all nations are in for the idea, the largest percentage of the world countries are in for the notion. The international students confessed the transformation since learning and invading into other nation for business purposes, or learning has been made easier [20]. Some of the students were allowed into the country due to the laws that connect their motherland country and our nation. As time goes by, things have been changed through multilateral and bilateral agreements between nations [15]. The legal system pattern has been changed by the infiltration of the international legal system into other legal systems such as bilateral and multilateral agreements [11]. The nonstate organizations such as INGOs, IGOs and TNCs have taken an active part in the transformation of the legal system. The trade agreements between nations have also made a great impact in the transformation of the legal system.

The Westphalia constitution that had tried to dominate the world has been replaced by the legal system that has been serving the purpose of uniting the globalized nations. The fact that the world is changing and every nation want the best for its people; different countries are joining hands to sign agreements that will help better the relation between the countries [13]. It is through such agreements that the legal system gets to be transformed. Neocolonization which is a form of new colonization has in large part helped the in the transformation of the international legal system [2]. The most powerful states are getting to spread the legal system to the developing nations as a way of making it the law of the world for countries to come into agreement, they must abide by the legal system that provides the laws unto which agreements should be made whether it is the bilateral or multilateral agreements. The spread of democracy and human rights across the nations is also a sign that the international legal system is transforming and becoming effective in the globalized world [18]. The civil and common laws have taken their share in changing the international legal system.

Conclusion

There is a huge difference in the international legal system between the time it started spreading and how it is currently. As the world is changing so are the legal terms changing. The incorporation of different laws has made the transformation of the legal system to happen. Laws such as the international human right law, treaty law, international humanitarian law, refugee law and many other laws that have been incorporated in the international legal system are transforming for the betterment of the togetherness among the globalized nations in the world. When treaties between nations are made, there must be laws that govern the agreement, and some of the laws are derived from the international law. For the countries that were colonized, acquiring independence did not mean the end of colonization as the sovereign states are still colonizing them in a modern way of neo colonization that is making it possible to spread the international law. The pattern in which the legal system was being spread has

changed to the current pattern of civil law and common law and spreading through neo colonization, bilateral and multilateral agreements. Nations decide for themselves whether to be in the dualism or monism side as long as the international law is respected.

Recommendations

Due to the change in technology and living standards, most of the countries across the world have become globalized. The transformation in the international legal system is helping nations to unite and help its people becoming better that they were in the past few years [16]. The international legal laws should look at all sector such as pollution, trade, education and other sectors that help the world in becoming a better place to live. The developing countries are facing neo-colonization in which the already developed nations are taking advantage of them in the name of assisting the developing nations financially [1]. The legal system should implement laws that will stop neo-colonization and enhance togetherness among the globalized countries. More nongovernmental organizations should be formed to move the international legal system into a better position where the laws will not be favoring certain nations and leaving out others. The legal system should be transformed in a way that it will enhance equity among nations and improve interrelations between states. The civil and universal laws that have changed the face of the world should be apprehended by all countries regardless of the economic status [19]. The future research should focus on updating the transformation of the international legal system, how the international legal system has helped shape the world and how globalization has affected the international legal system. Democracy and human rights should be taken seriously by all states in the world, and the countries that have not yet undergone globalization should take the step to become globalized like the other nations in the world. A changed world with common laws is what we are after.

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