

## National Courts and International Law: The Global Role of Domestic Judicial Institutions

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**Abstract:** *This research paper examines the crucial role played by domestic courts in the development, interpretation, and enforcement of international law. It explores the evolving relationship between domestic legal systems and international legal norms, highlighting the impact of domestic courts in ensuring the effective application and promotion of international law. The findings emphasize the need for continued collaboration and cooperation between domestic courts and international tribunals to maintain the rule of law and protect human rights. It aims to determine if and to what degree the national courts are actually taking on and carrying out the international judicial role that is entrusted to them by international law.*

**Key Words:** International Judicial Function, Domestic Courts, Consistent Interpretation, International Obligations, Judicial Settlement of International Disputes

### Introduction

The primary focus of international law has always been on the interactions between sovereign nations. However, it has broadened its scope to include areas like human rights, international criminal law, and treaty responsibilities that previously fell within domestic law. When it comes to adopting and applying international law inside their own national legal systems, domestic courts serve as filters. The concept (Wehberg, 1959) demonstrates this mutual interaction between domestic courts and international law by requiring governments to uphold their international commitments inside their own legal systems.

The absorption of treaties, customary international law, and general principles into domestic law are all ways in which domestic courts contribute to the interpretation and application of international law. When deciding on situations with international legal implications, they frequently use international law as an interpretive aid. Domestication refers to the process through which national courts adopt and modify foreign legal rules for use inside their own legal frameworks. Sometimes this means resolving inconsistencies between national law and international commitments, and other times it means reinterpreting national law in light of international norms.

Domestic judicial proceedings are crucial to the implementation of international law. Human rights abuses, war crimes, and terrorist activities are all violations of international law that can be prosecuted in domestic courts through the application of international legal rules. When domestic courts exercise universal jurisdiction, they can try cases involving international crimes that occurred outside of their jurisdiction. Additionally, domestic courts play an important role in resolving disputes originating from bilateral or multilateral treaties, enhancing the efficiency of the international legal system as a whole.

Despite the importance of domestic courts, there are many obstacles to applying and enforcing international law. Inadequate funding, a lack of experts, and political interference are all obstacles that must be overcome. Furthermore, in nations with legal systems based on civil or common law traditions, integrating domestic legal traditions with international legal principles can create inherent complications. However, domestic courts continue to deal with these obstacles to guarantee the efficient fulfilment of international legal commitments.

International human rights law was influenced by domestic courts. Human rights law on a global scale is influenced by the precedents created by domestic courts. National courts have the power to compel authorities to address systemic violations of human rights and aid victims in pursuing redress. Human rights tribunals around

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the world study precedents set by domestic courts.

### **National Court vs International Law**

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To better understand the role of international tribunals in international law, it is helpful to compare and contrast local courts. When compared to foreign courts like the foreign Criminal Court and the International Court of Justice, domestic courts have a wider jurisdiction. However, in order to implement international law uniformly, domestic courts and international tribunals must work together and share information. These theoretical and empirical claims are supported by a reexamination of international law as presented in the "transnational law" literature ([Whytock, 2009](#)). This body of work (Jessup, 1956) stresses the importance of analyzing law and legal actors at the international level. It broadens the range of actors involved in creating and interpreting international law. We concentrate on three analytic domains: state authority, rule development, and dispute resolution, to demonstrate how our method could change conventional discussions. As a result, this study plan focuses on how national law and courts affect international dispute resolution, global norms in the law, and the authority and boundaries of different parts of the system. Importantly, the power dynamics in which domestic courts find themselves appear to constrain which domestic courts have global impacts, with the problems private parties choose to litigate often dictating the courts' influence.

We are not the first to recognize the importance of a unified body of international law. Banking, internet governance, and pharmaceutical regulation are just a few examples of the sectors where the impact and politics of soft law have received increased attention in recent years (Newman and Posner, 2018). The main focus of studies on global governance is non-state entities, like industrial groups and multinational corporations. Others investigate how national courts implement extraterritorial applications of international law. These themes are developed further in the article. Here, we draw parallels between the judicial roles of domestic courts and the normative frameworks of international relations. Several ongoing discussions in political science are affected by this connection. In particular, it encourages researchers to stop using the two-tiered game logic of local and international politics as the basis for their studies of legal compliance. The international treaty

responsibilities of a nation can be enforced (or not) by a national court, but the national court's power can alter the international level. Therefore, domestic courts do more than only establish rules. State and non-state actors alike now have more opportunities, thanks to developments in international law, to escalate domestic disputes to the international stage, where the rules of engagement and the distribution of spoils will be different.

Researchers are compelled to examine all global political legal arenas due to the convergence of transnational law and domestic courts. Our studies are based on the emerging understanding that several supranational organizations and institutions assert authority over overlapping issues. The "regime complexity" research agenda builds on this premise to show how states and international bureaucracy are adapting their strategy tools to deal with these new domains (Alter and Meunier, 2009). In this struggle for power, we identify domestic institutions like national courts as crucial participants across regime complexes. International forums or rules have been the focus of prior research, which may add bias. We talked about regime complexity with multilevel administration and intergovernmental directions. The global reach of domestic courts opens up options for resolving legal disputes and encouraging forum shopping. This article focuses on how disagreements in domestic law can give rise to both commitment mechanisms (such as property rights or veto points) and contentious politics. Last but not least, researchers are working to determine the conditions under which nations (de facto) seize sovereignty from their subordinates and even opponents, and this is becoming an increasingly central focus of international order arguments. There are several examples in transnational law of players from one state voluntarily adhering to the standards of another power or having their disputes adjudicated by that power (Efrat and Newman, 2016). Studies of hierarchies seek an explanation for this phenomenon, which is typically carried out by private and non-state entities. Researchers in the field of international relations who focus on authority structures should therefore reevaluate who can exchange sovereignty and the role of domestic courts in such deals.

### **International Law and its Reformation across Nations**

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Norms and standards governing international players

are at the heart of international order (Bull, 2012; Ikenberry, 2014). Many early "ism" proponents saw a stable power structure or the rise of a hegemon as necessary for societal stability. The importance of international law as an autonomous and pivotal factor in the potential of states was emphasized in progressive literature. The goal of realists, who often view international law as a sideshow, was to demonstrate how powerful countries may use the law to justify their actions. Both formal and informal institutions aided our ability to recognize and explain patterns of behaviour.

Researchers in the field of international relations (IR) who focus on international law and international order typically define the applicable law narrowly in their studies. International treaties and tribunals have often been the focal points of discussion in areas such as trade, conflict, and human rights. Not domestic law, not custom, and not even hard law, but public international law has been studied. However, legal scholars have expanded the scope of the law's influence on global events. Transnational law has been the attention of legal scholars ever since Judge (Philip Jessup's 1956 Storrs) Lecture defined it as "all law which regulates actions or events that transcend national frontiers." The transition from international to transnational law sidesteps the false dichotomies that have plagued discussions of international order in the past, such as those between national and international law, public and private law, and hard and soft law. Instead, we focus on the nexus between power, governance, and actors.

IR theory is adapting to account for the maturation of international law. Studies on "global governance" argue that global norms and laws are set by non-state and sub-state actors, which could reposition the sites of political confrontations. Commercial and non-profit organizations shape human rights conventions, while multinational corporations set the bar for accounting and electronic standards. [\[Whytock, 2009\]](#) argues that the jurisdiction of local courts is the ultimate arbiter of the rights and state authority of transnational players. The international system has always included these practical occurrences, but great power-centric intellectual arguments on order have not. National legal bodies have traditionally sought to extradite people who have broken their laws (Efrat and Tomasina, 2018). Since the 19th century, domestic courts have made international trade easier.

Financial integration, globalization, and institutionalization have boosted international litigation (Tzanakopoulos, 2011). "Financial

crises, geopolitical shifts, outbreaks of armed conflict, sudden epidemics, environmental crises, abrupt policy changes in key nation-states, and conflicts between existing international organizations" led to the rise and institutionalization of transnational law, according to Halliday and Shaffer (2015: 41). Scholars have shown that global (and regional) order alterations have caused international politics to be judicialized. These reforms revitalized domestic courts in international politics (Schwartz, 2015). Extradition and economic disputes have increased. Domestic courts are at the hub of a complex global legal structure as the world becomes more interconnected and regulated. Transnational law is changing. Power and participation must be reconsidered. Third-party enforcement or state-backed sites are needed when international cooperation agreements are absent or non-state entities want neutral adjudication (Hillebrecht, 2012). Domestic courts decide. Most people trust the judiciary and unbiased judges. According to the international cooperation thesis, these traits are essential for every international or transnational institution (Hurd, 2017). Domestic courts may have jurisdiction over situations outside legislative limits under national and international law. Transnational law modifies international law. No court is unbiased (Helmke, 2012; Hirschl, 2008; Shapiro, 1981). Judges often pursue personal or party goals. State and non-state actors use courts for distribution. Transnationally politicized domestic courts should rule the world. When national judges hear local and foreign claims, players may uncover new strategies. Judges can form coalitions across traditional levels of analysis by choosing and interpreting domestic or foreign, soft or hard legislation.

Domestic courts impact state and non-state political arsenals. Domestic courts modify international law endogenously (Farrell and Newman, 2016). International actors can define norms and wage political conflict through domestic courts. Domestic courts can resolve governance issues, restructure authority, and affect citizen behaviour. This does not mean all domestic courts work this way. Domestic courts vary in clarity, validity, expertise, and tradition. Domestic legislation also affects economics and society. Prominent courts will have a greater worldwide impact than less prominent ones. This intervention proposes a comprehensive plan for international relations professionals to focus more on domestic law and the judicial system. Institutional disparities can impact politics. First, we examine how domestic courts affect three

international systems. First, domestic courts decide global conflicts, making them vital to international politics. This research affects forum selection, regime complexity, and international law. Second, home courts reinterpret foreign norms, institutions, and laws. Cross-border court cooperation generates new justice and judicialization options. In conclusion, national legal systems legitimize governments and affect international cooperation and conflict. Home courts illuminate governmental power. In these growing domains, national courts influence political strategy and governance.

### **International Conflict Settlement and Political Opportunity Development**

IR scholars argue that international institutions are responsible for resolving international conflicts (Alter, 2008; Hawkins et al., 2006). Greater differences, major global governors, new forum shopping, and political entrepreneurship options are all examples of transnational perspectives. Transnational governance is an essential part of the international legal system (Efrat and Newman, 2016; Pistor, 2019), and this theory connects domestic sites of power to it. As the world becomes increasingly interconnected through trade and travel, domestic courts increasingly serve as global arbitrators. In our largely unregulated economy, multinational corporations can operate with little restriction. Commitment issues call for impartial enforcers. The courts in London and New York regularly make international rulings.<sup>1</sup> Global, intergovernmental regulation. Every year, British and American courts hear a significant amount of litigation pertaining to international trade, some of which touch on matters of human rights, national security, and economic competitiveness (Efrat and Newman, 2020; Kalyanpur, 2019; Pistor, 2019; [Whytock and Quintanilla, 2011](#)). The majority of people in the UK and the US don't give a damn. Seldom does international law apply to disputes involving states and non-state entities. Thus, domestic courts in the United States and the United Kingdom resolve international legal disputes.

Foreign trade is often governed by domestic courts. To keep its monopoly on ocean governance and because it is home to much of the maritime sector a key driver of globalization—London keeps an admiralty court (Baughen, 2015). The bond market is centred in New York (Gugiatti and Richards, 2003). For the trillion-dollar derivatives market, the courts in both nations uphold the International Swaps and Derivatives

Association's regulations. London and New York have swayed beyond the realm of commerce. Sovereign debt markets, which governments utilize to fund social and military agendas, are once again the sites of confrontations between bondholders and sovereign states in New York and London. When the Supreme Court of the United States ruled in favour of vulture investors in *Argentina v. NML*, the rule of law around the world was shattered ([Abraham, D. \(2009\)](#)). To settle an argument between a reserved performer and a foreign administration, a domestic court interpreted state asset immunity. The economic and geopolitical significance of U.S. and British courts is hardly considered in traditional international law. Actors choose these national authorities because their judicial systems are the most reliable, objective, expert, and internationally enforceable.

Transnational legal dynamics show a more controlled international system than our representations predict. When foreign parties consent to the national court serving as the seat of jurisdiction, domestic courts have the authority to make decisions. Parties may contend that the opponents have substantial domestic court precedents or that they are domiciled there. This massive latitude has filled worldwide gaps in New York and London. Emerging countries have also indicted multinationals of labour and environmental violations. Because courts in many emerging economies lack the ability, knowledge, and enforcement power against corporations, civil society groups seek recourse in liberal countries. African civil society organizations are suing Shell and BP for environmental damage in US and Canadian courts ([Whytock & Quintanilla, 2011](#)). Forum-shopping studies without national legal frameworks exclude accountability and claimants.

Domestic courts' jurisdictional grounds aren't merely improving efficiency or governance. Transnational law solves cooperation issues, opening political openings. Foreign courts can now settle domestic conflicts. As they invest abroad and transcend borders, emerging market plutocrats have learnt to arbitrage liberal institutions. Russian and Saudi oligarchs are suing each other in London and New York (Kalyanpur, 2019). These cases involve home country assets. By designating a foreign court as the seat of jurisdiction, exercising personal jurisdiction, or when the court determines that it is competent, actors can acquire authority (Nougayrède, 2014). Foreign courts are reserved for the wealthy because lawyers and court fees cost millions. Economic elites have defended their

nation's law. They can arbitrage the law selectively, which lessens their incentives to make changes at home (Dinova and Dawisha, 2016). In "extraterritorial litigation," Global economic domination will change political fights. While the US legal system doubts its global governance role, the Netherlands, UAE, Singapore, and Kazakhstan are building commercial courts (Bookman, 2019, 2015). Competitor wants New York and London earnings. Transnational tribunals will enable foreign actors to seek redress and escalate confrontations. The new courts may promote liberal government or undermine the current quo by reducing openness. These courts have the power to redefine interstate and non-state behaviour norms since they deal with legal and political issues that we believe are under the jurisdiction of international organizations.

Despite these enormous risks, it appears that global politics are influencing who enters the competition to become the worldwide monarch of their home courts. In 2017, China established a BRI court. China's dissatisfaction with the current system is evident in the BRI's dispute resolution mechanism (Erie, 2018). Any nation wishing to share in the multibillion-dollar BRI budget will hand over power to the Chinese state, relinquishing it from the US and Britain, the governors who are currently taken for granted. Rising nations are posing a challenge to global governance, according to Keohane (2014), by creating international organisations that mimic but frequently outperform US-led organizations. Transnational "contested multilateralism" is growing as states seek to apply extraterritorial legal rights (Abraham, D. [2014]). Transnational law helps us analyze multiple levels of balancing at once.

Regime complexity theories suggest additional parties are claiming international governance venues (Alter & Raustiala, 2018). Domestic courts have authority. Foreign jurisdictions of domestic courts decide global disputes and who wins. Thus, forum shopping goes beyond favourable case law. We may now investigate multidimensional links between national judiciaries, global governance, and state-non-state conflict.

### Domestic Courts and Global Governance

Judges make laws and policies, according to political

scientists (Shapiro and Stone Sweet, 2002). Judges create new laws on complex topics like terrorism suspects and governments'

extraterritorial obligations under international law. In recent decades, domestic courts have judicialized "mega-politics" (Hirschl, 2008). International institutions wield power. IR researchers underestimate national courts' involvement in developing new norms and legislation.

The norm dissemination literature examines national judges' worldwide norm-creation. Nations internalize and spread transnational advocacy organizations' norms (Holzhacker, 2013). This restricts domestic courts from "downloading" and interpreting foreign laws (Koh, 2005). Putnam (2009, 2016) and Slaughter (1993, 2004) studied judges' role in global lawmaking. These works and international law literature suggest five primary ways domestic courts contribute to rulemaking by creating and spreading new norms across borders.

As global rule-makers, domestic courts directly interpret both domestic and foreign legislation. The ATS looks into international human rights abuses. From Violence (Filartiga v. Pena Irala 1980) to inhumane working conditions (Doe v. Unocal 2002), US justices developed customary international law using ATS. The 2013 Kiobel ruling by the Supreme Court of the United States limited the extraterritorial applicability of customary international regulations. Putnam (2016) discovered that extraterritorial antitrust and intellectual property rights activities are governed by US courts. State sovereignty, sovereign immunity, and universal jurisdiction have all been reinterpreted by national courts, at the expense of their government's diplomatic ties. For violating human rights and committing war crimes, judges in the UK, Spain, Germany, and Belgium issued arrest warrants for government representatives from Israel, the USA Chile, and the Congo (see discussion below). US and Israeli judges also made decisions regarding the Palestinian Authority's statehood (Benvenisti & Downs, 2009; Schwartz, 2015).

According to academics (and Downs, 2009; Schwartz, 2015; Slaughter, 2004), courts have evolved into independent actors in international law and foreign policy, and their participation often costs the government money. Executive or legislative action may be barred by comparative and international law (Benvenisti, 2008). Judges selectively omit unfavourable comparative law rulings while upholding others (Roberts, 2011). Judicial and executive relationships may be friendly. Governments may urge courts to establish rather than abide by international rules. Chinese lawyers have been educated to influence

IP laws in the US and Europe. This tactic was successful in the 2000s as Chinese patent applications increased. According to Langer (2011), political incentives have an impact on the universal jurisdiction over international crimes of European judges.

International law is also affected by judges. Communication among judges promotes uniform application of the law. It is common practice for judges to consult with one another and the rulings of other foreign courts when attempting to make sense of international law (Brownlie, 2008; Slaughter, 1999; Webb, 2014). Conversational lawmaking is what Slaughter (2003) refers to as "global jurisprudence." As a result of European integration, national judicial debate has become more codified and hierarchical, with Europe at the forefront. Outside of regional integration frameworks, domestic courts dispute legislation governing the status of refugees and the taxation of multinational corporations. The decisions of courts in Canada, the Netherlands, France, Germany, and the United States on whether or not to include evidence of torture are analyzed by British justices (Benvenisti & Downs, 2009). American jurists are at odds on whether domestic law should conform to international standards (Koh, 2005). Treaty partners' interpretations should be reviewed even according to vehement US opponents of comparative judicial communication (Hathaway et al., 2011).

Liberal democracies, in the opinion of Slaughter (2004), are linked to international communication among national judges. There are some similar global trends. (Downs, 2009: 67) claims that the Supreme Court of India is a "beacon for other courts in developing nations on various issues." India and Bangladesh both referenced the Supreme Court Of the Philippines's decision on environmental preservation. Courts in sub-Saharan Africa, former Soviet Union countries, and liberal democracies have all debated the death penalty (Waters, 2004). International legal literature (Gilardi, 2012; Linde, 2014), in contrast to the IR diffusion literature, demonstrates that learning and mimicry can occur in a variety of ways.

According to Benvenisti and Downs (2009) and [Whytock \(2009\)](#), local court practices have an impact on international law. In the courts of another country, decisions taken in one are enforceable. The Permanent Court of International Justice initially considered state decisions in the Lotus case to decide whether France or Turkey should have jurisdiction. The International Criminal Tribunal for the former

Yugoslavia studied domestic court interpretations of international law through case law comparisons (Roberts, 2011). The ICJ regularly refers to judgements rendered by national courts when determining "subsidiary means for the determination of rules of law" (article 38(1)).

## Expanding the Power and Jurisdiction of the State

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Since national courts do not administer international law, we focus on how private law and extraterritoriality affect international politics. Limits on international cooperation can be imposed by national courts. The German Federal Constitutional Court is well-known for restricting government involvement in European Union affairs. According to Boom (1995), "the Federal Constitutional Court will examine whether legal acts of European institutions and organs are within or exceed the sovereign powers transferred to them" (Maastricht Treaty was constitutional). The European Court of Justice upheld a German court's appeal to the ECB's public sector purchasing strategy in the midst of the Euro-crisis (Fabbrini, 2014) and the COVID-19 pandemic. The fate of German-EU cooperation rests with the courts.

State capability is determined by domestic courts. War, taxation, and federalism are constrained by domestic courts. The future of global harmony depends on these choices. In 1868, the Supreme Court did not have jurisdiction over insurance contracts at the federal level. State insurance was governed by this. According to American Insurance Association assistant general counsel David Snyder. Since the United States cannot be bound by state regulations, they cannot be used to further American interests (Fletcher, 2009). Because national rules may obstruct international goals, state preferences do not constitute institutional competence. Thus, the state's nature and capabilities are impacted by local legal rulings, which may ignore global repercussions (Fioretos, 2011).

U.S. Supreme Court decisions have limited the government's ability to detain enemies when doing so would compromise national security. The Court decided that the detainees at Guantanamo Bay, both American citizens and enemy combatants, were not entitled to due process. The United States has finally been compelled to reduce the use of supermax prisons. Security and geopolitical cases are handled by American courts independently of other nations. The delay in the executive branch's response to the election hacking that occurred in November 2016 worried

Democrats. As reported by Nakashima and Hamburger (2018), the DNC has filed suit against Russia in New York for hacking its email systems. The company said market manipulation ran counter to the Bill of Attainder, which prevents Congress from passing laws that punish specific people. Arguments on international security are one such instance.

Foreign nations aren't happy with how domestic courts operate. The arrest of Pinochet in the United Kingdom and the ATS cases altered the local courts' worldwide jurisdiction. Leaders of warring factions may be hampered by the Pinochet verdict, which could lead to a stalemate, expansion, or extension of ongoing conflicts (Krcmaric, 2015). The focus of IR research has always been on domestic political systems rather than international laws. In this way, domestic courts affect international relations and politics. Statecraft, international collaboration, and executive power are all affected by the decisions of the courts of liberal economic powers. Overseas authority has been curtailed by US courts in recent years. Litigation brought before the Supreme Court of the United States has resulted in a weakening of financial and human rights legislation. In *Jesner v. Arab Bank*, it was decided that foreign organizations are immune from liability under the Law on Alien Torts. We reached this conclusion based on the domestic legal trends that we see as becoming more international. Countries like the United Kingdom openly prosecute international crimes. The scope of the extraterritorial power of state actors is determined by domestic legislation.

International law is defined by and guided by the principles of territoriality, credibility, and sovereignty. In the end, the answer depends on the actions of the state, the limits of its government, and its influence outside. Transnational law is shaped by national courts' determinations of sovereignty. Therefore, rather than focusing on how national courts administer international law, we look at how private law and extraterritoriality affect international politics.

International cooperation can be hampered by national courts. The Central Constitutional Tribunal of Germany is well-known for limiting the German government's involvement in European affairs. Despite the legitimacy of the Maastricht Treaty, "the Federal Constitutional Court will examine whether legal acts of the European institutions and organs are within or exceed the sovereign powers transferred to them" (Boom, 1995). During Europe's crisis talks (Fabbrini, 2014) and the COVID-19 epidemic, a German

court challenged the ECB's public sector purchasing initiative, but the ECJ supported it. German-EU relations are settled in court.

State capability is determined by domestic courts. War, taxation, and federalism are constrained by domestic courts. The future of global harmony depends on these choices. In 1868, the Supreme Court did not have the authority to regulate insurance contracts on a federal level; instead, states were responsible for doing so. According to American Insurance Association assistant general counsel David Snyder, "Three decades have passed since the US government prevented from concentrating power above the insurance industry, leaving it out of major global regulatory issues. "Since the United States cannot be bound by state regulations, they cannot be used to further American interests (Fletcher, 2009). Because national rules may obstruct international goals, state preferences do not constitute institutional competence. Thus, the state's nature and capabilities are impacted by local legal rulings, which may ignore global repercussions (Farrell & Newman, 2010).

U.S. Supreme Court decisions (Raustiala, 2011) have limited the government's ability to detain enemies when doing so would compromise national security. The Court decided that the detainees at Guantanamo Bay, both American citizens and enemy combatants, were not entitled to due process. The United States has finally been compelled to reduce the use of supermax prisons. Security and geopolitical cases are handled by American courts independently of other nations. The delay in the executive branch's response to the election hacking that occurred in November 2016 worried Democrats. As reported by Nakashima and Hamburger (2018), the DNC has filed suit against Russia in New York for hacking its email systems. Having been barred from selling in the United States Of America for reasons of national security, Huawei filed suit against the state of Texas (2019, Jiang and Wolfe). The company said the retail industry's manipulation ran counter to the Bill of Attainder, which prevents Congress from passing laws that punish specific people. Arguments on international security are one such instance.

Foreign nations aren't happy with how domestic courts operate. The arrest of Pinochet in the United Kingdom and the ATS cases altered the worldwide jurisdiction of national tribunals. Even though Pinochet may go back to Chile at will., the decision by the Spanish judge to issue an arrest warrant for him and the decision by the United Kingdom's House of Lords' decision to bring back

a former head of state for serious human rights violations was exceptional. Leaders of warring factions may be hampered by the Pinochet verdict, which could lead to a stalemate, expansion, or extension of ongoing conflicts (Krcmaric, 2015). The focus of IR research has always been on domestic political systems rather than international laws. In this way, domestic courts affect international relations and politics (Raustiala, 2011). Transnational law examines how national law constrains the power of states overseas (Kaczmarek & Newman, 2011).

In order to resolve business issues within their own nation, Russian oligarchs went to nations with extensive jurisdictional grounds, such as the United States and the United Kingdom, as we saw in the section above on transnational dispute resolution. A phenomenon known as "extraterritorial litigation" brought on by transnational law results in some states losing control of their resources and inhabitants when those individuals try to settle disagreements through liberal, commercial forces. The global legal market is a priceless asset in the fight against domestic and foreign dangers. Authoritarian leaders have pursued political opponents in court in the United Kingdom and the United States (Cooley & Heathershaw, 2017). Statecraft, international collaboration, and executive power are all affected by the decisions of the courts of liberal economic powers. Overseas authority has been curtailed by US courts in recent years. Litigation brought before the Supreme Court of the United States has resulted in a weakening of financial and human rights legislation ([Whytock et al., 2013](#); Stewart and Wuerth, 2013). *Jesner v. Arab Bank* case, it was decided that foreign organizations are immune from liability under the Alien Tort Statute. We reached this conclusion based on the domestic legal trends that we see as becoming more international. Countries like the United Kingdom openly prosecute international crimes. The scope of the extraterritorial power of state actors is determined by domestic legislation.

## Conclusion

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There are numerous prominent IR discussions regarding international order and we believe transnational law research has important implications. It contends that scholars of conflict resolution are biased because of the existing literature's emphasis on international courts and arbitration. It is becoming more common for domestic courts to act as global governors in matters involving foreign gatherings. There is often an overlap between domestic and foreign authorities. Concerned with the phenomenon of "forum shopping" at the international level are scholars of regime intricacy and international law. In order to better understand how case types differ across conventional levels of analysis, future research should clearly incorporate domestic courts in actors' choice sets. Our research demonstrates that national strategic goals may be constrained by international legal forums. At the end of the document, the impact of domestic judicial judgements on foreign state authority is highlighted. Researchers in international relations have paid attention to the impact of domestic institutions on the extraterritorial authority of states. The influence of domestic law and legal systems on state sovereignty is recognized as a concept of transnational law. As a result, international actors are determined by domestic tribunals. Recognizing the root causes of the current legal framework is the next step for academics. The influence of domestic courts on the global stage is subject to change depending on the route taken, but the international law scholarship we review does point to a few key features. The courts which exist globally are a function of international power dynamics. When a case involves multiple countries, the United States and the United Kingdom are usually the most desirable locations for litigation. It's not a coincidence that these two regions have been economic and financial hegemony for the better part of a century. There appears to be mutual reinforcement between global economic and legal frameworks.



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