International Law and Municipal Law: Detailed Explanation

1. What Is International Law?

International law is the body of rules and principles that govern the relations between states, international organizations, and sometimes individuals. It is formed mainly through treaties, custom, and general principles. It deals with diplomacy, human rights, war, international trade, and global issues.

Sources of International Law:

- Treaties (international conventions)
- International custom
- General principles of law
- Judicial decisions
- Writings of jurists

2. What Is Municipal Law?

Municipal (domestic) law is the internal law of a state regulating relations between individuals and between individuals and the state. It includes criminal law, civil law, constitutional law, contract law, property law, family law, etc.

Characteristics:

- Created by legislature
- Enforced through courts and executive authorities
- Directly applicable to citizens

3. Relationship Between International and Municipal Law

A. Monism:

- International and municipal law are part of a single legal system.
- International law automatically becomes domestic law.
- In case of conflict, international law prevails.

B. Dualism:

- International law and municipal law are separate.

- International rules need transformation into domestic law before applying internally.

- In case of conflict, domestic law prevails internally, but the state is still internationally responsible.

C. Harmonization (Modern Approach):

- Courts interpret municipal law in harmony with international obligations.

- States increasingly legislate to incorporate international norms.

4. Points of Conflict:

Conflicts arise when domestic laws contradict treaties, or when national courts refuse to apply international obligations.

5. Influence of Municipal Law on International Law:

Municipal law influences international law through state practice, general principles, and serving as references for interpretation.

6. Key Differences:

International Law:

- Governs states

- No central legislature

- Enforcement through diplomacy

- Based on consent of states

Municipal Law:

- Governs individuals

- Central legislature

- Enforced through police and courts

- Based on state sovereignty