Lahore Leads University

Assignment

Topic: International Law and Municipal Law

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International Law and Municipal Law: Meaning, Differences, and Theories

1. Introduction

Law is a fundamental instrument for maintaining peace and order in society. It regulates the conduct of

individuals, governments, and even states at the global level. The study of the relationship between

International Law and Municipal Law is essential because, in the modern world, states are deeply interconnected

through trade, diplomacy, human rights, and global institutions. International Law lays down the framework for

state relations, while Municipal Law governs internal matters. Thus, understanding both is crucial for

law students and legal practitioners.

2. What is International Law?

International Law is the body of rules, principles, and norms that govern the conduct of sovereign states,

international organizations, and, in some cases, individuals. It promotes peaceful coexistence, cooperation,

and international stability. Since there is no world legislature, International Law mainly develops through

treaties, customs, and general principles recognized by civilized nations.

International Law covers a wide range of topics such as law of the sea, human rights, diplomatic

relations, environmental protection, war and peace, and international trade. States voluntarily accept

international rules because compliance benefits all states and helps maintain order at the global level.

Definitions

Oppenheim defines international law as “a body of customary and conventional rules considered legally binding

by civilized states in their intercourse with each other.” Starke describes it as a system of rules that

govern relations between states and other international persons.

Sources of International Law

The Statute of the International Court of Justice (Article 38) identifies the primary sources:

• Treaties

• International customs

• General principles of law

• Judicial decisions

• Juristic writings

3. What is Municipal Law?

Municipal Law, also known as Domestic or National Law, is the internal law of a state. It regulates the

relationships between individuals, institutions, and the government. Municipal Law is created by the state’s

legislature and enforced by domestic courts and administrative bodies. Its primary purpose is to maintain

order, protect rights, punish offenders, and provide a mechanism for conflict resolution.

Examples of Municipal Law include the Constitution, Penal Code, Contract Law, Family Law,

Administrative Law, and Civil Law. Municipal Law is binding on all individuals within the territory of the

state, regardless of nationality.

4. Differences Between International Law and Municipal Law

International Law and Municipal Law differ in nature, scope, origin, enforcement, and subjects.

International Law primarily governs states, whereas Municipal Law governs individuals. International Law

lacks a centralized enforcement authority, while Municipal Law has strong institutions like police and courts.

Furthermore, International Law originates from the consent of states, whereas Municipal Law comes

from sovereign authority. Municipal Law is generally written and codified, while International Law is more

flexible and partly unwritten, especially in the form of customs.

5. Theories About Relationship Between International Law and Municipal Law

A. Monistic Theory

The Monistic Theory views International Law and Municipal Law as a single legal system. According to monists,

all law aims to regulate human conduct, whether at the international level or the domestic level. They believe

that International Law automatically becomes part of domestic law without any need for transformation.

Hans Kelsen and Lauterpacht are the leading supporters of this theory. They argue that International

Law is superior because it governs the conduct of states, which are the creators of domestic law.

B. Dualistic Theory

The Dualistic Theory treats International Law and Municipal Law as separate legal systems. This theory argues

that the two operate in different spheres—International Law governs relations between states, while Municipal

Law governs individuals. Because of this difference, International Law does not automatically become part of

national law. It must be incorporated through legislation.

Triepel and Anzilotti were the main supporters of dualism. Many commonwealth countries, including

Pakistan, follow this approach. A treaty signed internationally does not become enforceable domestically

unless Parliament passes a law implementing it.

C. Harmonization / Transformation Theory

This theory takes a middle approach. It states that although International Law and Municipal Law are separate,

they must work together. International Law becomes applicable domestically only after transformation or

adoption by the state. Courts also try to interpret domestic statutes in harmony with international obligations.

Pakistan follows this theory. International treaties require implementation through domestic statutes

before they can have legal effect.

6. Conclusion

International Law and Municipal Law are distinct yet interconnected systems. International Law governs relations

between states, while Municipal Law governs internal affairs. Their differences are explained through Monistic,

Dualistic, and Harmonization theories. In today’s globalized world, both systems must cooperate to ensure

peace, development, and justice.

Understanding these two systems is essential for students, legal experts, and policymakers, especially

as the world becomes increasingly interdependent.