Assignment Title – Relationship Between International Law and Municiple Law

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Subject – International Law

Programme - LLB(5 Years)

Date of Submission: 21-11-25

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Relationship Between International Law and Municipal (Domestic) Law

Introduction

International law and municipal (domestic) law are two important legal systems that guide how states and individuals behave. International law deals with rules that govern relations between countries, while municipal law refers to the national laws inside a country. Understanding the relationship between these two systems is important because countries must balance their international obligations with their internal legal rules. This assignment explains their definitions, differences, and main theories that describe how they interact.

What Is International Law?

International law is a body of rules that governs the behavior of states, international organizations, and in some cases, individuals. It is created through:

Treaties (agreements between states)

Customary international law (practices accepted as law)

General principles of law recognized by nations

International law aims to promote peace, cooperation, and stability in the world. It covers areas like human rights, war, trade, environment, and diplomacy.

What Is Municipal (Domestic) Law?

Municipal law refers to the laws created by a country's own government. These include:

Constitutions

Acts of Parliament / Legislature

Court decisions

Regulations

Municipal law directly affects citizens, government institutions, companies, and courts within the state. It covers areas like criminal law, civil law, family law, property law, contract law, etc.

Differences Between International Law and Municipal Law

1. Scope:

International law applies between states.

Municipal law applies within a state.

2. Source:

International law comes from treaties and customs.

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Municipal law comes from legislature and courts.

3. Enforcement:

International law depends on cooperation between states.

Municipal law has strong enforcement through police, courts, and government agencies.

4. Subjects:

International law deals mostly with states.

Municipal law deals with individuals and institutions.

Relationship Between International Law and Municipal Law

The relationship explains how international rules become part of domestic law and how states follow their international obligations. There are two main theories:

1. Monism

Monism means international law and municipal law are part of the same legal system. International law automatically becomes part of domestic law. No need for separate legislation. If there is a conflict, international law is superior.

Example:

Countries like the Netherlands and France follow monism.

2. Dualism

Dualism means international law and municipal law are separate systems. International law does not apply inside the state unless the government passes a law to adopt it. Domestic law is considered more important internally.

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Example:

Countries like the United Kingdom and India follow dualism.

How States Handle Conflicts Between the Two Laws

Sometimes domestic law conflicts with international obligations. States use different approaches:

1. Give priority to international law

– Some countries consider international law above domestic law.

2. Give priority to domestic law

– Some countries follow national law even if it violates international rules.

3. Harmonization

– Many states try to interpret domestic law in a way that matches international law to avoid conflict. Importance of the Relationship

1. Ensures states fulfill international obligations

2. Promotes global cooperation and peace

3. Helps courts interpret laws according to global standards

4. Protects human rights and justice

5. Improves trade, diplomacy, and environmental protection

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Conclusion

International law and municipal law are closely connected. Although they work in different areas, modern states must balance both systems. Through monism and dualism, countries decide how international rules operate inside their national boundaries. Understanding this relationship is important for maintaining global order, protecting rights, and ensuring that states act responsibly in the international community.

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