

# International law

Law



The following essay is divided into the following sections: Introduction  
Definitions Positivism Realism International law Conclusion List of works cited  
Law is a concept of governance that involves the stipulation and establishment of rules and regulations that are enforced to shape politics, economics, and society. It is put in place by various governmental institutions to govern a community. Law moderates our day-to-day lives with regards to human relationships.

It has various concepts to it; company law, property law, trust law, criminal law, constitutional law, administrative law, international law, and civil law. The study of law allows for review and revision of these rules and regulations ensuring that none is faulty or biased in any manner to a single party of the human population. Definitions The above mentioned concepts are in light of the various activities we indulge in. Contract law deals with regulation of trade terms relating to establishments of contracts.

Property law deals in ownership rights and ownership transfers of personal property. It is often called Chattel law. We can say that Trust law applies to assets that are secured for financial reasons. A concept of law that was not mentioned previously in the introduction part is Tort law. This law enables one to apply for compensation in the case of loss of or damage of personal property (Byers 22). Criminal law establishes the way and reasons for perpetrator prosecution.

Constitutional law protects the human rights as well as providing the legal framework for the governance of a state, and its laws. Administrative law presents governmental policies after they have been reviewed by

governmental agencies, while international law controls and manages interstates sovereign decisions in trade and military action regulations (Wallace 198). The law forms a ground on which all mankind is considered equal, and offers Justice systems in equal proportions to every citizen. The three main arms of government are responsible for creating and enforcing legal systems of a state.

These three are the executive, the Judiciary, and the legislature Positivism This legal term, if applied in the context of international relation, asserts that each nation remains bound by the specific international laws it deems fit to undertake as art of its governing criteria, but otherwise, it would be free to act accordingly as it wishes were it not for those laws. It continues to clash in idealism with the assertions of realism and natural law till today (Kelsen 310). Its sociological rationale is that, sensible knowledge is derived from authentic sources like facts, experience, and positive verification.

It suggests that law is based primarily on the command of the ruler. Durkheim redefined Sociological positivism. Later sociologists found it conflicting with their beliefs and came up with the Anti-positivism concept. Karl Popper and Thomas Kuhn led to the development of post-positivism. The stipulation of positivism developed as conflict continued to abound the topic questioning the existence of higher norms of international relations that constrict the freedom of sovereign states (Dixon 341).

In the study of legal systems, positivism can be taken to establishment of international law is entirely dependent on natural law, it becomes apparent that positivism and international law come to a conflict on some level

(Armstrong 71). Realism This theory is based on the argument that, since all laws are made by human beings, or human beings, then it is subject to human error. On the context of international relations, we can interpret this to imply that in order for a realist to conquer, he must put aside all feelings of morality and friendship, and concentrate on building power on his part.

In the context of international law, we can say that it is an act out of selfish interests (Oppenheim 123). Its general rationale is achieving a nation's goal without regard of the other nations. This prevents the nation from being vulnerable from other ruthless adversaries. Therefore, since war and conflict arise often between countries, a country should try gain an advantage over the others to make it stronger. Realists dismiss the significance of law in international relations because they believe there is no need to regard an issue that will limit your influence as a leader among your subjects.

International law These are the rules and regulations put in place to govern international relations between any two participants or nations. This institution maintains order and legal privileges in the international community. It consists of treaties and long-lasting agreements that primarily concern nations and provinces, rather than private citizens. Some of the rulings made in international cases determine the ruling of other nations in the same premise. This way it can form resolutions between regions globally, ensuring that equal justice is offered for the wrong-doing of an offense previously encountered.

International law helps maintain countries in peaceful relations with each other, trying to avoid the outbreak of a war where innocent lives might be

lost or destroyed (Shaw 77-79). It only falls short in execution of its enforcement strategies, seeing that the enforcement program is young as well as underdeveloped. The issue only gets more complicated considering the sovereignty and independence of the member countries. No nation would subject itself to legal punishment knowing well that it can avoid participation of the legal program and act as it wishes.

It would be binding itself in laws it has helped establish. In this premise, it suggests that positivism disregards the rule of international law (Salli Swartz 112). Realism remains a very important aspect of influential magnitude in colleges that study legal systems. Legal realism teaches political science as a social science and in judicial studies as a specialized discipline. Legal bodies that govern international relations seek to maintain harmony and peace among member countries while trying to prevent possible conflict between two nations regardless of their membership.

It requires that the international laws stipulated be considered into the national justice system to prevent any nation from conflicting with others. Conclusion International law demands that participating countries partake of its justice systems. Realism asserts that only when a country chooses to bind itself with these rules can it be party to international legal punishment. Positivism asserts that a country can choose to place its needs first before the interests of other countries (Barker 71-72).

In this sense the two legal premises conflict in ideology. However, international law demands that democratic states adopt international law into their internal legal law is left to its own discretion (Reus-Smit 101). It

only demands that the nation ultimately conforms to the laws. It also insists that regardless of what a nation's internal laws dictate, it cannot take them as an excuse to not comply with international agreements as stipulated by international bodies like the United Nations.