

# The Development of International Law in the Age of Globalization: Challenges and Opportunities

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Keywords	ABSTRACT
Legal Developments, International Law, Globalization	<i>This journal article aims to analyze the development of International law in the era of globalization, with emphasis on the challenges and opportunities it faces. In this context, it is necessary to consider various aspects, including global power dynamics, the role of international organizations, and the role of states in safeguarding their national interests. This research uses qualitative methods with a literature review approach. Literature review is a systematic, explicit and reproducible method for identifying, evaluating and synthesizing research works and thoughts that have been produced by researchers and practitioners. The results of this study conclude that in this increasingly connected and complex context, international law plays an important role in regulating relations between states and resolving disputes at the global level. However, global power dynamics, the role of international organizations, and global environmental protection are the main challenges that must be Faced in the development of international law.</i>

## INTRODUCTION

The development of international law in the era of globalization has become an increasingly relevant topic and attracts the attention of academics, legal practitioners, and policy makers. The era of globalization, characterized by the increasingly integrated integration of countries around the world through economic, technological, and cultural exchanges, has significantly changed the international legal landscape. In this context, this article aims to analyze the challenges and opportunities faced by international law in dealing with the dynamics of globalization (Subagyo, 2016). Globalization has had a far-reaching impact on various aspects of human life, including in international relations and the legal systems that govern them. The process of globalization has accelerated interaction between countries and increased dependence between countries in terms of trade, investment, migration, and information flow (Rachmat, 2014).

This results in the expansion of the scope of international law and gives rise to new complexities that affect the implementation, compliance, and enforcement of international law (Mauna, 2008). The challenge faced by international law in the era of globalization is adaptation to dynamic changes in the global environment. The limitations of national law in addressing problems that cross national borders have forced international law to fill this gap. Issues such as climate change, cross-border terrorism, transnational crime, and human rights protection are increasingly complex in the context of globalization (Saragih & Sinambela, 2022). International law must continue to adapt to these developments and produce effective and responsive legal mechanisms. On the other hand, globalization also provides opportunities for the development of international law. The increasingly intense interaction between states and non-state actors has created greater awareness of the need for international cooperation in addressing common problems. Globalization has strengthened international legal frameworks, such as trade agreements, environmental protection agreements, and human rights treaties. This provides the necessary legal foundation for cooperation and dispute resolution in a global context (Yunus, Susanto, & Muttaqien, 2018). Through this article, the author will

explore the challenges and opportunities faced by international law in the era of globalization. The author will discuss paradigm shifts in the formation, implementation, and enforcement of international law. In addition, we will also look at the role of non-state actors, such as international organizations, multinational corporations, and civil society, in influencing international law in the era of globalization (Perwita, n.d.).

With a better understanding of these challenges and opportunities, it is hoped that this article can provide readers with valuable insights into the role of international law in dealing with the dynamics of globalization. It is important to continue to encourage further discussion and research in an effort to strengthen and develop a relevant and effective international legal framework in addressing present and future challenges (Pakpahan, 2020).

## **METHODS**

In general, this section describes how the study was conducted. The subject matters of this section are: This research uses qualitative methods with a literature review approach. Literature review is a systematic, explicit and reproducible method for identifying, evaluating and synthesizing research works and thoughts that have been produced by researchers and practitioners. The step in writing this review literature begins with the selection of topics. Perform a library or source search to gather relevant information from Google Scholar, CINAHL, Proquest, Ebsco, or National Library databases. Determine keywords or keywords for journal searches. After the data is collected, it is processed, analyzed and conclusions drawn.

## **RESULTS**

### **Challenges of International Law Development in the Era of Globalization**

The development and advancement of information technology globally has a broad impact in the midst of national and international community life. These advances have not only created electronic commerce (e-commerce), thus eliminating the concept of conventional buying and selling, but at the same time have raised public concerns and fears about the negative excesses of the technology, such as crimes against credit cards or Automated Teller Machines (ATMs) and the threat of information technology superpower as a substitute for human labor in the world of work Like the rise of online shopping. April 21, 2008 was a milestone for the development of law in Indonesia. On that date the Government of Indonesia has promulgated Law Number 11 of 2008 concerning Electronic Information and Transactions. The presence of this law proves that the Government of Indonesia must follow the flow of globalization in all fields, including in electronic transactions which are clearly different from legal acts in general. The enactment of this law also answers legal challenges in cyberspace or cyber law that have not been specifically regulated in Indonesia (Kurniawati & Prasodjo, 2022).

The characteristic of this cyber legal act, first, although the legal act is carried out in a virtual world that does not know locus delicti, but the act has real consequences (legal facts), so the act must be considered a real act as well. Thus all evidence contained and using information technology, such as e-mail and others can be used as valid evidence. Second, this law also does not recognize territorial boundaries (borderless) and who is the perpetrator (subject of law), so that whoever the perpetrator is and wherever his existence is not so important as long as his actions can cause legal consequences in Indonesia. So, the most important thing here is that the legal action causes harm to Indonesia's interests which include but are not limited to harming national economic interests, strategic data protection, national dignity and dignity, defense and security, and Indonesian legal entities.

The relationship between the Law on Information and Electronic Transactions and various laws on intellectual property rights is very close. Because, all information and / or electronic documents compiled are objects protected under the Copyright Law. Likewise, matters relating to patent regimes, brands and geographical indications, protection of plant varieties, trade secrets, industrial design and integrated circuit layout design are also subject to the provisions of their respective legislation. The enactment of Law No. 11 of 2008 concerning Electronic Information and Transactions has logical consequences in law enforcement institutions in Indonesia. This new law requires legal apparatuses who really understand and master information technology comprehensively in carrying out future tasks. This is because, because actions that were once conventionally felt easy to complete, but the challenges of the tasks ahead must be faced with a legal act that can only be felt as a result without knowing who the perpetrator is and where the act was done. The legal act takes place in the cyber world.

Legal institutions, such as the police, Prosecutors, Judiciary and Advocates must reposition themselves. Their professionalism is highly demanded in completing heavy tasks in the legal field in the future. Because it is in their hands that legal certainty can be realized for the seeker of justice on this earth (justice for all).

The ITE Law stipulates the expansion of legal evidence that has been known in the Procedural Law in Indonesia. All electronic information and/or electronic documents and/or printouts thereof are valid evidence, when using electronic systems. An electronic system is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate electronic information (Aaron, 2020). Various legal acts, both civil and criminal, are carried out by humans using information technology systems. This can be proven, how many international communities carry out their business activities in cyberspace using the internet. The same thing is also easily found in Indonesia. Many economic actors trade their wares both goods and services through the internet without having to meet physically between the seller and the buyer. The implementation of tickets with an electronic ticket (e-ticket) system in the airline business globally is a clear example and provides convenience for consumers. Likewise, the closing of the contract by the parties is simply done through cyberspace by affixing an electronic signature, which is a signature consisting of electronic information embedded, associated or related to other electronic information used as a verification and authentication tool (Kusumaningrum & Kurniawati, 2016). In the end, the disruption era left a lot of homework for experts and law enforcement in Indonesia who demanded a high level of professionalism and reliability with mastery of soft skills such as computers and English. Challenges or challenges are not something that must be avoided but must be faced in the right way and strategy, so that everything gets space in legal and implementative science (Perwita, 2008).

#### **Forms of International Legal Challenges in the Age of Globalization**

The following are some of the challenges in international law that must be faced in the era of globalization:

1. **Global Power Dynamics:** In the era of globalization, global power shifts are a major challenge in the development of international law. Countries that have dominant economic and political power tend to influence decision-making processes at the international level, resulting in a gap of interests between powerful countries and weaker countries. This poses challenges in reaching a fair agreement and resulting in a balanced legal framework.
2. **Role of International Organizations:** International organizations play an important role in the development of international law. However, they are also faced with challenges such as lack of resources, differences in the interests of member states, and limitations of their jurisdiction. In addition, the growing number of international organizations and the overlap in their responsibilities can also complicate coordination and consistency in the development of international law.
3. **Global Environmental Protection:** Climate change and global environmental degradation pose significant challenges in the development of international law. The cross-border nature of these issues requires strong international cooperation in the development of effective legal frameworks for climate change mitigation and adaptation, natural resource management, and ecosystem protection. However, differences in national interests and the complexity of global environmental issues can hinder a cohesive process of legal development and effective implementation.

In the face of these challenges, collaborative efforts and broad agreement are needed to address differences in national interests and strengthen the implementation of international law. International organizations, regional cooperation forums, and civil society engagement can play an important role in addressing these challenges and promoting the development of more inclusive and equitable international law (Susanto, 2012).

#### **Opportunities in the Development of International Law in the Age of Globalization**

In addition to challenges, there are also several opportunities that can be maximized to develop international law in this era of globalization (Sufyati, 2019).

1. **Technology and Innovation:** The advancement of information and communication technology has opened up new opportunities in the development of international law. The use of technologies such as artificial intelligence (AI), data analytics, and blockchain can facilitate more efficient international collaboration in regulatory development and enforcement. In addition, technology

also enables better implementation of international law, such as in the areas of transnational crime detection, dispute resolution, and tracking of illegal activities.

2. **Regional Cooperation:** Globalization has led to the emergence of closer regional cooperation in various regions of the world. The existence of regional organizations such as the European Union, ASEAN, and the MERCOSUR provides an opportunity to develop a more integrated regional legal framework that has an impact on the development of international law as a whole. This regional collaboration can strengthen member states' capacity to face global challenges and improve compliance with international law.

**Civil Society Activism:** In the era of globalization, civil society has become a significant force in driving the change and development of international law. Civil society activism through non-governmental organizations, social media, and advocacy campaigns has played an important role in championing issues such as human rights, the environment, and social justice. This civil society involvement brings hope to encourage change and improvement in the development of international law.

In facing challenges and seizing opportunities in the development of international law in the era of globalization, several recommendations can be proposed: Strengthening the role of international organizations in the development of international law through increased resources, improved coordination, and increased involvement of member states. Closer collaboration between countries in the face of global challenges, including environmental protection, cybersecurity, and transnational crime. Utilization of technology and innovation in the development of international law, including the application of artificial intelligence, data analysis, and blockchain technology to improve the effectiveness of international regulation and law enforcement. Development of a strong regional legal framework to strengthen regional cooperation and integration, which in turn can have an impact on the overall development of international law. Increased involvement of civil society in international decision-making processes and the implementation of international law, including through active participation in non-governmental organizations, public advocacy, and the use of social media. In conclusion, the development of international law in the era of globalization faces complex challenges, but also provides new opportunities to achieve a more effective and responsive legal framework. By addressing these challenges and seizing opportunities, the international legal community can play a role in shaping a more just, secure, and sustainable world.

## CONCLUSION

This journal article has analyzed the development of international law in the era of globalization by highlighting the challenges and opportunities it faces. In this increasingly connected and complex context, international law plays an important role in regulating relations between states and resolving disputes at the global level. However, global power dynamics, the role of international organizations, and global environmental protection are the main challenges that must be faced in the development of international law.

In facing these challenges, there are several important opportunities that must be taken to advance the development of international law. Technology and innovation can be leveraged to facilitate more efficient international collaboration and improve the implementation of international law. In addition, regional cooperation and civil society engagement can also play a role in strengthening the capacity of member states and driving positive changes in the development of international law.

In order to seize this opportunity, proposed recommendations include strengthening the role of international organizations, closer collaboration between countries, utilization of technology and innovation, development of regional legal frameworks, and increased involvement of civil society.

By implementing these recommendations, it is hoped that international law can continue to develop responsively to changing global dynamics. This will enable fairer resolution of international disputes, more effective environmental protection, and more inclusive social change. In addition, the continued development of international law will also create a more stable and trustworthy framework for states to regulate their relations.

In closing, the development of international law in the era of globalization is not an easy task, but it also has great potential to build a better world. By understanding the challenges faced and seizing the

opportunities available, the international legal community can move forward towards better protection, closer cooperation, and more sustainable peace amid the evolving dynamics of international relations.

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