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# CHALLENGES OF PUBLIC INTERNATIONAL LAW IN THE MODERN ERA

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**ABSRACT;**
Misinterpretations by international decision-makers create gaps that are not in favor of established international law. Disputes and problems based on negative interpretations in favor of the other party have contributed to conflicts throughout history and continue to develop negatively. Failure to respect international conventions threatens the world today. The violations that occur are caused by a lack of respect for international law adopted by the United Nations and its subsidiary international organizations that regulate the relations between states and civilized societies. International law addresses a wide range of international issues .There will be no real improvement in the field of public international law without adherence to human rights principles and environmental protection, strengthening arbitration mechanisms, and finding peaceful dispute resolution paths. We must continue to strive to improve arbitration and mediation mechanisms and strike a balance between the rights of states and the rights of individuals. As for holding states accountable for violating international law, developing effective mechanisms for this purpose is essential.

**Keyword: International Law, principles, organization, Modern Era, rules.**

## Introduction:

Introduction to public international law in traditional and modern thought, and its relationship to domestic law, rules of ethics, and international courtesy. The nature, development, and sources of public international law. Definition of the state as a subject of public international law. Recognition of the state[1]. Definition of international treaty law. Stages of treaty conclusion, conditions for their validity, effects, and interpretation, amendment, and termination[2].

Public international law is the set of legal rules and principles that regulate relations between states, international organizations, and other sovereign entities within the international community[3]. It aims to regulate international transactions, maintain international peace and security, protect human rights, and ensure state sovereignty[4]. Its rules are derived from international treaties, customs, and general principles of law, and it aims to achieve justice and order in relations between states. This study highlights the subjective interpretations of those in power and decision-makers, as well as the distinction between absolute principles and texts that are not open to interpretation[5]. Intellectual or jurisprudential interpretations may lead to interpretations that diverge from the texts that define public or private international law, or any law adopted by international organizations and the United Nations. Misinterpretations by international decision-makers create gaps that are not in favor of established international law[6]. Disputes and problems based on negative interpretations in favor of the other party have contributed to conflicts throughout history and continue to develop negatively. Failure to respect international conventions threatens the world today. The violations that occur are caused by a lack of respect for international law adopted by the United Nations and its subsidiary international organizations that regulate the relations between states and civilized societies[7].

Public international law is a branch of foreign public law. Its topics include the rules that must be present in a group in order for it to acquire international personality, as well as the types of states and the nature

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of their international relations[8]. That is, there are states with full sovereignty, states with incomplete sovereignty, and the position of each state in the international community. Other topics include the laws that states follow to determine their rights and duties during peace and war. It also regulates diplomatic relations and the immunities of diplomats. In times of war, the topics of international law include the rules that must be adhered to, such as the weapons that are permitted or prohibited to be used, and the treatment of prisoners, the wounded, and civilians in times of war. The scope of public international law expanded with the emergence of international organizations such as the United Nations (UNESCO) and regional organizations (such as the League of Arab States). Rules were created to clarify the method of forming these organizations, their relations with states, and the extent of states' commitment to the decisions issued by these organizations.

The imperative for international law to encompass these developments to avoid conflict and exploit these areas in a fair and optimal manner. There are many concepts surrounding the definition of public international law, due to the lack of agreement among jurists on a single concept and viewpoint. Some view it from the perspective of its sources, which regulate it, while others view it from the perspective of the force that directs international relations[9].

**The historical roots of the concept and development of public international law:**

The Name of Public International Law The Romans coined the term "Droit Des Gens," a literal translation of the Roman phrase "Just Gentium," for the branch of legal knowledge related to peoples. The jurist Grotius called it "Droit de la guerre et de la paix," the law of war and peace. This term reflected the particular reality that international law is subject to constant development and concerns relations between sovereign nations with equal rights and duties. The term "Inter-State Law" was also coined, meaning the rules governing relations between members of the international community. Then came the English jurist Bentham, who coined the term "international law" in his book "An Introduction to Principles, Morals, and Legislation" in 1871. This term is in contrast to the term "national law." However, this English jurist was not innovative in this regard, as he took the Latin expression "just inter gentes," meaning law between states, and translated it into English[10]. This concept was then adopted by other writers of international law, and thus it became widely used. We note that jurists differed in determining a clear name for this law. It is noteworthy that these names do not convey the same meaning. For example, the term "law of nations" does not necessarily refer to states. Nations do not have legal personality, and the term "nations" is a matter of dispute among states. There are several states that constitute a state, and several states that constitute a nation, such as the Arab states that constitute the Arab nation. The term "law of peace and war" is also criticized because peace and war do not have the same meanings for all states. This term is limited to defining relations of peace and relations of war only, whereas international law goes beyond this. Framework. In view of this disagreement over the correct term for this law, we accept the term "international law," because this term, in our view, is the closest and most accurate and expresses the content of this law, because it expresses the will of states[11].

The jurist Oppenheim defined it as: "A set of customary and conventional rules that civilized states consider binding upon them in their mutual conduct." Georges Sale defined it as: "The legal system that contains the principles that establish and organize international society." Laurentius defined it as: "The rules that determine the behavior of the community of civilized states in their mutual conduct."

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Rousseau defined it as: "That branch of law that governs states in their mutual relations." Jurist Fouchi defined it as: "A set of legal rules that regulate the rights and duties of states in their mutual relations." Arab Jurisprudence: Dr. Muhammad Majdoub defines international law as: "A set of legal rules that define the rights and duties of states and regulate their mutual relations during war, peace, and neutrality."

French jurist Louis d'Albaz defined it as: "A set of customary and conventional rules to which states are bound in their relations."The state is the principal subject of public international law. The majority of jurists currently hold that the state is not the only subject but the principal subject of public international law. Among these jurists is the German jurist Strub, who defined public international law as "a set of legal rules that include the rights and obligations of states and the rights and obligations of other subjects of international law." Professor Charles Rousseau defined it as "primarily concerned with regulating relations between states, or rather, it is the law that regulates relations between subjects of public international law." In light of the above, public international law can be defined as "a set of legal rules that govern relations between subjects of public international law and determine the jurisdiction and obligations of each."[12]

**Definition of Public International Law:** Disagreement over the definition of public international law: The definition of public international law remains a matter of disagreement, as there are more than one hundred definitions of this law. Therefore, we will limit ourselves to pointing out the various jurisprudential trends that define it by its individuals. These trends can be summarized into three: First: The traditional doctrine: The state is the sole legal subject. This is because when international society first emerged with the emergence of the modern nation-state in Europe at the beginning of the nineteenth century, it was limited to states only, and only states possessed the status of a legal subject in international law. Second: The objective doctrine: The individual is the sole legal subject in international law. This contrasts with the previous doctrine, which held that the individual is the sole subject of international law. The first to advocate this view was the French jurist Dickie, who denied the legal personality of the state and, in his view, considered it a mere assumption with no value. However, this doctrine is criticized for its exaggeration in denying the legal personality of the state[13]. Every society has specific rules that govern its survival and continuity and achieve the goals of its existence. This applies to the international community, which ensures its stability and the management of relations between its various units and entities. This also includes a set of legal rules that have emerged gradually, coinciding with the stages of development of the international community and its long history, which extends from the period of the emergence of modern states, through the era of international organization, to the adoption of the United Nations Charter and the subsequent changes in the international system, up to the present era[14]. The evolution of the international community, as a revolution of variables and numerous interactions among its members and components, as well as the increasing demands and interests of its individuals, has led to the existence of an international law that keeps pace with the axes of movement and development within this community, regulates the rights and obligations of its members, regulates the various relationships among them, contributes to their continuity, encourages their development, and places responsibility on those who violate the provisions governing them.

**Geopolitical changes and their impact on the international legal order :**

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The concept and application of international custom have been influenced by the social and political changes the world has witnessed over the ages. With the transformation of the international system and the emergence of new states and liberation movements, international customary law has evolved to include the rights of peoples and the freedom of self-determination. International custom has also been influenced by shifts in global power and political conflicts, with some international treaties undergoing reinterpretation and reapplication in light of geopolitical changes [15].

**Conclusions:**

The principles of public international law are based on mutual respect among all states. Recognizing and adhering to these principles contributes to global peace and stability. International cooperation on various global issues, while adhering to human rights principles, protecting the global environment, and promoting the peaceful settlement of disputes, contributes to building a more humane and just world for all. The civilized world faces transnational challenges and complex issues that require joint action and international cooperation to overcome them. The principles of public international law represent the best way to address these challenges and realize our aspirations for a more stable and just world. We are convinced that the future of public international law is of great concern, and that improving its mechanisms and strengthening adherence to its principles and rules is our collective responsibility. We must unite and work together to confront global challenges, such as terrorism, climate change, and humanitarian crises. This requires strengthening international cooperation and regional partnerships, and enhancing the capacities of international institutions and courts. Achieving international justice requires adherence to fundamental rights without racial or sectarian discrimination. A focus on legal awareness and education is vital to empowering citizens to enjoy their legal rights and duties. The strong will of the international community to achieve accountability, justice and prevent impunity.

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