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# Legal Challenges in Transnational Environment

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Fit for the times we live in

The end of the Cold War created a dangerous illusion that the end of history had come, that free trade would replace statehood; that the overused thesis of a 'rules-based order' would replace national interests; that we live in a world without borders, and that every individual is a 'citizen of the world.' These 'stupid ideas' ignored the lessons of history and human nature.

(M Rubio, Secretary of State, 23.02.2026., The Munich Security Conference )

"If you are not at the table, you are on the menu.,,

(Canadian Prime Minister Mark Carne, World Economic Forum in Davos  
21.01.2026).

Challenge of the traditional discourse?

Are we lost/mistaken about certain fundamental aspects of Law?

# Living through uncertainty

The present is as uncertain as the future

We live with more and more information, but with less and less meaning

To have more information means to be more informed, but not to be wiser

# Entirety of Law Reality

Law – Morality



Law – Morality – Politics – Markets – Science – Technology



Law – Morality – Politics – Markets – Science – Technology – **Metaverse – Space**

Can Law still exist as a theory of everything?



The problems are too vast and too complex for any single discipline (Law) to provide an adequate solution.



**"Law looks outward"**



Economics, psychology, philosophy, anthropology, and history—all these are resources for the "external" critique or supplementation of Law (?).



The knowledge we will need in a few years has not yet been born.

True understanding can begin only with naked reality, not with a deceptive ideal. (Carl Jung)

International law is in crisis because the state as a means of organising political and legal affairs is dying a slow death (?)



Maybe we are looking for too simple answers to complex questions of International Law, which cannot explain the diverse essence and practice of the International Law?



And are we looking in the wrong place? Maybe in our search for simple answers we have lost the ability to understand complex things?



Is it possible that the theory of International Law is correct, but we do not understand and interpret it properly?



Maybe in the process of understanding and interpreting International Law, we include completely irrelevant "authors", "theories", "concepts", "terms", "ideas", "methods", thus "polluting" the content of International Law, which makes appropriate and clear answers in International Law impossible?



Can we rationalize the discussion of International Law by including a defined number of legal ideas, thus not "drowning in reasoning" the discussion of International Law itself?



How can we avoid polluting International Law with thoughtless, drastically pragmatic, quickly created and difficult to apply statements/concepts/definitions of International Law, so that it does not become chaotic and rationally inexplicable?



Or maybe clarity in International Law is impossible due to the very nature of International Law and its purposes, so we should focus not on answers, but on the right questions and the right process of finding answers, which allows us to understand the "fascinatingly" complex essence of International Law?



Is it a problem of questions or answers in International Law, i.e. are we formulating the questions incorrectly, or is the Legal theory we use inadequate to find correct and practical answers?

Why are we so terrified of uncertainty?

We must learn to live with unsolved problems.

True intelligence is not defined by how much you know, but by how well you handle what you do not know.

We measure an individual's intelligence by the quantity of uncertainties he is capable of bearing. (Immanuel Kant)

In a world that demands a status update for every situation, the highest form of intelligence is the ability to maintain focus while surrounded by ambiguity.

The greatest enemy of knowledge is not ignorance, but the illusion of knowledge. (Stephen Hawking)

Illusion of clarity versus meaningful ambiguity

I love to doubt just as much as I love to know (Dante)

The Law is a phenomenon with specific questions operating in the zone of productive intellectual tension

To find deliverance from the tension of opposites

Law cannot be a play on words, an extravagance, a set of wishes for being and the world

We cannot think about Law with colored words and colorless thoughts

Time to think

Time to act

Overthinking vs Making a decision with little thinking

“Thinking is difficult, that’s why most people judge.” (Carl Jung)



**Law: a composite whole**



Can the definition of law be created by the means of removal or addition?

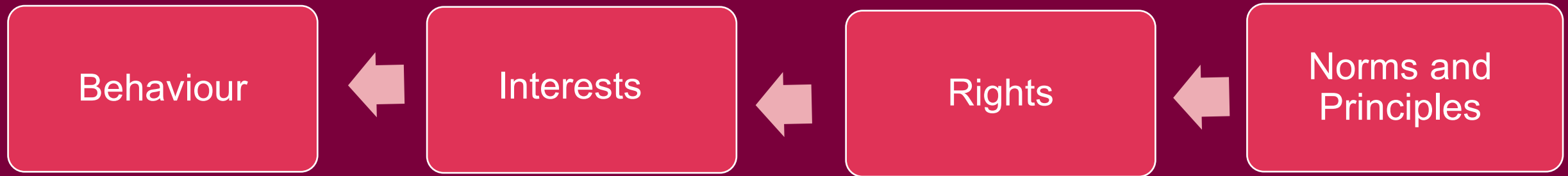
# Defining Law



*I created a vision of David in my head and simply carved away everything **that was not David.***

**David**  
Michelangelo

1501 - 1504







**How a Human can understand Law;  
What a person can understand as Law.**



**The official Law;  
Law in books;  
Law in action;  
Living Law.**



# The Global Nature of Law



The perception of law as a “uniform and monopolistic” set of rules enacted by the state is experiencing a collapse.

International/Global problems have become too complicated to be effectively resolved by individual national governments.

# The Global Nature of Law (I)

Main factors of such change:

- **Rapid development of science and technology;**
- **Formation of Global markets;**
- **Humanitarian, health and environmental problems.**

## The Global Nature of Law (II)

Traditionally, law has been understood as a phenomenon operating in a specific territory and time. Nowadays, this is no longer the case.

- Issues before the **U.S. Supreme Court** trigger international public discourse; **EU law** influences the functioning of EU candidate countries.
- International **study opportunities** shape the perception and awareness of Global nature of law.
- The increasing **complexity of legal sources**.
- The diminishing power of the **Westphalian state system** on law.

## The Global Nature of Law (III)

The distinction between domestic and foreign legal orders/affairs of a state is the vital presupposition without which *no sense* could be made of international law, especially in those situations in which **international law allows for intervention in the internal affairs of a state**.

*Will international law experience a major transformation?*

# The Global Nature of Law (IV)

## OPPOSITION

States that traditionally led the way in shaping Global legal environment are surrendering space as a consequence of **reduced Global power (e.g., U.S., UK)**.

Thus, slowly **rising nationalist sentiment** is becoming a way for them to maintain their influence on Global legal challenges (e.g., **Brexit; U.S. withdrawal from the Paris Agreement**).

# The Global Nature of Law (V)

## OPPOSITION

As a result of resurgent nationalism, some areas of the law perceived as **liberal become vulnerable to attack** (e.g., overturn of Roe v Wade).

At the same time, other countries (e.g., **China**) **see the Global nature of law as an opportunity to satisfy their interests.**

## The Global Nature of Law (VI)

While States will continue to be of central importance into the future, finding a consensus on the short-term perspective is proving to be extremely difficult.

For instance, unanimous voting in the EU is **seen as slowing down decision making and preventing progress**, notably in the context of war in Ukraine.

Therefore, a more general concept of the Global legal order is required that does justice to our current condition of Global legal pluralism.

International law expose a world that Philip Allott (Oxford University) has described as International 'unsociety', it does nothing to address the lack of humanity in the International system (?)

There is something soulless about International law, denoted by its primary focus on economic interactions (?)

Global law is as an analytical tool to understand or map the shifting legal landscape around us

## 1. Global Legal Pluralism

The reality of multiple overlapping legal systems – international, regional, national, even local – creates a pluralistic legal landscape

Each State develops its own concepts:

- „Pragmatism" – in American law,
- „Subject" and „Rule" – in German law,
- „Experience" – in English law,
- „Intelligence/mind" – in French law

Can Global law cover/possess these concepts and become a comprehensive entirety?

It is the very difficult task of providing a clear understanding of recent developments in the Law, putting **the complexity** of the legal global order into a coherent theoretical framework

## 2. Fragmentation of International Law

International law has split into specialized sub-regimes (trade, human rights, environmental law, etc.) that sometimes conflict or operate in isolation

### 3. Sovereignty vs. Global Governance

A fundamental tension exists between state sovereignty and the demands of global governance

The growing globalisation requires a harmonisation and unification of the rules of law governing “world being“

Much need to be done to make international law more international

# Law of nations and/vs Law between nations

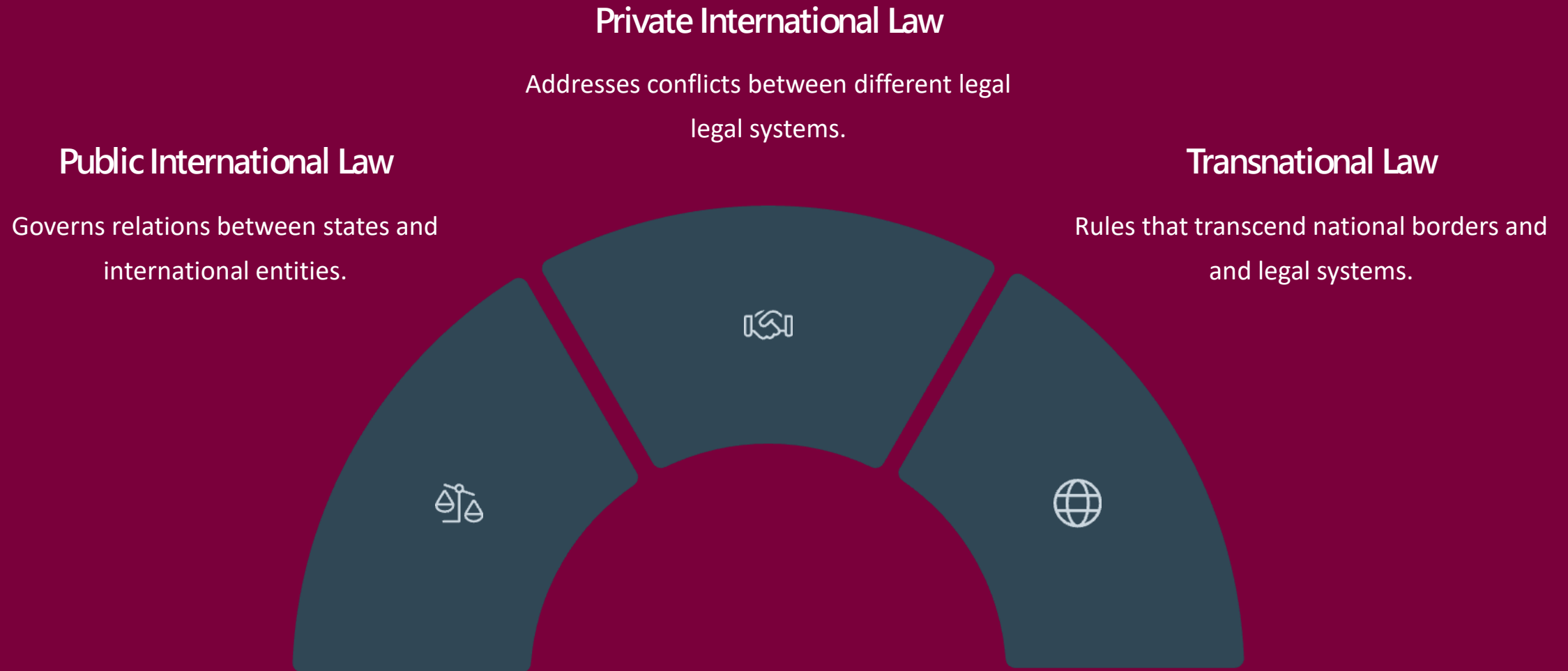
# Non-state actors and its capacity to provide regulations beyond states

Not Global Law, but Governance Systems Beyond the State (?)

Lex mercatoria or lex sportiva as examples of (systems of) Law that by their nature are not limited by the territorial boundaries of individual states

# What is Global Law?

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# Key Areas of Global Law

## International Public Law

- Treaties between states
- UN and WTO frameworks
- International obligations

## Private International Law

- Conflict of laws
- Jurisdictional questions
- Foreign judgment enforcement

## Transnational Law

- Cross-border contracts
- Commercial arbitration
- Corporate regulation

## Human Rights Law

- Universal standards
- International tribunals
- Individual protections

# Why Global Law Matters



## Globalisation Response

Addresses interconnected economic, political, and technological challenges.



## Transnational Protection

Safeguards rights across borders where national systems fall short.



## International Cooperation

Enables coordinated responses to human rights, climate, and cybersecurity issues.

# Sources of Global Law

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# Global Legal Institutions

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## United Nations

Primary forum for international law development with the ICJ as its judicial arm.

## World Trade Organization

Regulates international trade through agreements and dispute resolution.

## International Criminal Court

Prosecutes genocide, crimes against humanity, and war crimes.

# Comparative Law vs. Global Law

## Comparative Law

Studies and compares different national legal systems.

- Focus on differences
- Analysis-oriented
- Legal transplants
- Historical development

## Global Law

Creates frameworks that apply across national borders.

- Focus on harmonisation
- Solution-oriented
- Universal application
- Future development

# Challenges in Global Law

## Enforcement Limitations

International law often lacks strong enforcement mechanisms.

## Sovereignty Tensions

Nations resist yielding authority to supranational bodies.

## Legal Diversity

Different legal traditions complicate harmonisation efforts.

## Power Imbalances

Wealthier nations often dominate global legal development.

# Case Studies in Global Law

## Climate Change Litigation

The Urgenda case forced the Dutch government to adopt more stringent climate policies.

This landmark ruling established that governments have a duty of care to protect protect citizens from climate change.

## Business and Human Rights

Supply chain transparency laws now require companies to monitor human rights human rights impacts.

The UK Modern Slavery Act exemplifies how domestic law addresses global concerns.

## International Arbitration

Investor-state disputes balance corporate rights with public interest.

These cases demonstrate tensions between investment protection and and regulatory autonomy.

# The Future of Global Law

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## AI Integration

Artificial intelligence will reshape global legal frameworks and practice.

## Private Norm-Setters

Corporations and NGOs will play larger roles in shaping global rules.



## Institutional Reform

International organisations will adapt to address representational imbalances.

## Global Constitutionalism

Constitutional principles may increasingly transcend national boundaries.

# Skills for Global Law Practice

## Cross-Cultural Analysis

Understanding legal concepts across cultural contexts

## Multilingual Research

Accessing and interpreting legal materials in different languages

## Institutional Knowledge

Navigating complex international organisations and procedures

## Digital Literacy

Mastering cross-border legal technology and data management

Global law should be understood as an alternative or as a parallel concept to the state-centric International law (?)

Global law should replace International law, just as  
International law once replaced the Roman conception of *ius  
gentium*(?)

Global law should occupy the apex of the legal pyramid (?)

Is Global Law merely a trendy/romantic theory (?)

or,

are there concrete and factual elements allowing submission of strong evidence of a movement toward the creation of a stand-alone Global law (?)

Can Global Law be put into some definition?



Is there a definitive list of the most important questions in Global Law?

Would answering them all give us a comprehensive and complete understanding of Global Law?



If we want to properly discuss and understand Global Law, what should we discuss?

What are the true units of understanding Global Law, and how many are there?

Global Law ambition is to cover much more ground than just choice of law or competent court selection

It challenges our traditional understanding of human, power, the Law and its relations with morality

Global law as a multinational, multicultural and multidisciplinary legal phenomenon

How is it possible to tame global constitutionalism in order to avoid a global Leviathan?

How to overcome the divide between natural and positive law?

How to deal with the dispute between cosmopolitanism and nationalism?

Global law cannot be reduced to 'law' in the singular or to a single 'map'

## Global law consist in:

- an extended territorial and time reach,
- an extended jurisdictional scope,
- the re-conceptualisation of international personality away from states to Humans,
- the institutionalisation of Humanity's law.

Global law should/could function as "legal phenomenon" rather than "legal system" (?)

Is it better to be nothing than not to be everything?

Global law must concern itself explicitly with:

- power relations;
- domination;
- questions of justice.

Power relations— legality - integration - collective guarantees

The main models of **international justice**, which are now at discussion:

- (1) the Westphalia paradigm;
- (2) moral cosmopolitanism;
- (3) institutional cosmopolitanism;
- (4) World State.

Global justice?

To what extent, if any, a global shift of law can proceed absent a transnational democratic check?

# The problem of democratic deficit in Global law

Why the world needs yet another moral stance?

# Utopia of Commons

No code of just one person, one culture, or even one civilization is objectively worthy enough to be imposed universally upon humanity

But it does not follow that Human intelligence is not worthy of all humanity.

Humanism can be objectively studied, rationally debated and evaluated,  
there are justifiable ways to determine better and worse moral norms,  
and important moral norms can be reasonably recommended for all Humans.

Global law – as a Human-centred law with human rights at its normative core



# What is a Human?



A Human is “*everything*”.

That alone makes a Human unequal to (-her)himself.

It is the only “*unit*” in the world that steps beyond itself, going beyond all definitions, concepts and terms of itself.

A Human is a truth that cannot be denied.

A Human is the only creature who refuses to be what he is.



Human life has no meaning.

**Each of us have meaning and we bring it to life.**

It is a waste to be asking the question when **You** are the answer.



## **Human life could be understood:**

Physical and mental well-being;

Belonging and recognition;

Personally treasured activities;

Spiritual closeness and connectedness.



Stepping beyond Human boundaries as a form of life  
Peripheries of Human experience and its specific features



The only thing that can truly be Human is a Human being

We (Humans) do not see things as they are, we see things as we are

‘It is the duty of the human understanding to understand that there are things which it cannot understand, and what those things are. Human understanding has vulgarly occupied itself with nothing but understanding, but if it would only take the trouble to understand itself at the same time it would simply have to posit the paradox.’

Soren Kierkegaard (The Journals of Søren Kierkegaard)

Are we all different and there is no single correct way to treat everyone?

# Human vs. social individual

How does the examination of the concept of Human beings as either single individuals or social individuals with inherent social bonds impact our understanding of Human rights and the application of law?

Human(s) should be acknowledged according to an institutional, cultural and moral point of view

The global community of individuals beyond borders should be based on Human dignity understood as its material source of law

Dignity - the unearned worth or status that all humans share equally

Humans have value that cannot be given, earned, or taken away by others, regardless of status, wealth, or background.

Global law redline some traditional theses and to adapt them to the new features of the global scenario, with strong its commitment to Human rights, democracy and the Law

Dignity - an internal sense of self-worth, integrity, and honor that guides how you view and treat yourself.

Global law is a specific proposal in the legal debate, the goal of which is the application of law at the global level to achieve the universal real guarantee of Human rights

Global law is/should be based upon **a merger of Humanitarian and Human rights law** that *practically* manages conflict and violence

What is our Problem?

Illusion(?) of explanatory depth

# Unknown unknowns in (Global) law

## The true knowledge:

- to know that we known what we known,
- to known that we do not known what we do not known

## Real – life dilemmas

Illusions of knowledge

Overconfidence in knowledge

# Intellectual arrogance and its consequences

Knowledge hygiene as foundation of law

Meaning is not something we find. Meaning is something we create through the way we do things, the amount of attention we give, the involvement we give, and the letting ourselves be in the process, rather than constantly jumping between stimuli.

Less noise, more silence. Less constant novelty, more repetition. Less superficial attention, more deep engagement. Because it is in this contrast that the brain begins to feel what is important again.”



Only a few know, how much one must know, to know how little one knows.

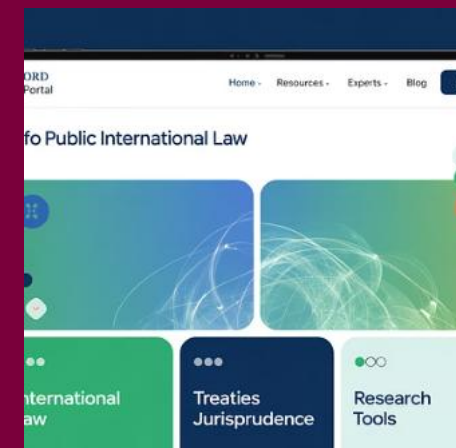
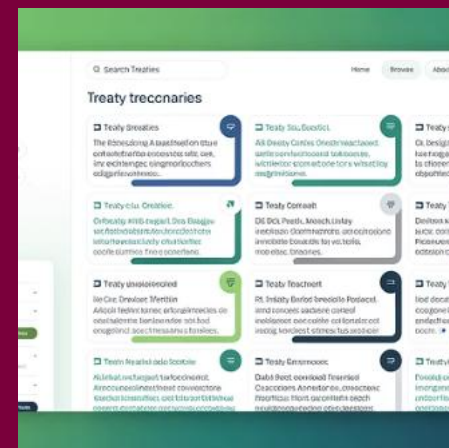
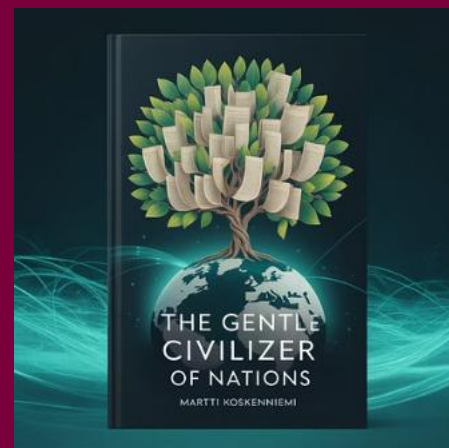
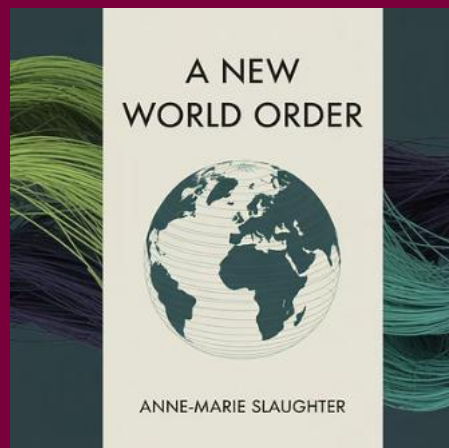
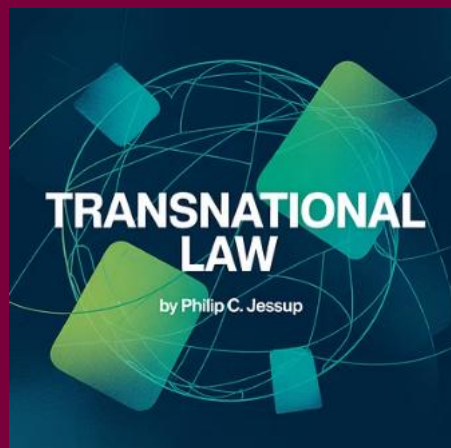
(Werner Heisenberg, the Nobel Prize-winning physicist and a key architect of quantum mechanics)

Meaning does not arise from quantity. It arises from contrast and engagement—from the fact that something takes time, requires effort, and has a clear beginning, middle, and end.



**What do we do next?**

# Further Reading & Resources



These foundational texts and digital resources provide deeper insights into global legal frameworks.

# Q&A / Discussion



## Current Events

How do recent developments reshape our understanding of global law?



## Critical Reflection Reflection

Where do national and global legal roles complement or conflict?



## Future Challenges Challenges

What emerging issues will demand new global legal responses?



## Career Pathways Pathways

How can today's law students prepare for global legal practice?



# Questions?



# Thank you



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