

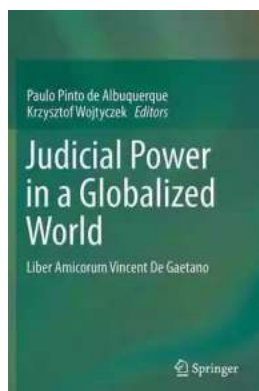
The Growing Influence of Judicial Power in a Globalized World

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The rapid growth of globalization has resulted in an interconnected world where nations are increasingly dependent on one another for trade, security, and shared resources. As a result, new challenges have emerged in terms of governance and the balance of power between different institutions. One such institution that has seen its influence grow significantly is the judiciary.

The Role of Global Judicial Power:

Traditionally, the judiciary has been viewed as a reactive body that interprets and applies the law, ensuring its compliance with constitutional principles. However, with the rise of globalization, the role of the judiciary has expanded beyond national borders.



Judicial Power in a Globalized World: Liber Amicorum Vincent De Gaetano

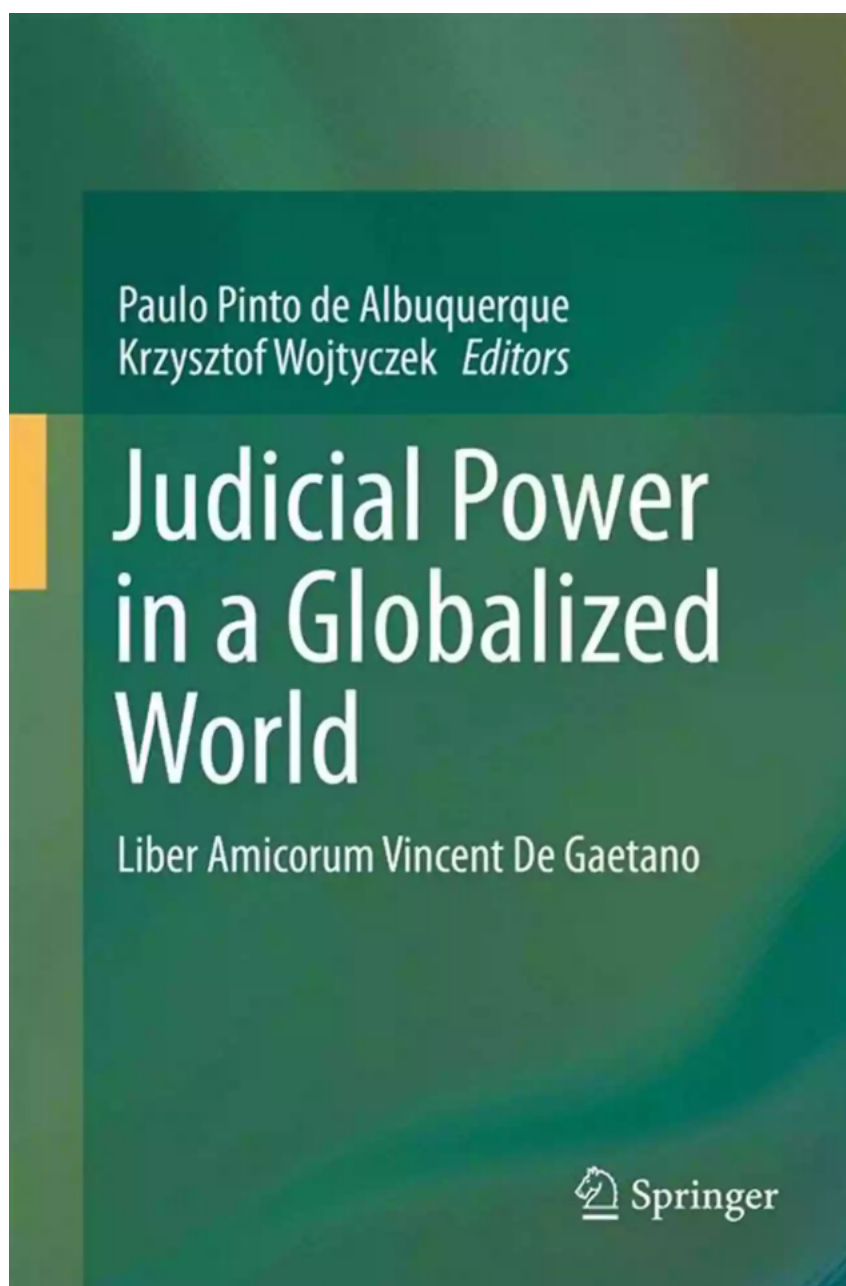
by Derek Gray(1st ed. 2019 Edition, Kindle Edition)

★★★★★ 5 out of 5

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In a globalized world, legal disputes often extend beyond the jurisdiction of a single nation-state. Complex issues such as human rights violations, cross-border crimes, and transnational trade disputes require a harmonized approach to justice. International courts and tribunals have emerged to address these challenges and uphold global standards of justice.



Advantages of Judicial Power in a Globalized World:

1. Protection of Human Rights: Judicial power at the international level allows for the protection and promotion of human rights on a global scale. International courts such as the International Criminal Court (ICC) and the European Court of Human Rights (ECHR) play a crucial role in holding individuals, organizations, and even states accountable for human rights violations.

2. Resolution of Cross-Border Disputes: With the increase in international trade and investment, disputes between parties from different countries have become common. International commercial courts and arbitration panels provide a neutral and efficient platform for resolving conflicts and ensuring fair outcomes.

3. Harmonization of Legal Standards: Global judicial power helps in establishing and maintaining common legal standards across nations. International courts, through their decisions and interpretations, contribute to the development of a comprehensive legal framework that governs diverse areas such as international trade, environmental protection, and human rights.

Challenges and Criticisms:

1. Sovereignty Concerns: Some critics argue that the growing influence of judicial power at the global level compromises the sovereignty of individual nations. They believe that decisions made by international courts may interfere with domestic laws and policies, limiting a nation's ability to act in the best interest of its citizens.

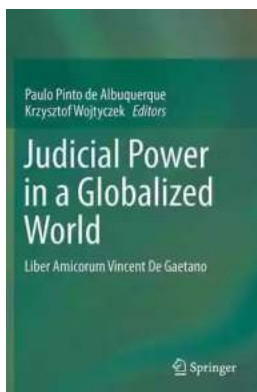
2. Lack of Enforcement Mechanisms: While international courts can make judgments and rulings, they often rely on the cooperation of states for enforcement. Non-compliance and non-cooperation by powerful states undermine the effectiveness of global judicial power, leading to questions regarding its ultimate authority and impact.

3. Democratic Deficit: Another criticism is that judges in international courts are not elected by citizens and lack democratic legitimacy. Critics argue that decisions made by unelected judges may not always be representative of public opinion or adequately reflect the diverse cultural and legal traditions of different nations.

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The expansion of judicial power in a globalized world presents both opportunities and challenges. While international courts and tribunals contribute to the protection of human rights, the resolution of cross-border disputes, and the harmonization of legal standards, concerns regarding sovereignty, enforcement, and democratic legitimacy persist.

As the world continues to navigate the complexities of globalization, it is crucial to strike a balance between effective global governance and respecting the rights and interests of individual nations. Judicial power, in its evolving role, must adapt to these challenges while upholding the values of justice, fairness, and the rule of law.



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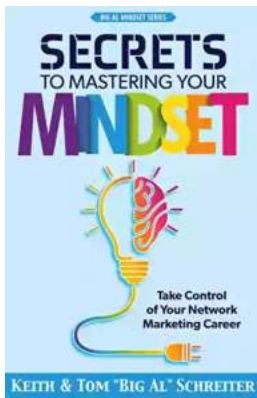
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This book explores fundamental topics concerning the functioning of the judiciary. The authors – class scholars, international judges and jurists from a diverse range of countries – address general theoretical issues in connection with judicial power, the role and functioning of international courts, international standards concerning the organization of national judiciaries, and the role of domestic courts in international relations, as well as alternative means of settling disputes. The book contributes a novel and valuable global perspective on burning issues, especially on judicial power and independence in a time in which illiberal and authoritarian regimes are constantly seeking to diminish the role of the judiciary.



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