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Evolution of International Law: From Early Treaties to Concept of Contemporary Sovereignty

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Abstract. *This paper examines the evolution of international law from its early foundations to its contemporary form. Starting with the basic legal principles, it highlights significant milestones, such as the Peace of Westphalia in 1648, which established the concept of state sovereignty. The study also explores the contributions of Hugo Grotius, who is often regarded as the "Father of International Law," whose work significantly shaped the modern legal framework that governs relations between states. In addition, he analyzed the development of global institutions such as the United Nations, which emerged after World War II and played a crucial role in encouraging international cooperation and advancing international law in the 20th century. Particular attention is paid to treaty law, emphasizing how treaties between countries are important for maintaining global order. Using a qualitative research approach, this study provides a comprehensive understanding of historical and contemporary shifts in international law. It discusses how countries have balanced their sovereignty by pursuing global cooperation and broader peace. These findings underscore important moments in the evolution of international law, offering insights into the ongoing challenges and opportunities for global governance in the modern era.*

Keywords: *International Law, Peace of Westphalia, State Sovereignty*

1. INTRODUCTION

International law refers to a set of rules and principles that govern relations between nations and other international actors. It includes a wide range of legal norms, including treaties, customary law, and judicial decisions, which aim to regulate issues such as diplomacy, trade, human rights, and warfare. Nevertheless, despite the wealth of historical documentation, a thorough examination linking these historical advances to current legal issues is lacking, especially when it comes to striking a balance between state sovereignty and international collaboration. The goal of international law is to provide a framework for peaceful cooperation and dispute settlement between countries.

In this paper, we will explore the evolution of international law, starting from its earliest foundations, moving through classical periods, and examining its modern implications. Despite the goal of international law to strengthen relations between countries and promote mutual respect, many countries still struggle to comply with these rules. What are the main concerns facing countries in the current international legal system? By investigating how international law serves as a political tool and instrument to facilitate international cooperation, this research will identify the challenges and opportunities faced by countries in complying with international norms.

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The early history of international law can be traced back thousands of years, with some of the earliest examples found in ancient treaties and treaties between city-states. One notable example is the treaty between the rulers of Lagash and Umma in Mesopotamia around 2100 BC, which established the boundaries between their territories. This early phase shows how countries began to use treaties to navigate interactions in times of peace and conflict, laying the foundations for modern treaty law. As we move through history, the Roman Empire contributed to the development of the principles of international law. Although the Romans did not have a system that resembled modern international law, they did create rules that governed interactions between Roman citizens and foreigners, based on the principles of natural law.

This idea of justice and justice then influenced the development of modern international law. During the Islamic Caliphate, legal principles regarding military conduct and the treatment of prisoners of war also played a role in shaping international humanitarian law, introducing early forms of protection for civilians and fighters. The fall of the Roman Empire and the rise of nation-states in Europe introduced a new dynamic to international relations. With the collapse of central authority, there is a growing need for rules to regulate interactions between increasingly independent political entities.

International trade, driven by private economic interests, is a significant catalyst for the development of international legal norms. Maritime law, diplomatic protocols, and trade agreements began to emerge, shaping the behavior of states in their relations with each other. The establishment of diplomatic practice, especially the use of ambassadors, further advances the formalization of international law. The intellectual contributions of scholars such as Hugo Grotius in the 17th century marked a turning point in the systematic study of international law. The work of Grotius *De Jure Belli Ac Pacis* (On the Law of War and Peace) is considered the basis for modern international legal theory.

His rationalist approach to law emphasizes natural law principles, such as the obligation to keep promises and make reparations for losses, while also recognizing the importance of state practices and agreements. Grotius' ideas of voluntary law and international custom influenced the subsequent evolution of international law, helping to bridge the gap between what "should" and what "exists" in the practice of the state. The Peace of Westphalia in 1648 marked another important milestone in the history of

international law. It establishes the principle of state sovereignty, which is the foundation of international relations.

In the centuries that followed, thinkers such as Samuel von Pufendorf and Emer de Vattel further developed theories about the law of nations, balancing the laws of nature with the emerging positivist view that law derives from the consent of the state. This transition to positivism laid the foundation for the modern legal order, in which state consent and international customs play an important role in shaping the legal obligations of states. Finally, the modern era of international law, especially after World War II, saw the establishment of institutions such as the United Nations, which sought to uphold the norms of international law and promote peace and cooperation between countries. However, how do factors such as the inefficiency of the law enforcement system, differences in national needs, and lack of legal clarity affect a country's ability to comply with international law, which aims to strengthen relations between countries and promote mutual assistance?

The emergence of treaty law and the establishment of customary international law have become important components of the global legal system. Treaties, as binding treaties between states, and customary law, which arose from consistent state practice, continue to shape international relations today. In this paper, we will explore these developments in detail, providing a comprehensive understanding of the historical forces that have shaped the international legal system as we know it. Many countries still find it difficult to comply with international law, despite the fact that international law seeks to improve relations between them and promote mutual respect. The lack of an efficient enforcement system, gaps in national needs, and legal ambiguity are some of the causes.

2. LITERATURE REVIEW

In the context of 21st century international law, Hussein and Ali (2023) identify various challenges and opportunities faced by countries in complying with international law. In their article published in the Russian Law Journal, the authors highlight that although international law aims to improve relations between countries and encourage mutual respect, many countries still experience difficulties in its implementation.

One of the main factors that hinders is the lack of an effective international law enforcement system. The absence of strong enforcement mechanisms makes countries more likely to be hesitant to comply with international law, as there are no clear and unequivocal

consequences for violations committed. In addition, differences in national needs and political priorities between countries can also cause inconsistency in the application of international law. Countries often have different priorities, which can result in inconsistencies in the application of the law.

Legal ambiguity is also a significant issue discussed by the author. Ambiguity in international regulations creates confusion among countries, which hampers efforts to reach consensus and cooperation. Taking these challenges into account, Hussein and Ali emphasized the need for reform and innovation in international law enforcement to cope with changing global dynamics.

In the article "Regional Orders, Geopolitics, and the Future of International Law", Orford (2021) explores the relationship between the regional order, geopolitics, and international law. He pointed out that international law is influenced by regional political-economic dynamics, with large powers often using the law to their advantage, while small states face the challenge of enforcing their rights. The article also highlights how the regional order can complement global law and the importance of local contexts in the formation of legal norms. Orford emphasized the need to understand geopolitics to effectively respond to global challenges.

3. METHOD

To conclude this paper, historical-legal qualitative methodologies are applied in descriptive analysis to reconstruct various events that have occurred.

In the study of international law, this descriptive analysis explains its early development, the emergence of the nation-state, the contributions of Hugo Grotius, the events of the Peace of Westphalia, the formation of the League of Nations, as well as the development of law after the World Wars, including customary international law and modern treaty law. Basically, history always starts from the beginning. There are many different perspectives on the history of international law. This is partly due to the various ways used to define and define the starting point of international law. This method requires the collection and analysis of primary and secondary sources, the data sources include historical documents, legal works, and literature relevant to the research topic.

Three main approaches are used in this study: a functional approach that focuses on the role of treaties in the formation of modern European states, a descriptive-analytical

approach that analyzes available empirical data and relates it to key research questions, and a legal approach that aims to clarify the historical development of international law. To gain an understanding of the post-World War I framework of international law, this study will collect data in the history of international law by conducting research on works related to important events. In addition, relevant historical documents will be analyzed, such as official documents of the League of Nations and the Peace Treaty of Westphalia. This research will investigate changes in international law after World War I, the development of contemporary international law, and treaties.

4. RESULTS AND DISCUSSION

Early International Law

The basic principles of international law, especially treaties, have deep historical roots that span thousands of years. One of the earliest known treaties, dating from around 2100 BC, was forged between the city-states of Lagash and Umma in Mesopotamia; This agreement, engraved on a block of stone, depicts a clear boundary between the two entities. Approximately a thousand years later, another important treaty emerged: Egypt's Ramses II and the Hittite king formalized a pact of "lasting peace and fraternity", respecting each other's sovereignty and establishing mutual defense arrangements. In the ancient Greek world, before Alexander the Great, many small nations developed in close proximity, fostering cultures between nations with common rules governing conflict and cooperation. Although these norms apply only within the Greek states themselves and exclude non-Greek entities, this system of inter-state relations bears striking similarities with aspects of the current international order.

The Roman Empire, with its immense power, did not recognize international law. They act disregarding outside regulations while engaging with territory beyond their control. However, they created internal laws to control interactions between foreigners and Roman residents. In contrast to "jus civile," which regulates interactions between citizens, this law, known as "jus gentium," affirms the basic principles of justice and links some rules to an objective and independent 'Law of Nature'. This 'gentium juice' of natural law and justice has endured and is reflected in contemporary international. Early Islamic legal norms pertaining to military behaviour and the treatment of POWs during the early caliphate are seen as the precursors of international humanitarian law.

Standards for the humane treatment of prisoners of war have long included provisions such as ensuring adequate shelter, food, and clothing, respecting cultural differences, and strictly prohibiting executions, sexual violence, or revenge. Interestingly, many of these humanitarian principles were not officially embedded in Western international law until relatively recent history. In contrast, under the early Islamic Caliphate, a structured set of ethical guidelines governed military behavior, emphasizing the moderation of wartime actions. The guidelines aim to limit the intensity of the conflict, establish protocols to end hostilities, distinguish civilians from fighters, prevent unnecessary destruction, and provide care for the wounded and sick.

Nation-State

Following the fall of the Roman Empire, the Holy Roman Empire broke up into separate kingdoms and cities, empires, and states, marked a new era in European political history. Initially, there is an urgent require the conduct guidelines that govern the interaction of the broad global society. Most of Europe would be unable to manage and govern foreign affairs without an empire or strong religious leadership turned to the Roman Empire's Justinian Code of Law and the Catholic Church's Canon Law to get ideas. The creation of objective rules is primarily accelerated by international trade. of conduct between countries. Without a well-defined code of behavior, trade is uncertain and traders from one country are not protected due to someone else's behavior.

General international trade rules, especially maritime law, are shaped by economic self-interest. As international trade, exploration, and warfare become more complicated and engaging, the need for common international customs and practices becomes even more vital. Among others, The Hanseatic League, which consisted of more than 150 organizations in the countries now known as Germany, Scandinavia, and the Baltic states, created many useful global laws that facilitated trade and exchange. As they began to send ambassadors to foreign capitals, Italian city-states created diplomatic rules. Binding agreements between governments have become a useful means of protecting trade. At the same time, the suffering of the Thirty Years' War sparked demonstrations for rules of battle that would protect the people.

Hugo Grotius

Hugo Grotius (1583-1645) is often considered the "father of international law" for his pioneering contributions to the principles governing relations between states. His writing,

De Jure Belli ac Pacis (*On the Law of War and Peace*, 1625), laid the foundation for what would become modern international law. Published during a period of intense political and religious conflict in Europe, Grotius sought to create a legal system that transcended the chaos of war and could provide a framework for the peaceful coexistence of nations.

At the core of Grotius' principles was the concept of *natural law*, which he saw as the unchangeable principles that govern human behavior, with respect to time, place, or religion. This idea is a radical shift from the general view that laws originate from divine orders or are created by individual states. Grotius argued that natural laws can be extracted through human reason that are universally applied to all people and nations. He also argued that the laws of nature would remain in force even without belief in God: "What we have said will have a degree of validity, even if we have to admit what cannot be acknowledged without the greatest evil, that there is no God, or that human affairs are not of His concern" (Klein, B,2022).

Based on his framework of natural law, Grotius developed a theory of just war, arguing that war can only be waged for legitimate reasons such as self-defense or the restoration of property. He distinguishes between public and private wars. He also reinforced the idea that only sovereign states, not private individuals, have the right to war, but that right must be in accordance with the principles of justice. He stressed that war must be proportionate and non-combatants must be avoided, stating that "war must be waged in such a way that it can serve as a means to peace, and, above all, war must be waged with moderation and restraint"(Peters. A, 2021). His theory, which mirrors the laws of nature, considers international law to be a moral system aimed at justice, not just power.

Grotius' emphasis on natural law exists as a basis for the argument that certain moral truths and rules of behavior exist independently of human law. For Grotius, natural law comes from reason, and can bind individuals and nations. This universality of natural law laid the foundation for the idea that states, like individuals, are subject to legal obligations in their relationship with each other. In short, Grotius stated that international law is not just a product of state agreements or approvals but is based on a universal moral order that transcends political boundaries. The secularization of natural law in Grotius' work is very innovative. This means that legal principles can apply to all countries, regardless of their religious affiliation, creating a common legal framework that can be understood and accepted by all. This universality is a key element of Grotius's legacy in international law,

as it introduces the idea that certain legal principles apply to all nations based on their common humanity and rationality.

While natural law was created as the moral cornerstone of Grotius' theory in international law, he also recognized the importance of human treaties and covenants in shaping the legal obligations of states. Grotius wrote: "But since we are treating the law here, since it exists between different states or their rulers, it is clear, that the law must arise from the mutual consent, or at least from the will of a person, who is recognized as having the right to regulate the affairs of others" (Orford, 2021).

This section shows the importance of consent in international relations. Grotius acknowledged that most international law arises from voluntary agreements of states, in the form of treaties and conventions. Such agreements, once signed, are binding on the parties involved, and the state is obliged to enforce them in good faith. This principle, known as *pacta sunt servanda* (treaties must be kept), remains a fundamental principle of international law today. However, Grotius also points out that even in the absence of explicit agreements, certain legal principles bind the state based on natural law. Thus, although treaties are an important source of international law, they do not exhaust the legal obligations of states. Natural law provides the basis of moral obligations that exist independently of human agreements, and agreements only serve to formalize and clarify these obligations in specific contexts.

Grotius also played a key role in developing a modern understanding of state sovereignty and equality. In his view, all countries are equal under international law, regardless of their size or power. This principle of equality is based on the idea that sovereignty is a characteristic inherent in the state and that no state has the right to impose its will on another state. "Because of the nature of sovereignty in such a way that he who exercises it cannot have an advantage in certain matters, especially in matters relating to the law of nations," Grotius said (Grotius, *On the Law of War and Peace*, 64).

This affirmation of sovereignty serves as an important feature of the state that helps establish a legal framework for international relations. States are independent actors in the international system, and their interactions are carried out with mutual respect for each other's sovereignty and legal obligations. At the same time, Grotius acknowledged that sovereignty is not absolute. States are bound by natural laws, and they must comply with certain legal and moral obligations in their interactions with other countries. The principle

of sovereign equality is to protect states from external interference, but it also requires them to act in accordance with the universal principles of justice and morality.

Treaty of Westphalia

In addition to bringing an end to the thirty-year and eighty-year wars, the 1648 Peace of Westphalia established the framework for more modern international relations. The pact, which was drafted over three hundred fifty years ago, introduces ideas like diplomacy, mediation between states, and state sovereignty into modern life. Modern international diplomacy began with this peace, which was actually the outcome of two different peace conferences from a political point of view, formally established religious tolerance. To understand the importance of the Peace of Westphalia, we must look back at the war that led to the brief establishment of the congress. Catholics and Protestants from the Holy Roman Empire fought each other during the Thirty Years' War (1618–1648), which eventually spread to most of Europe (Tasioulas, J, 2021).

This conflict was initially theological in nature between the Catholic Holy Roman Empire and the Protestant states of Germany. However, this war developed into a political conflict involving many European powers, such as France, Spain, Sweden, and Denmark. The conflict began in 1618 with the Prague Prevention Incident, in which some Bohemian Protestant nobles oppressed two Catholic officials from the window of a castle in Prague. This action was a resistance to the efforts of the Holy Roman Catholic Emperor, Ferdinand II, to restore Catholic supremacy in the Protestant areas of Roman Empire. The right of the imperial prince to rule independently without outside or sovereign intervention was a major factor that triggered and prolonged the war and its long-term consequences on international relations (Staiano-Daniels, 2021).. Along with supporting the Dutch desire to secede from Spain, Additionally, the 80-year conflict that raged from 1568 to 1648 came to an end with the Peace of Westphalia (Holmes & Strachan, 2023).

The Dutch people's dissatisfaction with the repressive rule of the Spanish Empire began with high tax demands and the suppression of Protestants. At that time, the territory called the Netherlands was part of the Habsburg Netherlands ordered by King Philip II of Spain, a Catholic who was very strong in implementing Catholic religious policies in the predominantly Protestant region. This effort sparked a revolt in the Netherlands, especially among Protestant Calvinists who opposed Spanish Catholic rule. However, the 30 years war is a contemporary war that is specifically addressed in this statement. Three to four million

Germans were slaughtered in the conflict, which also destroyed the Holy Roman Empire and drove a number of people to Europe, which made up the majority of Germany's population. Before Peace, the state saw all other countries and other foreign policies in a landscape of good and evil; They see themselves as good and what is contrary to them is evil (Thomas Pert, 2023). The Congress of Westphalia was a four-year negotiation that began in 1642 and continued until the end of the 30-year war.

The Treaty Westphalia, signed in 1648, established the authority of the state as the cornerstone of international relation concluded in 1648, solidified the principle of state sovereignty as a foundational element of international relations. The talks, which took place in the two cities of Osnabruck and Münster, which are 30 miles apart, were attended by diplomatic representatives from 96 different entities. In the meeting, delegates from all countries and regions involved had clear objectives. Among them, Maximilian von Trautmansdorff, representatives of the Holy Roman Empire, Johan Oxenstierna and Johan Adler Salvius, both from Sweden, and Count d'Avaux and Marquis de Sable, both from France, all received stern instructions from the leaders of their countries to avoid involvement in hasty compromises (Lowery, Klar, & Trenton, 2022). Before Westphalia, religion often governed relations between states and political entities, especially in Europe under the rule of the Roman Catholic Church. The Church has great power over law and politics, including providing the moral basis for warfare through the idea of the Holy War or the Good War (Bellum Justum).

Large empires such as the Holy Roman Empire also played an important role in international relations in addition to the church. The concept of international law had developed before the Treaty of Westphalia (1648), known as "ius inter gentes" and "ius intra gentes". Hugo Grotius, a Dutch philosopher and jurist often referred to as the "Father of International Law," had an important role in developing the idea of ius inter gentes. In Grotius's famous work, De Jure Belli ac Pacis (1625), (Tuck, 1999, reviewed by Muneer, 2020) he explained the principles of natural law and the law of nations that he considered necessary to regulate international relations, especially during conflicts and peace. In addition, he emphasized the term "Ius intra gentes", which means "law within the nation", which refers to the law that governs the internal affairs or the law that applies within a particular country or nation, both national and internal, that regulates the relationship between people and groups within the country.

Then, ius inter gentes, or law between nations, refers to the law that governs relations between nations or other nations. This formed the basis of what is now known as public international law. Before Westphalia, international law relied more on treaties, customs, and agreements between monarchies or sovereign political entities. The long-term outcome of the Westphalia Peace treaty was crucial, and peace itself was a great, modern, and revolutionary achievement at the time. The Treaty of Westphalia was a pivotal moment in world history as it created the idea of state sovereignty that separates power between states and other countries. It also marked the end of the intervention of other countries in their internal affairs and the beginning of the process of formal recognition of new countries. In addition, this treaty changed the political map of Europe, weakening the Roman Empire and paving the way for the balance of power.

On the other hand, the agreement also opened up religious freedom in Germany, ended religious strife, and built a new foundation for stability. By introducing the concept of state sovereignty and a stronger structure of relations between states, An important turning point in the history of international law was the Treaty of Westphalia. The Treaty of Westphalia greatly helped the advancement of international law. In addition, the treaty establishes the principle of the balance of power as a way to maintain stability around the world. With Westphalia, the foundations for contemporary international relations were laid, where countries could resolve their differences through negotiations and written agreements. This treaty has built a contemporary world based on principles such as non-intervention and international legitimacy. The Treaty of Westphalia marked a turning point in the world order, giving birth to an international legal system that is the foundation of global politics, economics, and diplomacy to this day (Zreik, 2021).

League of Nations

The League of Nations was established as the first intergovernmental organization in history with the signing of the Paris Agreement in 1919. On January 10, 1920, after World War I, the League was inaugurated and established with the main objective of preventing the emergence of major conflicts and maintaining global peace (Leurdijk, 2020). The League of Nations emerged after the Treaty of Versailles marked the end of World War I, with the belief that international dialogue and cooperation were capable of resolving conflicts without resorting to violence. The idea of establishing a League was spearheaded by President Woodrow Wilson of the United States, although the country eventually did not join. Given

the flashbacks of the horrors of the war that devastated many countries and left deep scars on the social, economic, and political spheres, it sparked awareness of the need for an international mechanism to prevent a recurrence of similar tragedies.

In the League's founding document, it is stated that its main goals include efforts to prevent war through the concept of collective security and demilitarization, settlement of international disputes through negotiation and arbitration, and improving the welfare of the people (Murombedzi & Chikozho, 2023). With this solid foundation, the League of Nations is expected to be an effective means of creating a more prosperous and peaceful world. In November 1920, the league was founded with 42 members. Over time, the League of Nations had 58 participating members. Some of the important body structures covered in the League of Nations include; Assembly, Council, Secretariat, Permanent organization, International permanent court. The League of Nations made a major contribution to the evolution of international law and the practice of global diplomacy. The organization introduced multilateral diplomacy mechanisms, formulated important agreements, and established a functioning mediation institution at the international level.

Introducing the idea of collective security, in which a threat to one member is considered a threat to all members, the League of Nations helped develop international law and established international institutions such as the International Permanent Court of Justice. In addition, the League also builds multilateral agreements on arms control and law enforcement. However, there were a number of significant weaknesses that emerged, such as the absence of independent military power, the withdrawal of major powers from membership, and their inability to prevent World War II. This reflects the shortcomings in the collective security system upheld by the League of Nations. Unfortunately, the Second World War was proof that the League of Nations failed to prevent a major conflict, which is very disappointing considering that its main goal is to maintain world peace. Various factors contribute to this failure, many of which have to do with the structural weaknesses inherent in the organization itself. In addition, the League's strength and effectiveness were further hampered by the United States' decision not to join, which added to the challenge to global peacekeeping efforts.

Although the League of Nations did not succeed in preventing a world war, it had an impact and an important role in shaping a more orderly world. The League of Nations became the forerunner of the United Nations, and from its experience, the world learned a

lot about how to strengthen common security and build more effective international organizations in the future. In addition, the League of Nations has a major role in laying the foundations of international humanitarian law and setting standards for the defense of human rights, which are still being developed today.

Post-War Era

The impact of World War II, such as the Main World War and the Thirty Years' War, there are strong guarantees to avoid a repetition of the timeless giants delivered on the civilian population. This determination was driven for the creation of Joining States together, a recharged effort to foster peace through worldwide settlement organizations that followed the Association of Failed States. Since then, universal law has evolved, with worldwide participation becoming more scheduled, if not completely widespread. Today, about two hundred countries are individuals from the United States, who are willingly committed to defending their constitutions. Indeed, today's leading countries are aware of the importance of world collaboration, often seeking a world agreement recently embarking on military activities. Universal law, however, strengthens far beyond combat. Most of the controls address matters of mutual respect such as postal administration, exchanges, sea routes, and flights where compliance is largely programmed because these rules streamline intuitive cross-border. While many rules remain indisputable, certain zones, especially those related to fights or asset rights, such as fishing, remain politically sensitive and subject to strong debate.

5. CONCLUSION

The early history of international law reveals its deep roots in ancient civilizations, developing over the centuries when states and societies interacted. Beginning with ancient treaties such as the Treaty of Kadesh between Egypt and the Hittians, these early treaties were the basis of diplomacy and conflict resolution. In ancient Greece and Rome, the concept of law was applied to citizens and foreigners, which further established the norms for relations between countries. During the Middle Ages, the influence of canon law and Islamic law reflected religious authority over legal matters, suggesting that international norms existed even in an era dominated by empires and churches. In the Renaissance, thinkers such as Hugo Grotius introduced the idea of natural law governing the state, laying the foundations for modern international law.

The idea of sovereignty was later codified in the Treaty of Westphalia of 1648, and is still a fundamental component of modern international law. When nation-states were consolidated in the 18th and 19th centuries, the Enlightenment inspired further legal thought, leading to important treaties such as the Congress of Vienna and the first codification of international rules with the Geneva Convention and the Hague Convention. These developments eventually formed the framework for the modern international legal system. In conclusion, the history of international law shows its evolution from basic agreements and religious rules to complex legal systems that govern the behavior of states, all contributing to the structured legal framework we know today.

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