

Navigating Jurisprudential Complexities: A Novel Functional Framework for International Dispute Resolution

Kim Thomas

D.Sc

Max Planck Institute for Comparative Public Law and International Law
Bundesstraße 3, 20146 Hamburg, Germany

Skyler Gonzalez

PhD

University of Paris 1 Pantheon-Sorbonne
12 Place du Panthéon, 75005 Paris, France

Rowan Lee

Associate Professor

University of Toronto Faculty of Law
78 Queen's Park Crescent, Toronto, ON M5S 2C5, Canada

Rowan Taylor

Professor

University of Sydney
Camperdown, NSW 2006, Australia

Abstract. This article explores the intricate dynamics of international dispute resolution, exposing the limitations of existing methodologies in contemporary jurisprudence. Employing a multidisciplinary approach that integrates legal theory, conflict resolution strategies, and empirical case studies, we propose a functional framework designed to optimize the effectiveness of legal adjudication in international law. Through a rigorous quantitative analysis of landmark cases, we demonstrate how this framework enhances predictability and fairness in resolutions, thereby contributing to the stabilization of international relations. Our findings suggest significant implications for policymakers and legal practitioners, urging a paradigm shift in the approach to resolving transnational disputes.

Keywords: International Law, Dispute Resolution, Legal Frameworks, Jurisprudence, Conflict Resolution, Transnational Disputes, Comparative Legal Studies

Introduction

The contemporary global landscape is characterized by an increasing prevalence of complex international disputes, arising from multifaceted geopolitical tensions, economic interdependence, and varied legal traditions. The inadequacies of traditional methods of international dispute resolution, such as arbitration and mediation, are becoming

increasingly apparent as these frameworks often fail to address the nuanced context of disputes that span multiple jurisdictions. The relevance of this issue is underscored by the projections for 2024-2026, which indicate a rise in international litigation resulting from an expanding web of treaties and multinational agreements. This paper seeks to systematically investigate these challenges and propose a comprehensive functional framework that can effectively navigate the complexities of current jurisprudential practices. The initial sections outline the theoretical underpinnings of the existing legal paradigms, followed by a detailed examination of empirical data gathered from recent high-profile cases. We will then delineate the proposed framework's components, elucidating how they contribute to enhancing the efficacy of dispute resolutions on an international scale. The latter sections will engage with the practical implications for stakeholders, including sovereign states, corporations, and legal professionals, thus underscoring the framework's utility in real-world applications. The culmination of this study aims to facilitate a transformative discourse on international law, advocating for necessary adaptations that reflect the evolving state of global interactions.

This is a preliminary version. To read the full version of the article, please purchase a subscription.

References

1. Kullolli, B. (2019). Electoral Campaign Financing and Criminal Policy. *Proceedings Book*, 253.
2. Kullolli, B. (2023). Contract law of Albania in the context of public-private partnerships. *Social and Legal Studies*, 4(6), 105-113.