

Law and Justice in The Era of Globalization

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The term 'globalization' became popular in social science in the 1990s. It derives from the word 'globalize', which refers to the emergence of an international network of economic systems. Theodore Levitt is credited with popularizing the term and bringing it into the mainstream business audience in the latter half of the 1980s. Globalization is the word used to describe the growing interdependence of the world's economies, cultures, and populations, brought about by cross-border trade in goods and services, technology, and flows of investment, people, and information. In other words, Globalization is a process of interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology. Sociologists Martin Albrow and Elizabeth King define globalization as "all those processes by which the people of the world are incorporated into a single world society." In *The Consequences of Modernity*, Anthony Giddens writes: "Globalization can thus be defined as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa." Globalization is the process by which the world previously isolated through physical and technological distance, becomes increasingly interconnected. It is manifested by the increase in interaction between people around the world that involves the sharing of ideas, cultures, goods, services and investment. Globalization means that the world is becoming interconnected by trade and culture exchange. The world has witnessed a huge increase in globalization during the last sixty years. Globalization has generated fears about loss of socio-cultural structure of States. Many countries worry about their cultures being overwhelmed by that of United States. There are a number of negative impacts of globalization on society and culture. Loss of identity and individualism occur when globalization encourages a western ideal of individualism. Globalization further allows colonization which impacts intellectual property and cultural rights.

'Anthony Giddens', defines globalization as a process of intensification of worldwide social relations. The local events shaped by world events, that is 'glocalism', the localism+globalism=glocalism. It has brought changes in ideology, ethics, politics, and society.

'William Twining' refers to globalization as those "processes which tend to create and consolidate a unified world economy, a single ecological system, and complex network of communications that covers the whole globe, even if it doesn't penetrate to every part of it."

Globalization makes the world more interdependent and it has stimulated a revival of debates about law and justice. In contemporary times, the world is witnessing rapid growth in all fields.

'Boaventura de Sousa Santos' gave two concepts of 'globalized localism' and 'localised globalism'. 'Globalized localism' signifies a global phenomenon becoming a local phenomenon like Coca Cola, English language, etc. whereas 'localised globalism' is when a local phenomenon changes to accommodate the changing needs. These are illuminating features to understand the deep impact of globalization on individuals and society.

'William Twining' explains globalization and its impact on law and jurisprudence. It has brought fundamental challenges to general and specific jurisprudence. We can see the revival of general jurisprudence from a global perspective.

I. HISTORY OF GLOBALIZATION

Archaic globalization - Perhaps the extreme proponent of a deep historical origin for globalization was Andre Gunder Frank, an economist associated with dependency theory. Frank argued that a form of globalization has been in existence since the rise of trade links between Sumer and the Indus Valley Civilization in the third millennium BC. Critics of this idea contend that it rests upon an over-broad definition of globalization.

Thomas L. Friedman divides the history of globalization into three periods: Globalization 1.0 (1491-1800), Globalization 2.0 (1800-2000) and Globalization 3.0 (2000-present). He states that Globalization 1.0 involved the globalization of countries, Globalization 2.0 involved the globalization of companies and Globalization 3.0 involves the globalization of individuals. Even as early as the Prehistoric period, the roots of modern globalization could be found. Territorial expansion by our ancestors to all five continents was a critical component in establishing globalization.

The development of agriculture furthered globalization by converting the vast majority of the world's population into a settled lifestyle. However, globalization failed to accelerate due to lack of long distance interaction and technology. The contemporary process of globalization likely occurred around the middle of the 19th century as increased capital and labour mobility coupled with decreased transport costs led to a smaller world. An early form of globalized economics and culture, known as archaic globalization, existed during the Hellenistic Age, when commercialized urban centers were focused around the axis of Greek culture over a wide range that stretched from India to Spain, with such cities as Alexandria, Athens, and Antioch at its center. Trade was widespread during that period, and it is the first time the idea of a cosmopolitan culture (from Greek "Cosmopolis", meaning "world city") emerged. Others have perceived an early form of globalization in the trade links between the Roman Empire, the Parthian Empire, and the Han Dynasty. The increasing articulation of commercial links between these powers inspired the development of the Silk Road, which started in western China, reached the boundaries of the Parthian empire, and continued onwards towards Rome. The Islamic Golden Age was also an important early stage of globalization, when Jewish and Muslim traders and explorers established a sustained economy across the Old World resulting in a globalization of crops, trade, knowledge and technology. Globally significant crops such as sugar and cotton became widely cultivated across the Muslim world in this period, while the necessity of learning Arabic and completing the Hajj created a cosmopolitan culture.

Proto-globalization - The next phase is known as proto-globalization. It was characterized by the rise of maritime European empires, in the 16th and 17th centuries, first the Portuguese and Spanish Empires, and later the Dutch and British Empires. In the 17th century, globalization became also a private business phenomenon when chartered companies like British East India Company (founded in 1600), often described as the first Multinational Corporation, as well as the Dutch East India Company (founded in 1602) were established. The Age of Discovery brought a broad change in globalization, being the first period in which Eurasia and Africa engaged in substantial cultural, material and biologic exchange with the New World. It began in the late 15th century, when the two Kingdoms of the Iberian Peninsula - Portugal and Castile - sent the first exploratory voyages around the Cape of Good Hope and to the Americas, "discovered" in 1492 by Christopher Columbus.

Shortly before the turn of the 16th Century, Portuguese started establishing trading posts (factories) from Africa to Asia and Brazil, to deal with the trade of local products like slaves, gold, spices and timber, introducing an international business center under a royal monopoly, the House of India. Global integration continued with the European colonization of the Americas initiating the Columbian Exchange, the enormous widespread exchange of plants, animals, foods, human populations (including slaves), communicable diseases, and culture between the Eastern and Western hemispheres. It was one of the most significant global events concerning ecology, agriculture, and culture in history. New crops that had come from the Americas via the European seafarers in the 16th century significantly contributed to the world's population growth.

Modern globalization - The 19th century witnessed the advent of globalization approaching its modern form. Industrialization allowed cheap production of household items using economies of scale, while rapid population growth created sustained demand for commodities. Globalization in this period was decisively shaped by nineteenth-century imperialism. After the First and Second Opium Wars, which opened up China to foreign trade, and the completion of the British conquest of India, the vast populations of these regions became ready consumers of European exports. It was in this period that areas of sub-Saharan Africa and the Pacific islands were incorporated into the world system. Meanwhile, the conquest of parts of the globe, notably sub-Saharan Africa, by Europeans yielded valuable natural resources such as rubber, diamonds and coal and helped fuel trade and investment between the European imperial powers, their colonies, and the United States. The inhabitant of London could order by telephone, sipping his morning tea, the various products of the whole earth, and reasonably expect their early delivery upon his doorstep. Militarism and imperialism of racial and cultural rivalries were little more than the amusements of his daily newspaper. What an extraordinary episode in the economic progress of man was that age which came to an end in August 1914. Between the globalization in the 19th and in the 20th there are significant differences. There are two main points on which the differences can be seen. One point is the global trade in these centuries as well as the capital, investment and the economy.

II. TYPES OF GLOBALIZATION

1. *Political globalization* - Political globalization refers to the amount of political co-operation that exists between different countries.

These ties in with the belief that "umbrella" global organizations are better placed than individual States to prevent conflict. The League of Nations established after WW1 was certainly one of the pioneers in this. Since then, global organizations such as the World Trade Organisation (WTO), United Nations (UN), and more regional organizations such as the European Union (EU) have helped to increase the degree of political globalization.

2. *Social globalization* - Social globalization refers to the sharing of ideas and information between and through different countries. In today's world, the Internet and social media is at the heart of this. Good examples of social globalization could include internationally popular films, books and TV series. The Harry Potter/ Twilight films and books have been successful all over the world, making the characters featured globally recognizable. However, this cultural flow tends to flow from the centre (i.e. from developed countries such as the USA to less developed countries). Social globalization is often criticised for eroding cultural differences.
3. *Economic globalization* - Economic globalization refers to the interconnectedness of economies through trade and the exchange of resources. Effectively, therefore, no national economy really operates in isolation, which means national economies influence each other. This is clearly evidenced by global recession from 2007 onwards. Economic globalization also means that there is a two-way structure for technologies and resources. For example countries like the USA will sell their technologies to countries, which lack these, and natural resources from developing countries are sold to the developed countries that need them.

Cultural Similarization - In the process of globalization, most of cultures and subcultures in face of capitalism culture are catching gradual erosion and transmutation. Cultural similarization refers to spreading of cultural imperialism and also sometime it has called Americanization. Cultural imperialism in form of cultural integration and similarization and by use of instruments of media and communications technology, dominates on all the world and specific on culture of non development countries. Development societies and countries, due to have high level of economic and technology, create and propagate a special cultural discourse and catch their goals by multinational corporations.

Cultural Variety - Globalization has caused variety in culture. Globalization has created a market of cultural variety which human can catch difference things and identify unites and diversities which are exist between he and others, and everyone can create new world for himself.

Mix of Culture - Globalization has been eventuated to mixing of culture, cultural anarchy, and combination of unbalanced and in concurrent cultures. Cultures are expressly in interaction with together without any control. Globalization has created hybrid different identities and cultures. This hybrid culture has been combined of elements of tradition and modern, national and global. The nationality of a citizen may be combination of some different nations or races or castes.

Clash of Culture and Civilization - Harvard University Professor Samuel Huntington has produced one of the seminal writings on the notion that culture will be the principal factor that divides the world in the future. In an article titled "The clash of civilizations", which was later expanded into a full book, Huntington says; ".... The fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be culture. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will dominate global politics."

III. WHY CONCEPT OF LAW AND JUSTICE IS ESSENTIAL IN GLOBALIZED WORLD :

1. *Inequality*: Globalization has been linked to rising inequalities in income and wealth. Evidence for this is the growing rural-urban divide in countries such as China, India and Brazil. This leads to political and social tensions and financial instability that will constrain growth. Many of the world's poorest people do not have access to basic technologies and public goods. They are excluded from the benefits.

2. *Inflation* : Strong demand for food and energy has caused a steep rise in commodity prices. Food price inflation (known as agflation) has placed millions of the world's poorest people at great risk.

3. *Vulnerability to external economic shocks*: National economies are more connected and interdependent; this increases the risk of contagion i.e. an external event somewhere else in the world coming back to affect you has risen/making a country more vulnerable to macro-economic problems elsewhere.



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4. Threats to the Global Commons: Irreversible damage to ecosystems, land degradation, deforestation, loss of biodiversity and the fears of a permanent shortage of water afflict millions.

5. Race to the bottom: Nations desperate to attract inward investment may be tempted to lower corporate taxes, allow lax health and safety laws and limit basic welfare safety nets with damaging social consequences.

6. Trade Imbalances: Global trade has grown but so too have trade imbalances. Some countries are running big trade surpluses and these imbalances are creating tensions and pressures to introduce protectionist policies such as new forms of import control. Many developing countries fall victim to export dumping by producers in advanced nations (dumping is selling excess output at a price below the unit cost of supply.)

7. Unemployment: Concern has been expressed by some that capital investment and jobs in advanced economies will drain away to developing countries as firms switch their production to countries with lower unit labour costs. This can lead to higher levels of structural unemployment.

8. Standardization: Some critics of globalization point to a loss of economic and cultural diversity as giant firms and global multinational brands dominate domestic markets in many countries.

9. Dominant global brands: Globalization might stifle competition if global businesses with dominant brands and superior technologies take charge of key markets be it telecommunications, motor vehicles and so on.

10. Psychological Impact of Globalization: The most significant psychological consequence of globalization is that it transforms one's identity: in terms of how people think about themselves in relation to the social environment.

11. Globalization increases world carbon dioxide emissions: If the world burns its coal more quickly, and does not cut back on other fossil fuel use, carbon dioxide emissions increase.

12. Globalization transfers jobs from developed countries to less developed countries: Globalization levels the playing field, in a way that makes it hard for developed countries to compete. A country with a lower cost structure (lower wages and benefits for workers, more inexpensive coal in its energy mix, and more lenient rules on pollution) is able to out-compete a typical OECD country. In the United States, the percentage of US citizen with jobs started dropping about the time China joined the World Trade Organization in 2001.

13. Globalization spreads contagion of all kinds: The recent spread of the deadly Coronavirus shows how globalization spreads contagion of all kinds. The first consequence of coronavirus was to demonstrate the world's dependency on China. When the country went into lockdown, first in Hubei province and then further afield, it immediately affected the global economy. In 2002, when SARS hit, China accounted for barely 8% of global output; now that figure is closer to 20%. Chinese factories are a key part of global supply chains and Chinese tourists a bigger proportion of global flows. Economists estimate the damage to China's GDP at around 0.5 to one percentage point in the first quarter, a substantial hit to an already-slowing economy. These shocks have been amplified as the virus has spread. With stock markets in free fall, commodity prices collapsing (including oil), travel drying up and panic only just below the surface, the economic damage around the world is only just beginning to be felt. The problem for policymakers is that the usual remedies - cutting interest rates or printing money, so-called quantitative easing do not work in situations such as this when economic behaviour is based in emotions. In any case, a decade of financial loosening has already been tried, with modest results, and there is barely any scope left for injecting liquidity into the system. Corona virus is 'threatening the future of globalization,' economist says: Coronavirus could also spread economic contagion from China over the long term, an economist has warned, as experts assess the financial fallout from the illness that has killed at least 1,700 people and sickened 70,000. The extended shutdown in China over the Lunar New Year due to the illness has already hurt the country's economy significantly as factories closed and workers remained at home. China's first-quarter growth forecast has been slashed to three percent-a three-percentage drop from the fourth quarter last year and the largest quarterly drop in real GDP growth since the Tiananmen Square massacre in 1989, according to the investment bank, Nomura, cited by the Financial Times.

The impact of globalization on the socio-cultural structure of States has been both positive and negative. If the term globalization is used to refer to phenomena that involve sweeping and comprehensive changes across the world, then, needless to say, globalization is not a new concept. The whole worlds, and human beings, have been experiencing globalization since ancient times. Globalization is associated with rapid and significant human changes. The movements of people from rural to urban areas have accelerated, and the growth of cities in the developing world especially is linked to substandard living for many.

Family disruption and social and domestic violence are increasing. The major consequences of globalization have been: the transmogrification of traditional religions and belief systems; the beginning of the disintegration of the traditional social fabrics and shared norms by consumerism, cyber-culture, newfangled religions and changing work ethics and work rhythms; the fast spreading anomie forcing an ever increasing number of individuals to fall back upon the easily accessible pretentious religious banalities, and attributing to religion the creation and acceleration of extremist, fundamentalist and terrorist tendencies in the third world countries. It is fair to say that the impact of globalization in the cultural sphere has, most generally, been viewed in a pessimistic light. Typically, it has been associated with the destruction of cultural identities, victims of the accelerating encroachment of a homogenized, westernized, consumer culture. Globalization created a materialist culture, where everybody is concerned with his own interest and benefit, nobody is bothering about others.

In the era of globalization, the relationship between law and justice has evolved from being purely state-centric to a complex, multi-layered global phenomenon. This transformation is driven by unprecedented economic integration, technological advancement, and the rise of transnational issues like climate change and international crime.

1. The Concept of Global Justice

Global justice moves beyond the traditional "international justice" (which focuses on states) to prioritize the rights and moral status of the **individual** regardless of nationality.

- *Cosmopolitanism*: Argues that human beings are the primary unit of moral concern and that individual rights should take precedence over state sovereignty.
- *Distributive Justice*: Focuses on the fair redistribution of wealth and opportunities from rich to poor nations, addressing the widening gap created by global markets.
- *Human Security*: Broadens the definition of security to include freedom from want and fear (e.g., poverty, disease and environmental hazards) alongside traditional military threats.

2. The Globalization of law

The "globalization of law" refers to the trend toward a uniform set of legal rules across different jurisdictions.

- *Harmonization & Convergence*: National legal systems are increasingly aligning with international standards in trade (WTO), human rights, and intellectual property (TRIPS).

- *Private Lawmaking*: Multinational Corporations often create their own "global commercial law" through standardized contracts and private arbitration mechanisms, reducing reliance on national courts.
- *Judicial Globalization*: Judges from different countries now frequently communicate and cite each other's precedents, particularly in areas like human rights and environmental law.

3. Key Challenges and Tensions

Despite these advancements, the global legal era faces significant "Fault lines":

- *Sovereignty vs. International Law*: While nations often surrender some power to international bodies (e.g., the EU), many still resist external interference, citing "Cultural relativism" or national interests.
- *Access to Justice*: While the wealthy can easily navigate global legal systems, the poor often face "asymmetrical rights terrains" where their interests are secondary to those of private commercial stakeholders.
- *New Types of Crime*: Globalization has enabled sophisticated organized crimes, including cybercrime, money laundering and human trafficking, which often paralyze existing national legislation.
- *Institutional Injustice*: Critics argue that global governance institutions like the IMF and World Bank are dominated by wealthy Western nations, leaving developing countries with little foothold.

4. Impact on the Legal Profession

Globalization has revolutionized the practice and education of law:

- *Specialization*: There is a surging demand for expertise in niche areas like international tax, data privacy, and competition law.
- *Digitalization*: The use of AI, cloud computing, and digital court filings has become standard to manage the speed and complexity of cross-border transactions.
- *Liberalization*: Many countries, including India, have begun opening their legal sectors to foreign law firms on a "fly-in and fly-out" or reciprocal basis.

Impact of Globalization on India's social, Political and Economic Development:

India has one of the fastest-rising economies in the world, and in ten years, it's expected to rank in the top three. Globalization was a seismic shift that didn't happen until the 1990s but has been substantially responsible for India's enormous economic progress.



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The industrial structure and social life of people have altered as a result of globalization. India's trade, financial system, and cultural systems had a significant impact. The globalization of the social, cultural, and economic systems occurred concurrently. Prior to the adoption of information technology, change happened gradually, but not it happens in every sector at a rapid speed.

The Gross Domestic Product (GDP) of the nation has increased exponentially since that time. The elimination of import restrictions and export subsidies allowed for unrestricted commerce, and that has further attracted foreign investors to the Indian market. The developing Indian market's untapped potential was made accessible to the rest of the world, and considerable adjustments were made to its industrial, financial and agricultural sectors. In India's urban areas, there are more restaurants and international cuisine chains. Every city has numerous theatres, sizable commercial centres, and high-rise housing. Globalization has a significant impact on the educational field, as seen by the rising literacy rate. Indian students now have more access because of partnerships between foreign universities and several Indian universities. A more global education system is being promoted by numerous government programmes like the "New Education Policy" in order to bring Indian students from all socioeconomic backgrounds up to level with the rest of the world.

Impact of Globalization on Judicial Process and Administration of Justice:

Globalization has an impact on how justice is delivered in various countries. It affects and spreads the legal developments and discussions taking place from one region of the world to another. The growth of laws and ideas pertaining to human rights, competition law, intellectual property rights, cyber laws, media laws, etc. in recent years is the best illustration of this. Globalization has impacted how these laws have developed in many nations around the world. The laws passed in another country. This is due to the straightforward reality that globalization has connected economies between countries that would not otherwise have any kind of territorial or geographic connection.

The numerous socio-economics aspects of globalization are also continuously changing how our legal systems operate. For instance, certain types of appellate litigation and decision-making require the use of foreign precedents. Due to this, domestic courts are compelled to deal with foreign legal materials in areas like a conflict of laws, where they must make decisions on things like proper jurisdiction, choice of law, and the recognition and enforcement of foreign judgments and arbitral awards.

Furthermore, if their respective nations are signatories to the same international instruments (such as treaties, conventions, and declarations), domestic courts must also consider the language and interpretations of those documents.

There is a concurrent trend towards convergence in the domestic constitutional law of various countries due to the ever-expanding scope of international human rights norms and the role of international institutions dealing with diverse issues such as trade liberalization, climate change, war crimes, the law of the sea, and cross-border investment disputes, among others. There is no justification for stifling the judicial exchange between various legal systems that are based on comparable ideals and principles in this era of globalized legal norms. The main driver of trans-judicial communication has been the rise in direct interactions between judges, attorneys, and scholars from various jurisdictions.

IV. CONCLUSION

Today's global community has acknowledged the necessity for greater public participation and openness in bureaucratic decision-making. It should be clear that the law can be used to increase participation and openness. Personal injury, consumer protection, environmental law, and even family law are all growing as a result of the universal need to defend the individual. The expansion of global law of business transactions is a result of the globalization of markets and business operations.

The expansion of arms-length regulatory practices and the globalization of external corporate interactions are driving up demand for attorneys and their involvement in an increasing number of social, economic, and political relationships. With increased participation and involvement of nations and increased access to domestic economies, globalization brought about a revolution in international trade.

The necessity for transnational law has multiplied in today's growing interdependence and global trade. The need to identify and work toward a unified legal system is growing as more and more nations open their economies, either fully or partially. All facets of law exhibit this globalization process. After emphasizing the necessity of globalization, we now need to adapt our domestic structure in order to keep up with the pace of globalization in terms of law, legal practice and legal education.



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Efforts should be made by the governments of the countries to protect the local culture from the homogenizing effects of globalization. Governments must not enter into agreements that constrain local cultures and the policies that support them. Globalization critic Jeremy Rifkin has suggested there may be a need to establish a world cultural organization to help represent diverse cultures and put cultural protection on an equal footing with the WTO. Lastly, I would like to say that we can't undo globalization, but we can improve it.

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