
Sources of international law: foundations, evolution, and application in the global legal system

Fuentes del derecho internacional: fundamentos, evolución y aplicación en el sistema jurídico global

Fontes do direito internacional: fundamentos, evolução e aplicação no sistema jurídico global

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Abstract

This study aimed to analyze the sources of international law and examine their evolution, legal foundations, and application within the global legal system. A qualitative approach with a documentary and descriptive design was employed, based on the analysis of scientific literature, specialized doctrine, international legal instruments, and relevant case law. The information was collected, organized, and interpreted through documentary and narrative analysis, enabling the identification of the main characteristics of international treaties, customary international law, general principles of law, judicial decisions, and legal doctrine as sources of international law. The findings showed that these sources continue to constitute the normative basis of the international legal order, although their application has evolved due to globalization, the increasing participation of non-state actors, and the emergence of *soft law* instruments. Furthermore, the interaction among these sources strengthened legal certainty, promoted the protection of human rights, and contributed to a more consistent interpretation of international obligations. It was concluded that the sources of international law remain essential mechanisms for ensuring the stability of the international legal system; however, challenges arising from normative fragmentation and contemporary global dynamics require a flexible, coherent, and principled interpretation consistent with the fundamental values of international law.

Keywords: international law, sources of law, international treaties, customary international law.

Resumen

La presente investigación tuvo como objetivo analizar las fuentes del derecho internacional y examinar su evolución, fundamento jurídico y aplicación dentro del sistema jurídico global. La metodología empleada correspondió a un enfoque cualitativo con diseño documental y descriptivo, sustentado en el análisis de literatura científica, doctrina especializada, normativa internacional y jurisprudencia relevante. La información fue recopilada, organizada e interpretada mediante el análisis documental y narrativo, permitiendo identificar las principales características de los tratados internacionales, la costumbre internacional, los principios generales del derecho, la jurisprudencia y la doctrina como fuentes del derecho internacional. Los resultados evidenciaron que estas fuentes continúan constituyendo la base normativa del orden jurídico internacional, aunque su aplicación ha evolucionado como consecuencia de la globalización, la creciente participación de actores no estatales y el desarrollo de instrumentos de *soft law*. Asimismo, se constató que la interacción entre las diferentes fuentes fortalece la seguridad jurídica, favorece la protección de los derechos humanos y contribuye a una interpretación más uniforme de las obligaciones internacionales. Se concluyó que las fuentes del derecho internacional mantienen plena vigencia como mecanismos esenciales para garantizar la estabilidad del sistema jurídico internacional; sin embargo, los desafíos derivados de la fragmentación normativa y de las nuevas dinámicas globales exigen una interpretación flexible, coherente y compatible con los principios fundamentales del derecho internacional.

Palabras clave: derecho internacional, fuentes del derecho, tratados internacionales, costumbre internacional.

Resumo

A presente pesquisa teve como objetivo analisar as fontes do direito internacional e examinar sua evolução, fundamento jurídico e aplicação no sistema jurídico global. A metodologia adotada correspondeu a uma abordagem qualitativa, com delineamento documental e descritivo, fundamentada na análise de literatura científica, doutrina especializada, normas internacionais e jurisprudência pertinente. As informações foram coletadas, organizadas e interpretadas por meio da análise documental e narrativa, permitindo identificar as principais características dos tratados internacionais, do costume internacional, dos princípios gerais do direito, da jurisprudência e da doutrina como fontes do direito internacional. Os resultados evidenciaram que essas fontes continuam constituindo a base normativa da ordem jurídica internacional, embora sua aplicação tenha evoluído em razão da globalização, da crescente participação de atores não estatais e do desenvolvimento de instrumentos de *soft law*. Além disso, verificou-se que a interação entre as diferentes fontes fortalece a segurança jurídica, favorece a proteção dos direitos humanos e contribui para uma interpretação mais uniforme das obrigações internacionais. Concluiu-se que as fontes do direito internacional permanecem como mecanismos essenciais para garantir a estabilidade do sistema jurídico internacional; entretanto, os desafios decorrentes da fragmentação normativa e das novas dinâmicas globais exigem uma interpretação flexível, coerente e compatível com os princípios fundamentais do direito internacional.

Palavras-chave: direito internacional, fontes do direito, tratados internacionais, costume internacional.

Introduction

International law constitutes one of the fundamental pillars governing relations among States, international organizations, and, increasingly, other actors involved in global governance. Its evolution has responded to the need to establish common rules capable of ensuring peaceful

coexistence, international cooperation, and the protection of shared interests, including human rights, international trade, environmental protection, and collective security. In a context characterized by growing economic, political, and technological interdependence, international law has assumed a decisive role in regulating phenomena that transcend national borders. In this regard, Aguirre Andrade and Manasía Fernández (2004) argue that globalization has transformed the traditional principles of international law by broadening its scope and reinforcing its function as a legal coordination mechanism among the various subjects of the international community.

The consolidation of international law has been accompanied by the continuous evolution of its sources, which constitute the legal foundation of the norms governing international relations. Traditionally, international treaties, customary international law, and the general principles of law have been recognized as the primary sources of international legal obligations, in accordance with the Statute of the International Court of Justice. However, the development of new forms of international cooperation and the emergence of flexible normative instruments have expanded scholarly debate concerning the scope of these sources and their capacity to address contemporary global challenges. From this perspective, Pinto (2016) explains that globalization has significantly transformed the processes of international norm creation, whereas Talavera and García Corrochano Moyano (2025) emphasize that the system of sources continues to evolve in response to the needs of an increasingly complex and diversified international community.

Despite these developments, one of the principal challenges facing international law lies in determining the hierarchy and applicability of international legal norms within both domestic and international legal systems. The coexistence of multiple normative frameworks, together with the diversity of constitutional models adopted by States, has generated extensive debate regarding the relationship between domestic law and international law, particularly when conflicts arise between these two legal spheres. This situation creates uncertainty concerning the criteria that should govern the resolution of normative conflicts while ensuring the consistent implementation of international obligations. In this context, Rodríguez and Vicente (2009) argue that the validity and applicability of international legal norms depend on their recognition within each domestic legal system, whereas Tremolada Álvarez and Martínez Dalmau (2014) examine how constitutional hierarchy and the law of regional integration pose significant challenges to normative harmonization and the resolution of conflicts across different legal orders.

Strengthening legal certainty therefore represents one of the most significant requirements for enhancing the effectiveness of contemporary international law. The existence of clear, coherent, and predictable legal rules facilitates compliance with international obligations while fostering trust among States and the various actors participating in the international community. Moreover, legal certainty is indispensable for addressing global challenges that require coordinated responses, including climate change, public health crises, the protection of human rights, and international trade. In this regard, Negro Alvarado (2023) argues that legal certainty constitutes an essential prerequisite for ensuring the stability of the international legal order, whereas Moraga Sariego (2023) demonstrates that ambiguity in the interpretation and application of international obligations may hinder effective responses to global challenges, particularly in the field of environmental protection.

Against this background, the present study aims to analyze the sources of international law and examine the criteria governing their application within the global legal system, considering both their doctrinal evolution and the challenges arising from the interaction between international law and domestic legal orders. To achieve this objective, the study addresses two central research questions: What are the sources of international law that underpin the creation of international legal norms? and How are these sources applied within the global legal system to ensure legal coherence, legal certainty, and the effective implementation of

international obligations? Addressing these questions will contribute to a deeper understanding of the role of the sources of international law as a structural foundation of the international legal order and provide an updated perspective on the mechanisms that strengthen its effectiveness in an increasingly complex normative environment.

Methodology

This study was conducted using a qualitative research approach, as it enabled an in-depth analysis and interpretation of the theoretical and legal foundations underlying the sources of international law and their application within the global legal system. A documentary and descriptive research design was adopted to critically examine specialized legal scholarship, international legal instruments, and relevant academic literature. This approach facilitated a comprehensive understanding of the legal categories underpinning the study, while also enabling the identification of the principal debates concerning the hierarchy and applicability of international legal norms. In this regard, Llanos (2017) argues that legal analysis requires a systematic interpretation of normative discourse, whereas Moreira (2017) emphasizes that legal discourse constitutes a cultural construct whose understanding demands a critical examination of its underlying foundations and meanings.

The study employed documentary analysis as its primary research method, through which bibliographic sources, legal instruments, and doctrinal contributions related to the research topic were collected, organized, and critically examined. A systematic review of books, peer-reviewed scientific articles, and specialized legal documents addressing the sources of international law, their historical evolution, and the criteria governing their application within contemporary legal systems was conducted. Subsequently, the retrieved information was classified into thematic categories to facilitate interpretation and comparative analysis. In addition, narrative analysis was used as a complementary methodological technique, allowing the legal reasoning to be systematically structured and the relationships among legal norms, principles, and doctrinal perspectives to be coherently explained. In this respect, Taruffo (2011) maintains that legal narratives constitute essential tools for organizing legal arguments and understanding the logic underlying interpretative processes, while Taranilla (2012) argues that narrative construction strengthens legal reasoning and enhances the clarity and coherence of legal argumentation.

Finally, the collected evidence was subjected to a process of legal analysis and interpretation through the comparative examination of the different doctrinal approaches identified in the specialized literature. This procedure made it possible to identify convergences, divergences, and emerging trends regarding the evolution of the sources of international law and the mechanisms employed to resolve conflicts arising from their application. The findings were subsequently organized into thematic categories to address the research objective and provide a comprehensive doctrinal and analytical perspective on the functioning of the international legal system.

Development

Concept of the Sources of International Law

The sources of international law comprise the set of procedures, mechanisms, and legal instruments through which the rules governing relations among the subjects of the international community are created, identified, and recognized. Their study is essential for understanding the origin of international obligations and the criteria used to determine the validity of legal rules applicable across the various fields of international cooperation. In recent decades, the emergence of new political, economic, and technological contexts has broadened the scope of these sources, strengthening the capacity of international law to address issues that transcend national borders. In this regard, Beneyto Pérez and Jiménez Piernas (2024) argue that the sources of international law constitute the structural foundation of the

international legal order by providing legitimacy and coherence to the normative system governing relations among its diverse actors.

From a contemporary perspective, the concept of the sources of international law can no longer be confined exclusively to traditional interstate relations. The increasing participation of international organizations, supranational courts, multinational corporations, and, in certain legal contexts, individuals has driven a conceptual transformation that recognizes the plurality of actors involved in the creation and application of international legal norms. Fernández Liesa (2018) explains that international law has undergone a profound transformation through the incorporation of new legal subjects and non-State actors, thereby expanding its normative mechanisms and increasing the complexity of determining the applicable sources of law. This evolution reflects the dynamic nature of the international legal system and its capacity to adapt to the continuous transformations of global society.

The development of international human rights law has also contributed to redefining the scope of the sources of international law by consolidating principles and obligations that extend beyond the exclusive will of States. The protection of fundamental rights has reinforced the recognition of common international standards that guide both the creation of legal norms and the interpretation of domestic legislation. In this respect, Ronconi (2018) argues that international human rights law has broadened the function of international legal sources, transforming them into essential instruments for ensuring equality, protecting human dignity, and safeguarding the effective enjoyment of fundamental rights within domestic legal systems.

Legal scholarship traditionally distinguishes between formal and material sources of international law. Formal sources refer to the legally recognized mechanisms through which binding legal rules are created, including international treaties, customary international law, and the general principles of law. Material sources, by contrast, encompass the historical, political, social, economic, and cultural factors that influence the content and evolution of those legal rules. This distinction demonstrates that international law originates not only from specific legal procedures but also from the evolving needs and transformations experienced by the international community. Valencia Restrepo (2007) maintains that legal principles perform a structural function within contemporary international law by guiding both the creation and interpretation of international legal norms.

The classification of the sources of international law has evolved alongside the strengthening of regional integration processes, multilateral cooperation, and the normative activity of international organizations. Consequently, in addition to the traditional sources recognized under the Statute of the International Court of Justice, contemporary legal scholarship acknowledges the growing influence of complementary legal instruments that contribute to the interpretation and progressive development of international law. In this regard, Casanovas and Rodrigo (2025) argue that the contemporary system of sources should be understood as a dynamic network of interconnected legal mechanisms whose primary purpose is to ensure the stability, coherence, and effectiveness of the international legal order in the face of globalization and the increasing interdependence of States.

The legal foundation of the sources of international law rests upon the need to establish a normative framework capable of regulating international relations in accordance with the principles of legality, cooperation, and respect for the commitments assumed by States. The legitimacy of these sources derives both from State consent and from the consolidation of universal principles designed to protect the fundamental values shared by the international community. This legal foundation explains why certain norms acquire binding force and generate international legal responsibility when violated. Consequently, the sources of international law constitute not only mechanisms for legal norm creation but also instruments intended to preserve legal certainty and the stability of the international legal system.

One of the principles reinforcing this legal foundation is the *pro persona* principle, which has been extensively developed within international human rights law. This principle requires that legal norms be interpreted and applied in the manner most favorable to the protection of the individual by giving precedence to the legal provision that affords the highest level of protection for fundamental rights. According to Medellín Urquiaga (2019), the *pro persona* principle has acquired increasing significance as an interpretative criterion governing the application of international legal sources, thereby strengthening the effectiveness of human rights treaties and promoting an evolutionary interpretation of the international legal order.

Likewise, the interaction between international human rights law and international humanitarian law has contributed to consolidating a legal framework founded upon shared principles for the protection of human dignity. Both legal regimes pursue common objectives aimed at limiting the exercise of State power and guaranteeing minimum standards of protection during both peacetime and armed conflict. In this regard, Jiménez Reina et al. (2021) argue that the articulation between these branches of international law demonstrates that legal sources cannot be analyzed in isolation but rather as integral components of a normative system whose principal purpose is to protect the human person and strengthen compliance with international obligations.

International Treaties

International treaties constitute the most significant formal source of contemporary international law because they are agreements concluded between subjects of international law for the purpose of creating, modifying, or terminating legal obligations. Their importance lies in the fact that they expressly reflect the consent of the parties to be bound by specific legal rules, thereby providing a high degree of legal certainty and predictability in international relations. Owing to their conventional nature, treaties regulate a wide range of issues, including human rights, international trade, environmental protection, judicial cooperation, and international security. Consequently, they have become the principal legal instrument for the construction and consolidation of the global legal order.

Within the field of human rights, treaties possess particular significance because they establish legally binding obligations intended to guarantee the effective protection of human dignity and to limit the arbitrary exercise of State power. Unlike many other international agreements, these instruments establish minimum standards of protection that States are required to respect for the benefit of all individuals subject to their jurisdiction. Henderson (2004) argues that the effectiveness of international human rights treaties is reinforced by the *pro homine* principle, which requires treaty provisions to be interpreted in the manner most favorable to the protection of fundamental rights, thereby facilitating their incorporation into and application within domestic legal systems.

The conclusion of international treaties is a complex legal process comprising several stages, including negotiation, adoption of the text, authentication, expression of consent to be bound, and entry into force. Each of these stages follows procedures established by international law to ensure the legitimacy of the agreement and respect for the sovereign will of the participating States. Moreover, the treaty-making process facilitates the reconciliation of national interests with the common objectives of the international community, thereby promoting legal and political cooperation among international actors. According to Fernández de Casadevante Romani and Jiménez García (2011), the consolidation of human rights treaties reflects the evolution of international law toward a legal model centered on the protection of the individual and the strengthening of the international responsibility of States.

The binding force of international treaties is founded upon the principle of *pacta sunt servanda*, widely recognized as one of the cornerstones of international law. This principle establishes that every treaty validly concluded is binding upon the parties and must be performed in good faith, thereby ensuring the stability of international legal relations and fostering mutual

confidence among States. Failure to comply with treaty obligations may give rise to international responsibility and activate the monitoring or dispute-settlement mechanisms established either by the treaty itself or by general international law. In this regard, Talavera and García Corrochano Moyano (2025) emphasize that the binding character of treaties constitutes an indispensable condition for preserving the effectiveness of the international legal system, ensuring compliance with international commitments, and strengthening cooperation among members of the international community.

Customary International Law

Customary international law constitutes one of the classical sources of international law and plays a fundamental role in regulating matters that are not always codified through international treaties. Its significance lies in its capacity to generate legally binding rules from consistent and accepted State practice, thereby contributing to the stability and continuity of the international legal order. Unlike treaties, customary international law does not arise from a written agreement but rather from a gradual process through which recurring patterns of State conduct acquire legal recognition within the international community. This evolutionary character explains both its enduring relevance and its ability to adapt to emerging international realities.

Legal scholarship recognizes that customary international law is composed of two essential elements: State practice and *opinio juris sive necessitatis*. State practice refers to the consistent, uniform, and sufficiently widespread repetition of particular conduct by States, whereas *opinio juris* denotes the belief that such conduct is carried out because it is legally required rather than motivated solely by political convenience, diplomatic considerations, or courtesy. Both elements must coexist for a practice to be recognized as a rule of customary international law. In this regard, Nogueira Alcalá (2022) argues that customary international law continues to represent an indispensable source of international law owing to its ability to complement treaty law and facilitate the incorporation of international standards into domestic legal systems.

The formation of customary international law follows a progressive process through which repeated State practice gradually acquires normative force as it gains acceptance within the international community. This process may evolve over extended periods or develop more rapidly when a broad consensus emerges in response to matters of particular international significance. The evolution of international humanitarian law provides a representative example of this dynamic, as numerous rules that initially emerged through customary practice were subsequently codified in international treaties. In this respect, Pictet (1994) explains that international humanitarian law developed through the continuous interaction between State practice and the consolidation of universally accepted humanitarian principles, thereby demonstrating the capacity of customary international law to generate binding rules even in the absence of conventional regulation.

The application of customary international law has assumed increasing importance in the jurisprudence of both national and international courts, particularly where no specific treaty provisions exist to resolve a legal dispute. Under such circumstances, customary law ensures the continuity of the international legal order and promotes compliance with obligations recognized by the community of States. Furthermore, its incorporation into domestic legal systems has strengthened judicial dialogue between national legal orders and international law. Aguilar Cavallo (2009) emphasizes that the progressive application of customary international law by domestic courts reflects a growing trend toward integrating international legal standards into the interpretation and resolution of legal disputes.

General Principles of Law

The general principles of law constitute another recognized source of international law and perform an essential function in ensuring the coherence, unity, and continuity of the

international legal system. These principles embody fundamental legal standards shared by the major domestic legal systems and provide solutions in situations where treaty law or customary international law offers no sufficient legal guidance for resolving a dispute. Their significance lies in their capacity to provide interpretative foundations that guide the work of international courts while reinforcing legal certainty within the international legal order. Godio (2016) argues that the general principles of law perform an indispensable complementary function within public international law by preventing legal gaps and promoting the consistent administration of international justice.

The integrative function of these principles is particularly important within a legal system characterized by the diversity of legal subjects, sources, and mechanisms of norm creation. Principles such as good faith, equity, international responsibility, the prohibition of abuse of rights, and respect for human dignity contribute to harmonizing the interpretation of international legal rules while strengthening the coherence of the global legal order. Moreover, these principles facilitate coordination among the different branches of international law, particularly those relating to the protection of human rights and international humanitarian law. In this context, Espinosa (2006) maintains that the general principles of law function as integrative elements that promote the systematic and coherent application of international law while reinforcing its protective purpose in addressing contemporary global challenges.

The application of the general principles of law is consistently reflected in the jurisprudence of international courts and, increasingly, in the decisions of domestic judicial bodies. These principles serve as interpretative standards for resolving normative conflicts, guiding the interpretation of international treaties, and supplementing the content of other sources of international law. Their application has contributed significantly to the consolidation of common standards regarding the protection of human rights and the international responsibility of States. According to Abregu and Courtis (1997), the incorporation of principles derived from international treaties into domestic judicial practice has strengthened the dialogue between domestic and international law, thereby fostering the development of a legal culture grounded in the protection of fundamental rights.

Jurisprudence and Legal Scholarship

International jurisprudence constitutes an important subsidiary means for determining, interpreting, and applying the rules of international law. Decisions rendered by international judicial bodies, such as the International Court of Justice and regional human rights courts, contribute to clarifying the scope of international obligations and consolidating interpretative standards that subsequently influence both State practice and the jurisprudence of domestic courts. Although these decisions are formally binding only upon the parties involved in each particular dispute, their legal significance extends beyond the individual case by providing authoritative guidance for the resolution of similar legal controversies.

The importance of international jurisprudence is particularly evident in the field of human rights protection and the enforcement of social rights, where international courts have developed interpretative standards that have subsequently been incorporated into numerous domestic legal systems. This process has strengthened the effectiveness of international law while promoting greater consistency in the implementation of international obligations. Rossi and Filippini (2008) argue that the increasing use of international jurisprudence has enhanced the justiciability of social rights in Latin America by enabling domestic courts to rely on international legal standards as the foundation of their judicial decisions.

Alongside jurisprudence, legal scholarship constitutes another recognized subsidiary means for determining the rules of international law. Academic contributions produced by legal scholars facilitate the systematization of the evolution of international law, the analysis of institutional transformations, and the development of legal solutions to emerging international challenges. Although legal scholarship lacks binding legal force, it exerts considerable

influence on the interpretation of the sources of international law and on the construction of legal arguments employed by both international tribunals and international organizations. Jalloh (2021) maintains that subsidiary means play a fundamental role in clarifying the content of international legal norms and promoting a coherent interpretation of contemporary international law.

Doctrinal contributions have also played a decisive role in the progressive development of several branches of international law, particularly those relating to regional integration, private international law, and the harmonization of legal systems. Scholarly research has facilitated the identification of common legal trends, strengthened dialogue among different legal traditions, and promoted the evolution of international legal institutions in response to the transformations of global society. In this regard, Muriel-Ciceri (2012) emphasizes that European legal scholarship has made a substantial contribution to the unification and modernization of private international law, thereby demonstrating the capacity of legal doctrine to foster the progressive development of the international legal order.

Contemporary Challenges

International law currently faces significant challenges arising from the increasing complexity of international relations and the emergence of new forms of global governance. One of the most important challenges is the fragmentation of international law, a phenomenon characterized by the coexistence of multiple specialized legal regimes that may, under certain circumstances, produce divergent interpretations or normative conflicts. This reality underscores the need to strengthen mechanisms of coordination and systematic interpretation capable of preserving the coherence of the international legal order. Pagliari (2009) argues that fragmentation represents one of the greatest challenges confronting contemporary international law because it requires reconciling legal specialization with the unity of the international legal system.

Another major challenge concerns the growing development of soft law, understood as the body of international instruments that, despite lacking legally binding force, exert considerable influence on State conduct and on the progressive development of international law. Declarations, guidelines, recommendations, codes of conduct, and principles adopted by international organizations have acquired increasing relevance as instruments of normative guidance and as foundations for the future negotiation and adoption of international treaties. Del Toro Huerta (2006) explains that *soft law* reflects the contemporary transformation of the sources of international law by providing flexible responses to global issues that require rapid coordination among international actors.

Finally, globalization has profoundly transformed both the structure and functioning of international law by expanding opportunities for legal cooperation and reinforcing the interaction between domestic and international legal systems. The intensification of international trade, migration, environmental protection, digital transformation, and the consolidation of international organizations has increased the need to develop common legal frameworks capable of addressing shared global challenges through cooperative approaches. In this context, Clerc (2013) argues that legal globalization has promoted a profound transformation of international law by fostering greater normative interdependence and consolidating a legal order increasingly oriented toward cooperation, legal harmonization, and the protection of the common interests of the international community.

Consequently, the evolution of the sources of international law demonstrates that the international legal order continues to adapt to the changing demands of global governance while preserving its essential function as an instrument for ensuring legal certainty, maintaining international peace, and promoting the orderly development of international relations.

Discussion

The findings of this study demonstrate that the sources of international law continue to constitute the normative foundation upon which the global legal order is structured. However, their application can no longer be understood solely from the classical perspective centered on State consent; rather, it must be examined in light of the increasing participation of international organizations, supranational courts, and other actors capable of influencing international norm creation. This finding is consistent with the arguments advanced by Beneyto Pérez and Jiménez Piernas (2024), who contend that the system of sources has evolved into a more dynamic structure, as well as with Fernández Liesa (2018), who highlights the growing influence of non-State actors in the development of contemporary international law.

One of the principal findings of this research concerns the continuing predominance of international treaties as the most significant formal source within the international legal system. Their binding force, grounded in the principle of *pacta sunt servanda*, remains essential for ensuring the stability of international relations and promoting legal certainty among States. Nevertheless, the study also reveals that the effectiveness of treaties ultimately depends on the willingness of States to comply with the obligations they have undertaken and on the capacity of domestic legal systems to incorporate those obligations effectively. This interpretation is consistent with the analyses of Henderson (2004) and Talavera and García Corrochano Moyano (2025), both of whom emphasize that compliance in good faith constitutes an indispensable condition for ensuring the effectiveness of treaty law.

With regard to customary international law, the findings indicate that this source continues to play a significant role, particularly in areas where treaty-based regulation is insufficient or absent. The interaction between State practice and *opinio juris* facilitates the progressive formation of legal norms capable of responding to emerging needs within the international community, thereby demonstrating the flexibility of international law in addressing evolving global circumstances. These findings are consistent with Nogueira Alcalá (2022), who recognizes customary international law as an essential source for complementing treaty law, and with Pictet (1994), whose analysis underscores the importance of State practice in the consolidation of international humanitarian law.

The study further confirms that the general principles of law perform an indispensable integrative function in preserving the coherence of the international legal system. Their application makes it possible to resolve normative gaps, guide the interpretation of treaties and customary international law, and ensure legal solutions that remain consistent with the fundamental values underpinning international law. This conclusion aligns with the arguments advanced by Godio (2016), who considers the general principles of law to be a structural component of public international law, and by Espinosa (2006), who emphasizes their capacity to integrate the different branches of international law within a systematic framework centered on the protection of human dignity.

Another significant finding concerns the increasingly prominent role of international jurisprudence and legal scholarship as subsidiary means for determining and interpreting international legal rules. Although these sources do not create binding obligations to the same extent as treaties or customary international law, they exert considerable influence in promoting consistent interpretative standards and strengthening the practical application of international law by both domestic and international courts. In this respect, the findings are consistent with Jalloh (2021), who recognizes the importance of subsidiary means in clarifying the normative content of international law, as well as with Rossi and Filippini (2008), who highlight the growing reliance on international jurisprudence to ensure the effective protection of fundamental rights throughout Latin America.

Finally, the study demonstrates that the transformations brought about by globalization have generated new challenges for the system of sources of international law. Normative

fragmentation, the emergence of *soft law*, and the diversification of international actors require a reconsideration of the traditional mechanisms governing the creation and application of international legal rules. At the same time, these developments provide important opportunities to strengthen international legal cooperation through more flexible and adaptable regulatory instruments capable of addressing contemporary global challenges. This interpretation is consistent with Pagliari's (2009) reflections on the fragmentation of international law, Del Toro Huerta's (2006) analysis of the expanding role of *soft law*, and Clerc's (2013) argument that legal globalization has profoundly transformed international law by fostering greater normative integration and promoting more effective responses to global challenges. Consequently, the findings confirm that the evolution of the sources of international law is an ongoing process that requires balancing legal stability with the capacity to adapt to the changing dynamics of the international community.

Conclusions

The analysis conducted in this study leads to the conclusion that the sources of international law constitute the legal foundation upon which the normative framework governing relations among States, international organizations, and other subjects of the international community is built. Their evolution has been driven by the transformations associated with globalization, strengthening the capacity of international law to address transnational challenges through increasingly sophisticated and interconnected normative mechanisms. In this regard, Beneyto Pérez and Jiménez Piernas (2024) argue that the sources of international law continue to represent the essential foundation for ensuring the legitimacy and coherence of the international legal system.

The findings further indicate that international treaties, customary international law, and the general principles of law continue to constitute the primary sources of international law. However, their application has increasingly been complemented by the growing influence of international jurisprudence, legal scholarship, and other instruments that contribute to the progressive development of international law. The interaction among these sources has strengthened the interpretation of international legal norms, enhanced the protection of human rights, and promoted a more consistent implementation of the obligations assumed by States. This conclusion is consistent with the analysis of Talavera and García Corrochano Moyano (2025), who emphasize the dynamic nature of the contemporary system of sources of international law.

Finally, the study concludes that the principal challenges facing contemporary international law lie in the need to reconcile normative fragmentation, strengthen legal certainty, and develop effective mechanisms capable of ensuring the consistent application of international legal norms. The expansion of *soft law*, the increasing diversity of international actors, and the continuing effects of globalization require a flexible yet legally coherent interpretation of the sources of international law. As noted by Del Toro Huerta (2006) and Pagliari (2009), the continued strengthening of the international legal system will depend on its capacity to adapt to emerging global realities without compromising the principles of legality, cooperation, and stability that underpin the international legal order.

Study Limitations

The principal limitation of this research lies in its documentary nature. Accordingly, the analysis was based exclusively on doctrinal, normative, and jurisprudential sources and did not incorporate empirical evidence derived from case studies, field research, or interviews with specialists.

Future Research

Future studies are encouraged to undertake comparative analyses of the application of the sources of international law across different legal systems. Incorporating jurisprudential

analysis together with empirical evidence would provide a deeper understanding of the contemporary challenges associated with the implementation and interpretation of international legal norms.

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Declaration of Conflict of Interest

The author declares that there are no personal, professional, institutional, or financial conflicts of interest that could have influenced the design, development, analysis, interpretation of the findings, or publication of this research.

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