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# **Jurisdiction, Choice of Law and Justice: Rethinking Conflict of Laws in International Contexts**

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## **Abstract**

In an era marked by intensified globalization, transnational mobility, and the digitalization of social and economic relations, questions of jurisdiction, choice of law, and justice have become increasingly complex and contested. Traditional conflict of laws frameworks, largely developed in contexts characterized by territorial sovereignty and relatively stable legal boundaries, are now confronted with legal disputes that transcend national borders, involve multiple legal systems, and challenge conventional assumptions about legal authority and normative coherence. This paper critically reexamines the foundational principles of jurisdiction and choice of law in international contexts, with a particular focus on their capacity to deliver substantive and procedural justice.

The analysis starts from the premise that conflict of laws is not a merely technical discipline but a normative field deeply intertwined with broader questions of fairness, access to justice, and the protection of fundamental rights. Jurisdictional rules determine not only which court may hear a dispute, but also shape the parties' practical ability to seek redress, influencing issues such as procedural equality, costs, and enforcement. Similarly, choice-of-law rules are not neutral mechanisms; they actively affect the substantive outcome of disputes by privileging certain legal orders, values, and policy considerations over others. As a result, jurisdiction and applicable law function as powerful instruments of legal governance in the global legal order.

Against this background, the paper explores the tension between predictability and flexibility in contemporary conflict-of-laws regimes. While legal certainty and foreseeability remain essential objectives, an overly rigid application of jurisdictional and choice-of-law rules risks producing outcomes that are formally correct but substantively unjust. This tension is particularly visible in cases involving vulnerable parties, asymmetric bargaining power, cross-border family relations, migration, digital platforms, and transnational torts. The paper argues that a justice-oriented approach to conflict of laws requires a more explicit integration of substantive considerations—such as the protection of weaker parties, fundamental rights, and public policy—into jurisdictional and choice-of-law analysis.

The study further examines the impact of supranational and regional legal orders, especially within the context of legal pluralism. The interaction between national private international law rules and harmonized or semi-harmonized instruments reveals both opportunities and challenges for achieving coherence and justice. While harmonization efforts aim to reduce fragmentation and forum shopping, they also raise questions about democratic legitimacy, cultural diversity, and the balance between uniformity and contextual sensitivity.

Methodologically, the paper adopts a doctrinal and critical approach, combining normative legal analysis with insights from comparative law. By revisiting classic conflict-of-laws concepts through the lens of justice, the paper seeks to contribute to ongoing debates on the future of private international law. It concludes that rethinking jurisdiction and choice of law in international contexts is essential not only for managing legal complexity, but also for ensuring that conflict-of-laws mechanisms remain responsive to the evolving realities of transnational life and aligned with contemporary conceptions of justice.

**Keywords:** Jurisdiction; Choice of Law; Conflict of Laws; Private International Law; Transnational Disputes; Legal Pluralism; Access to Justice