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## **Collision between the Normative Order and Geopolitical Rationality in International Law: A Case Study on Extraterritorial Jurisdiction and State Sovereignty**

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### **Abstract**

This paper analyzes the structural tension between legal normativity and geopolitical rationality within the international legal order through a focused case study related to Nicolás Maduro. Anchored in the principle of state sovereignty, the analysis examines how core doctrines—non-intervention, limits of extraterritorial jurisdiction, and immunity of state officials—operate when confronted with unilateral state action beyond territorial boundaries. By combining normative legal analysis with a qualitative case study, the paper demonstrates that international law functions within a politically mediated environment in which interpretation and enforcement are shaped by power and strategic interests. The study contributes to contemporary debates by showing that the effectiveness of international law depends not only on its formal coherence, but on its capacity to maintain legitimacy under conditions of geopolitical contestation.

**Keywords:** international law, sovereignty, extraterritorial jurisdiction, political power, intervention, immunity, Nicolás Maduro

JEL Classification:  
K33, F51, F50

### **Introduction**

The relationship between law and politics in the international system represents a structural condition rather than an anomaly. Legal norms aim to provide predictability and stability, yet their application is consistently shaped by strategic interests and power asymmetries (Hafner-Burton, Victor, and Lupu 2012). Sovereignty remains the foundational principle of the system, defining territorial authority and limiting external intervention, but its practical operation is often contingent upon geopolitical context (Krasner 1999).

This tension becomes particularly visible in situations involving extraterritorial action. As states extend their reach beyond territorial boundaries, the distinction between legal justification and political motivation becomes increasingly blurred. The case related to Nicolás Maduro offers a concrete framework through which this dynamic can be examined, as it raises questions concerning jurisdiction, immunity, and the limits of lawful intervention under international law.

The relevance of this study lies in its focus on how legal norms operate in practice, particularly in contexts shaped by strong political interests. The paper examines law and politics as interconnected dimensions of the international system.”

### **2. Theoretical Framework**

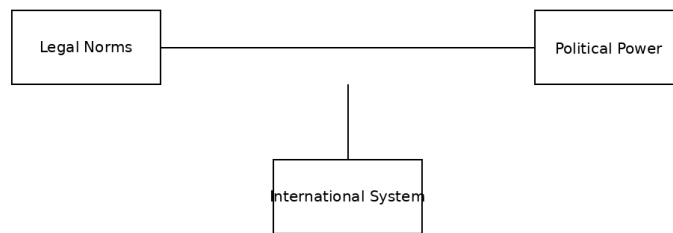
International law operates within a continuous interaction between normative structures and political processes. Legal principles such as sovereignty and non-intervention provide the formal architecture of the system, yet their meaning is shaped through practice.

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Recent expansion of extraterritorial jurisdiction increasingly challenges territorial limits. While traditionally limited by territorial boundaries, jurisdiction is increasingly extended in response to transnational challenges, thereby generating friction with established legal doctrines (Milanovic 2011). This development reflects a broader transformation in international law, where traditional concepts are adapted to new forms of global interaction.

This interaction is conceptualized in Figure 1, which illustrates how legal norms and political power operate as mutually constitutive forces within the international system.



**Figure 1. Interaction between Legal Norms and Political Power in International Law**

The regulation of the use of force provides a further example of this tension. Although formally constrained by international law, its interpretation is often influenced by evolving security narratives (Weller 2015). Similarly, the doctrine of immunity, while grounded in sovereign equality, becomes contested in cases involving allegations against state officials (Talmon 2013).

Legal norms function as both constraints and tools of justification, depending on the context in which they are invoked.

### 3. Methodology

The study employs a qualitative research design combining normative legal analysis with a case study approach. Normative analysis is used to examine the content and scope of relevant legal principles, including sovereignty, non-intervention, jurisdiction, and immunity.

The case study method allows for an empirical examination of how these principles operate in practice. The Maduro case is selected due to its relevance in illustrating the interaction between legal norms and geopolitical considerations. The analysis draws on academic literature, legal doctrine, and publicly available information regarding the case, ensuring a balance between theoretical and empirical perspectives.

The methodological approach identifies broader interpretive patterns rather than definitive legal conclusions.

The selection of the Maduro case is not incidental, but methodologically grounded in its capacity to reflect a convergence of legal complexity and geopolitical relevance. The case provides a suitable analytical framework for examining how core principles of international law are interpreted under conditions of heightened political tension. Unlike abstract doctrinal discussions, it enables the observation of law in operation, where legal norms are not merely articulated but actively contested and reinterpreted.

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The methodological approach also acknowledges certain limitations. The analysis does not seek to establish definitive legal conclusions regarding the legality of specific actions, but rather to examine the conditions under which legal arguments are constructed and applied. This distinction is particularly important in the context of international law, where the absence of a centralized enforcement mechanism allows for multiple, and often competing, interpretations.

Furthermore, the case study is approached as part of a broader analytical pattern. While the Maduro case is treated as a primary unit of analysis, its relevance lies in its capacity to reflect wider tendencies within the international system, particularly the increasing interaction between legal norms and political considerations. This approach allows for a more nuanced understanding of international law, not as a static body of rules, but as a dynamic framework shaped by practice.

#### 4. Case Study Analysis: The Maduro Case

In order to fully understand the legal implications of the Maduro case, it is necessary to briefly outline its factual and political background. Nicolás Maduro, as the sitting president of Venezuela, has been the subject of international controversy, including allegations related to governance, legitimacy, and involvement in illicit activities. These allegations have been accompanied by political measures undertaken by various states, including sanctions, non-recognition policies, and legal actions that extend beyond Venezuelan territory.

This broader context is essential for understanding the legal dimensions of the case. The interaction between legal arguments and political measures cannot be examined in isolation, as each informs the other. The legal characterization of actions taken against Maduro is closely linked to questions of recognition and legitimacy, which themselves are shaped by political considerations.

It reflects a broader pattern in which international law is invoked in situations where political interests are strongly engaged, thereby exposing the limits of legal regulation and the influence of geopolitical dynamics.

The Maduro case highlights the tension between sovereignty and extraterritorial action. From a legal perspective, any coercive measure conducted without the consent of the territorial state raises serious concerns regarding compliance with international law (Wippman 1996).

The sequence through which legal reasoning interacts with political decision-making is illustrated in Figure 2, where legal principles are invoked, adapted, and reinterpreted in response to strategic objectives.



**Figure 2. Legal and Political Dynamics in Extraterritorial Actions**

The regulation of the use of force remains contested, particularly when states invoke security-based justifications (Dannenbaum 2022). The expansion of extraterritorial jurisdiction further complicates this framework, as recent scholarship indicates a gradual erosion of clear jurisdictional boundaries (Shurson 2025).

The divergence between legal meaning and political interpretation is summarized in Table 1, which demonstrates how key principles are reconfigured in practice.

**Table 1. Legal Principles and Political Interpretations in the Maduro Case**

<b>Legal Principle</b>	<b>Normative Meaning</b>	<b>Political Interpretation</b>	<b>Implications</b>
State Sovereignty	Prohibition of external intervention and respect for territorial integrity	Conditional application depending on geopolitical interests	Weakening of the principle of non-intervention
Extraterritorial Jurisdiction	Strictly limited to exceptional cases under international law	Expansion beyond traditional legal boundaries	Blurring of jurisdictional limits and increased legal uncertainty
Immunity of Heads of State	Protection from foreign criminal jurisdiction based on sovereign equality	Increasingly challenged in politically sensitive cases	Tension between accountability and stability of international relations
Use of Force	Regulated under international law and restricted to specific conditions	Justified through flexible interpretations of security concerns	Risk of normalization of unilateral interventions
Recognition of Government	Legal acknowledgment of legitimate authority	Used as a political tool to delegitimize state actors	Undermining consistency in international legal practice
Enforcement of International Law	Based on legal obligation and institutional mechanisms	Dependent on political will and power asymmetries	Selective application and reduced credibility of legal norms

The issue of immunity introduces an additional layer of complexity. The exercise of jurisdiction over a sitting head of state challenges established legal doctrines and raises questions regarding the balance between accountability and sovereign equality.

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Political considerations are central to this process. The recognition or non-recognition of governmental authority influences the applicability of legal norms (Cohen 2019), while legal arguments themselves become embedded within broader political narratives (Orford 2021).

The case further demonstrates the selective application of international law. Legal norms are not applied uniformly, but are shaped by power relations and strategic interests (Goldsmith and Posner 2005). Divergent reactions from the international community reinforce the fragmented nature of the system, where interpretation varies according to political alignment (Peters 2019).

A central point of legal reference in this context is Article 2(4) of the United Nations Charter, which establishes a general prohibition on the use of force in international relations. This provision represents one of the foundational norms of the international legal order, aimed at preserving territorial integrity and political independence. Any action that involves coercive measures beyond territorial boundaries must therefore be assessed in relation to this prohibition.

The legal framework governing the use of force and intervention has also been clarified through the jurisprudence of the International Court of Justice. In the Nicaragua case, the Court reaffirmed the principle of non-intervention and emphasized that the use of force cannot be justified on the basis of political or ideological considerations. This judgment remains a key reference point in assessing the legality of state actions in the international system. The relevance of such jurisprudence lies in its attempt to establish a consistent legal standard. However, its practical impact is often limited by the willingness of states to comply with its interpretations. This gap between judicial articulation and political practice further illustrates the structural tension that defines international law.

At the same time, Article 51 of the Charter provides for the inherent right of self-defence, which has been subject to extensive interpretation in both legal doctrine and state practice. The invocation of self-defence as a justification for extraterritorial action remains contested, particularly in situations where the connection between the alleged threat and the use of force is not clearly established.

The tension between these provisions reflects a broader issue within international law: the coexistence of restrictive norms and flexible interpretations. While the Charter establishes clear legal standards, their application often depends on the manner in which states interpret and justify their actions. This dynamic further reinforces the argument that international law operates within a framework shaped by both normative constraints and political considerations.

## **5. Discussion**

The findings indicate that the legal order operates within a politically conditioned environment. Legal norms do not function as autonomous rules, but as elements of a broader system in which interpretation is influenced by context and power.

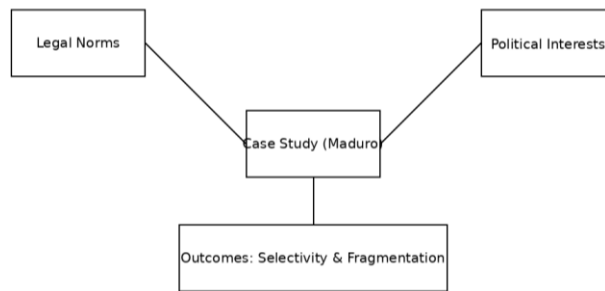
This dynamic is conceptualized in Figure 3, which illustrates how legal norms, political interests, and empirical cases interact to produce systemic outcomes such as selectivity and fragmentation.

This suggests that the tension between law and politics reflects a structural condition of the international system rather than a temporary imbalance.

The interaction between legal norms and political interests also raises questions regarding the long-term stability of the international legal order. If the selective application of legal principles becomes more pronounced, the system risks losing its

capacity to function as a coherent framework. At the same time, the continued reliance on legal justification suggests that states remain invested in maintaining a normative structure, even when it is subject to reinterpretation.

This interaction contributes to fragmentation and inconsistency within the legal order. On one hand, legal norms are challenged by political realities; on the other, they continue to provide the basis for legitimacy and accountability. The tension between these two dynamics is not easily resolved, but it remains central to understanding the evolution of the international system.



**Figure 3. Conceptual Framework of the Interaction between Legal Norms and Political Interests**

Selectivity emerges as a defining characteristic of the system. While legal norms retain their formal authority, their application is uneven, affecting both credibility and predictability. At the same time, the continued reliance on legal discourse suggests that international law remains a central framework for legitimizing state action.

The implications of this analysis extend beyond the specific case examined in this study. They point toward a broader transformation in the nature of international law, where the distinction between legal normativity and political rationality becomes increasingly difficult to sustain. This transformation does not necessarily indicate the decline of international law, but rather its adaptation to a more complex and contested global environment.

The challenge for the future lies in maintaining the balance between flexibility and consistency. Legal norms must remain adaptable in order to address new forms of transnational interaction, yet they must also preserve their capacity to provide stability and predictability. The extent to which this balance can be achieved will determine the effectiveness of international law in the years to come.

These developments demonstrate increasing dependence of legal interpretation on political acceptance.

## 6. Conclusion

The Maduro case demonstrates that the tension between legal normativity and political rationality is structural rather than exceptional. International law continues to provide a framework for evaluating state behavior, yet its effectiveness depends on the broader political environment and the willingness of states to adhere to shared norms.

This confirms that the relationship between law and power is not incidental, but constitutive of the international legal order. The Maduro case thus represents a

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manifestation of the evolving relationship between law and power, highlighting both the resilience and the limitations of the international legal order.

International legal practice evolves through interpretation, contestation, and political acceptance. Its authority is sustained not only through formal legal obligations, but through processes of interpretation, contestation, and political acceptance. The persistent gap between legal standards and their implementation reflects the structural tension between sovereignty and collective regulation that has long defined the international system.

The application of international law is therefore closely intertwined with political dynamics, which shape both its interpretation and its enforcement. The extent to which legal norms are effectively applied depends not only on their formal validity, but on the broader configuration of power, legitimacy, and institutional capacity within the international system.

The Maduro case illustrates continuing tension between legal consistency and geopolitical interests.

The challenge lies in preserving the authority of legal principles without detaching them from the political realities within which they operate.

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