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Abstract:

The article discusses issues that are fundamental to shaping the future of private international law: the phenomenon of migration and the so-called multicentricity of creation and application of law. The subject matter of the discussion is the evolution of Savigny's classical paradigm of private international law as an "arbitrator" between the legal systems of nation states. Modern migrations are characterized by multidirectional population flows and decreasing stability of links between a person and a specific territory; in turn, multicentricity entails the obligation to constantly reconcile various legal rules coming from various law-making centres.

The author does not question the advantages of Karl Friedrich von Savigny's concept, but considers it necessary to reconcile it with the increasingly complicated and eclectic structure of private international law in the first half of the 21st century. The concept of the so-called sovereignty of an individual – an increased importance of individual values at the expense of collective, nation-wide or general public values – causes significant confusion about the concept of "conflict-of-law justice" based on the idea of a "spatially better" law, that is, the closest connection between law and a particular case. Such a specific concept, when confronted with increasingly complex legal structures of today's world, is experiencing a significant crisis. The term "law of conflict" ceases to be reserved for private international law only, just as conflicts of laws cease to arise only at cross-border level. The solution might consist in turning back to the doctrine of natural law and thus departing from a strictly positivist vision of conflict-law as a finite set of simple rules used to attribute relations to relevant national law systems. Although international private law will certainly not forget about von Savigny, we can assume that it no longer belongs to his legacy.