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## TERRITORIALITY AND EXTRATERRITORIALITY IN CYBERSPACE

**Salauat Konisbaev***Masters student of Tashkent State University of Law*[salauat.konisbaev@gmail.com](mailto:salauat.konisbaev@gmail.com)

**Abstract:** The thesis examines the concept of territoriality and extraterritoriality in cyberspace. Special attention is paid to the peculiarities of the digital space, which does not recognize traditional geographical boundaries, and the issues of determining the competence of state bodies and international institutions to regulate actions on the Internet. The article analyzes various interpretations of cyber law, its interdisciplinary nature and its connection with other branches of law, such as civil, criminal, administrative and private international law. The thesis substantiates the need for an integrated approach to regulating relations in the digital environment and discusses the role of cyber law in the modern legal landscape.

**Keywords:** Cyberspace, territoriality, extraterritoriality, cyber law, jurisdiction, digital space, international law, Internet law

The topic of territoriality and extraterritoriality in cyberspace is especially relevant in the modern world, where borders between states are being erased due to the globalization of information technologies. Considering these aspects requires a deep understanding of how traditional legal concepts are applied in a digital context, as well as an awareness of the new challenges faced by government agencies and the international community in regulating and enforcing laws on the Internet.

In modern legal doctrine, the concept of cyber law is often found as a reflection of the development of digital technologies and their impact on the legal sphere. However, despite its relevance and importance for regulating relations in cyberspace, cyber law should not be considered as an independent branch of law. This is due to its interdisciplinary nature, since cyber law encompasses legal norms and institutions belonging to various branches of law, such as civil, criminal, administrative law, etc., which adapt to address issues arising in the digital environment. Thus, cyber law is rather a combination of different directions, integrating a variety of legal regulations into a single field to address the unique challenges and problems associated with cyberspace.

Cyber law is located at the intersection of private international law, criminal, civil, inheritance and many other branches. It was found that cyber law includes: - all types of publications on the Internet; - free expression of opinions on the Internet; - processing of personal data; - work with large types of data; - activities of data intermediaries; - electronic document management; - blockchain and artificial intelligence; - intellectual property protection; - taxes and advertising.

Based on the above, it becomes obvious that cyber law covers a wide range of areas and issues ranging from freedom of expression and processing of

personal data on the Internet to electronic document management, the use of blockchain and artificial intelligence. Cyber law also includes the protection of intellectual property, taxation, advertising and protection in criminal cases. This highlights its interdisciplinary nature and close connection with many branches of law, including private international law, criminal and civil law. Cyber law plays an important role in regulating complex issues arising from the development of digital technologies and their impact on society and law.

Now we need to discuss cyberspace. Cyberspace and jurisdiction are very interconnected in the process of studying this topic. From one point of view, Cyber law can be considered as a branch of law whose task is to regulate relations in cyberspace.

Cyberspace is an arena in which legally significant actions that fall under the regulation of cyber law are deployed. In other words, Cyberspace is a virtual space created and maintained by a network of Internet technologies and computer systems. It covers everything related to the digital world: websites, social networks, databases, email, and more. Cyberspace has no physical boundaries and allows people to communicate, share information, shop, study and work without leaving home.

With the development of technology, cyberspace continues to expand, including increasingly complex and diverse forms of interaction. This includes areas such as virtual and augmented reality, artificial intelligence and machine learning, big data and blockchain technologies.

In international legal norms, there is no clear definition of jurisdiction in current international law: in the texts of global conventions and regional agreements, there is a lack of clarity when using this term. In many acts of international law dealing with issues of jurisdiction, this term does not have a

specific meaning and is interpreted as actions or procedures that participating countries must perform in connection with certain objects in order to fulfill the objectives of the agreement.

According to scientists Y.M. Kolosov and E.S. Krivchikov, in international legal acts jurisdiction is considered from the point of view of the extension of the sovereign power of the participating states to any objects or certain areas of territory, i.e. as a manifestation of territorial supremacy, they consider the UN Convention on the Law of the Sea of 1982 to be an example of such agreements. 56 of the treaty states that the coastal State "in the exclusive economic zone has jurisdiction, provided for in the relevant provisions of this Convention, with respect to (a) the creation and use of artificial islands, installations and structures; (b) marine scientific research; (c) the protection and preservation of the marine environment"<sup>[1]</sup>.

As we pointed out above, to a large extent, jurisdiction in scientific doctrine is defined as an expression of the sovereign power of the State and its sphere of influence in a certain territory.

According to the Russian scientist A.R. Kayumov, in international legal acts, jurisdiction is usually interpreted as the extension of the sovereign power of the participating states to certain objects or territories, as well as as a manifestation of territorial supremacy<sup>[2]</sup>. Terentyeva L. V. believes that in modern doctrine, the sphere of sovereignty and jurisdiction is also limited to the state territory, which is considered an integral feature of the state. According to Russian scientist M.N. Rakhmonov, cyberspace is becoming an unprecedented frontier that redefines the very nature of human interaction, governance and the traditional understanding of territorial sovereignty and jurisdiction<sup>[3]</sup>.

Territoriality is a key principle in international law that defines the spatial boundaries of jurisdiction and State authority. It is based on the idea that a certain territory is subject to the sovereignty and laws of a particular State, which includes land, airspace and waters within established borders. This principle underlies the state structure and international relations, allowing you to determine who and how can use resources, implement legislation and exercise power in a particular region.

Territoriality is divided into the following types: land, sea, air and cyberterritoriality.

Land territoriality covers the entire land area within State borders, including cities, rural areas and natural resources. This is the most traditional understanding of territoriality.

Maritime territoriality extends to water resources and marine territories, including territorial waters, the exclusive economic zone and the continental shelf. Maritime territoriality is governed by international maritime law, which defines how far from shore a State can claim resources and power.

Air territoriality includes the airspace over a country where the State has the exclusive right to control flights and use the space for defense and civilian purposes.

Cyberterritoriality is a relatively new concept that arose with the development of digital technologies. It describes the space of cyberspace, where the state is trying to apply its laws and regulations to online activities. This includes control over data, cybersecurity, and access to information resources.

As a result of the above, it can be concluded that Territoriality remains a fundamental principle in the organization of the modern world, determining

how States control and manage their resources, populations and territories. However, changes in international politics, economics and technology require adaptation and rethinking of this principle, especially in light of the growing importance of cyberspace and other transnational challenges.

Let's move directly to Extraterritoriality in cyberspace. According to the Russian scientist S.M. Safoev, two criteria are used to establish jurisdiction in specific cases: the first is the territorial principle, which gives the state the right to regulate the actions of persons and property on its territory; the second is the principle of personality, which allows the state to regulate the actions of its citizens, regardless of their location (also known as the principle of nationality)<sup>[4]</sup>. In principle, we can agree with her opinion, since it is in the identity of the individual that the extraterritorial principle of jurisdiction is identified, due to the fact that citizens of a certain state are not always in their territory, but interact with all other countries.

Extraterritorial jurisdiction is a concept of public international law that allows a State to apply its laws outside its territorial borders in certain cases. This principle expands the scope of national legislation, allowing the State to regulate the actions of its citizens, companies and other entities abroad. Extraterritorial jurisdiction is based on a number of internationally recognized principles and can be applied in various contexts.

Extraterritoriality in jurisdiction implies the ability of a State to impose its laws and norms of behavior on individuals and organizations located outside its territorial borders. This concept is closely related to the protection of national interests, the fight against transnational crime, the protection of human rights and ensuring global security.

In the work of I.I. Lukashuk and A.V. Naumov, it is indicated that the state exercises full jurisdiction on its territory and limited jurisdiction over its citizens and organizations abroad. I.I. Lukashuk noted that the personal principle is implemented through extraterritorial jurisdiction, which allows the state to exercise its power to a certain extent in relation to citizens located outside its territories <sup>[5]</sup>.

According to L.V. Terentyev, territorial jurisdiction is traditionally understood as a set of certain powers of the state exercised within its territory. Extraterritorial jurisdiction, in turn, means the extension of authority (legislative or judicial) beyond the territory of the State <sup>[6]</sup>. It is important to agree with the above-mentioned opinions of scientists, since this is the essence of extraterritorial jurisdiction.

Now let's discuss the types of extraterritorial jurisdiction. The principle of personality (the personal principle) allows the state to regulate the actions of its citizens abroad. For example, some countries apply their tax laws to citizens living abroad.

The principle of protection (the principle of security) gives the State the right to prosecute foreign citizens and organizations for actions committed outside its territory if these actions threaten national security or the interests of the country.

The universal principle provides a basis for the application of national legislation to persons who have committed certain types of crimes outside the territory of the State, regardless of their nationality. Examples include crimes against humanity, genocide, and piracy.

The principle of a registered vessel or aircraft allows a State to apply its laws to ships and aircraft registered in that State, regardless of their location.

The principle of effect (the principle of real impact) is based on the right of the State to regulate foreign actions that have serious consequences on its territory. This principle is often applied in antitrust regulation and in cases of transboundary pollution.

One of the acute problems of public international law is that extraterritorial jurisdiction can cause legal and diplomatic conflicts between States, especially when the principles of one State conflict with the principles of another. In addition, there is a risk of abuse of this principle to violate the sovereignty of other States or restrict individual rights and freedoms. Therefore, the international community is striving to develop balanced international norms and standards that would take into account the interests of all parties.

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