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CROSS-BORDER NATURE OF THE INTERNET AND INTERNET RELATIONS

Jakhongir Mukhitdinov
Independent Applicant of Tashkent State University of Law

ABSTRACT
This article discusses the characteristics of the Internet and Internet relations. The author analyzes various theoretical approaches based on the systematization of paradigms in order to widen the concept of the internet.
At the same time, this article examines the legal problems that have arisen with the advent of the Internet, in particular the legal status of the subjects of Internet relations and the cross-border nature of disputes arising in the context of interaction via the Internet.

Keywords: Internet, Internet relations, Internet disputes, domain names, cross-border, URLs.

In our modern lives, we take for granted the incomprehensible scope of the Internet and how it affects our daily lives. As of yet, there are over 1.9 billion websites worldwide[1]. The exact size of the Internet is unknown and incomprehensible as the virtual universe is continuously expanding. Only Google Book with its 130 million digital books is the equivalent of a virtual treasure of data with a colossal collection of digitized books from library holdings all around the world. As of 2022 over 4.95 billion people had an access to the Internet[2].
Like any occurrence, the Internet has its own history of evolution. During the 1960s, the United States developed a new system known as ARPANET (Advanced Research Projects Agency Network)[3] in order to decentralize the storage of military data and protect them from possible Soviet attacks. In the United Kingdom, British scientists developed a virtual commercial network as known as the National Physical Laboratory Network (NPL) which is aimed to switch a network packet so that they could be transported faster. Furthermore, in France, engineers developed a scientific network called CYCLADES, which function was to install a direct connection within the country[4].
ARPANET, CYCLADES, as well as NPL, are considered computer networks that preceded the Internet. In 1970, these networks were developed by the Department of Defense and university scientists throughout the world. In two decades, it became the virtual network as we know it now[5].
Since the 1990s, the Internet has become a reality for thousands of people and companies around the world. In spite of the fact that previously the Internet was used as a means of communication between

[1] Internet – statistics 100+ and facts for 2022. <https://rb.gy/cjmoni>. Accessed in: 29.12.2022
[2] Internet and social media statistics for 2022 – figures and trends in the world and in Russia. <https://rb.gy/cjug3v>. Accessed in: 29.12.2022
[3] Julio Cesar Lopez Guzman. "*Jurisdiccion Personal en la Internet: Aplicacion de la teoria de los contactos mínimos a la Internet*". Revista de Derecho Puertorriqueno, v. 37, 1998, p. 483,
[4] Kurzgesagt – In a Nutshell. Who Invented the Internet? And Why? Youtube.com Available in: <https://goo.gl/FbpX9Z>. Accessed in: 29.12.2022
[5] Laila Damascena Antunes and others. "*Jurisdiction and conflicts of law in the digital age: regulatory framework of internet regulation*". Institute for Research on Internet and Society, 2017. p. 5 https://irisbh.com.br/wp-content/uploads/2017/08/Jurisdiction-and-conflicts-of-law-in-the-digital-age-IRIS.pdf.

college professors, now it supplies various opportunities such as access to information, e-commerce, education, entertainment as well as labor[6].

Despite the fact that people use the term "Internet" daily, in many countries including the Republic of Uzbekistan, the meaningful concept of this word is not defined in the law and legislative practice.

At the same time, regarding the definition of the concept of the Internet, several opinions of jurists have been formed in which certain aspects of this object of study are revealed and can be conditionally divided into several groups in legal science.

Particularly, the first group of jurists perceives the Internet as a worldwide network of smaller computers. For an instance, A.M. Minkov defines the Internet as "a set of large and small computer networks", which "are combined in various ways to form a single whole – what we call it the Internet"[7]. Additionally, V.O. Kalyatin and V.A. Kopylov have given a similar definition of the concept of the Internet.

According to Barney Warf, the Internet is a global, public system of interconnected computer networks, that is a network of networks[8].

Dissimilarly, the second group of scientists encouraged the idea of the internet is not only a smaller computer network, but at the same time, it is an association of a number of other elements. This opinion was held by I.M. Rassolov, who argued that the Internet is "a global network", which "includes numerous components, including regional computer networks, nodes and web servers scattered around the world". According to his words, it is not limited only to computer networks but it includes "intermediary system operators and service providers". At the same time, according to the author, "the Internet consists of a set of connections (this includes the telephone network, specialized communications over the information wire: optical fiber or satellite)"[9].

Yu.G. Prosvirnin, defines the Internet as "a set of information arrays which is united by networks"[10].

The third group of lawyers proposes a definition of the Internet in terms of its functional purpose. So, S.V. Petrovsky defines the concept of the Internet as an international public telecommunication network that is intended for exchanging data, i.e. a means of transmitting data about the surrounding world, its objects, processes, and occurrence, objectified in a form that allows their direct computer processing[11]. This is a "means of business communication, obtaining up-to-date information, doing business"[12].

Hence, the considered definitions of the concepts of the Internet show that there is no consensus in the legal literature as to what should be understood by the concept of "Internet", and the above definitions are considered the concept of the Internet from the technical side as a way of transmitting information and communications. At the same time, such aspects of the Internet as a new environment have not been defined, regardless of their physical location where individuals and legal entities enter into civil law relations. It should be noted that civil law aspects should play a dominant role in defining the concept of the Internet since Internet relations are mainly regulated by civil law.

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[6] Ibid p. 5
[7] Minkov A.M. "*Dispute resolution about domain names in accordance with the UDRP procedure*". –M.: Ed. Walters Kluver, 2004. p. 18.
[8] Barney Warf "*The SAGE Encyclopedia of the Internet*". USA, SAGE Publications, 2018, p. 23.
[9] Rassolov I.M. Internet law: Textbook for university students studying in the specialty 021100 "Jurisprudence". - M., 2004, p. 12.
[10] Prosvirnin Yu.G. "*Information legislation*". - Voronezh, 2000, p. 64.
[11] Petrovsky S.V. "*Internet services in the legal field of Russia*". - M., Publishing service, 2003, p. 8.
[12] Vaishnurs A.A. "*Practical aspects of proving an offense committed using the Internet*". // Law, No. 11, November 2006.

On this issue, we can agree with the opinion of A. Abduzhalilov, noted that the principle of defining the Internet through the prism of its technical parameters is so rooted in legal science that even researchers who are far from intending to study these parameters are not released from this principle[13].

Unlike the above scientists, A. Abduzhalilov defines the concept of the Internet based on the principles of interaction in the virtual space: "The Internet is a global information resource based on computers interconnected by a single communication network, which are based on the principles of the presumption of civil legal obligations between entities"[14]. In this concept, the author pays attention to relations and civil law obligations, which makes it possible to indicate that Internet relations are regulated by civil law.

Based on the above, we can conclude that the Internet is a new field that is a complex, multi-level phenomenon where network entities enter into legal relations.

And so, combining the technical and legal side of the Internet, we can propose the following concept: the Internet is a global association of computer networks and information resources that does not have a clearly defined owner, which exercises the rights and obligations it serves to connect network entities through appropriate technical means that enter into legal relations with each other.

The subjects of Internet relations can be divided into several groups.

At its most fundamental level, there are two types of Internet actors on the Internet: those who provide content (whether they create it themselves or not) and those who access that content. The first category of participants is called content providers, and website operators, and the second is information consumers, i.e. Internet users.

According to the structure of the Internet, there are usually three entities: 1) Internet users (for an instance: content providers and Internet users); 2) Internet service providers and Internet access operators. ISPs usually work in two directions. They provide users with access to the Internet and host, which is provide space for websites. Internet providers connect to the Internet through 3) Internet access operators – owners of real infrastructure.

A large number of subjects are involved in the process of Internet governance: the state, non-governmental organizations, and commercial structures. This is explained by the fact that the Internet does not have a single control center, and its resources are distributed.

It should be noted that all users ultimately participate in the management process and there is a significant difference in participation and influence on the Internet among different participants.

According to the Declaration of Principles adopted by the World Summit of the Information Society in Geneva (2003), policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues[15].

It must be understood that much of the infrastructure of the Internet are privately owned. In this regard, the influence of states on the development of the Internet is increasing year by year but is still limited.

Throughout the history of the Internet, non-governmental organizations have played a key role in its regulation. Currently, there has been an increase in the number of organizations involved in the

[13] Abdujalilov A. "*Internet as an object of scientific and legal research*" //Information law. Eurasian legal journal. 2011. No. 6 (37). URL: http://naukarus.com/internet-kak-obekt-nauchno-pravovogo-issledovaniya

[14] Abdujalilov A. "*Legal regulation of electronic commerce in the global Internet network by the legislation of the Republic of Tajikistan*": Diss… cand. legal Sciences. - Dushanbe, 2009. p. 29.

[15] Declaration of Principles Building the Information Society: a global challenge in the new Millennium. <https://rb.gy/b0jdps>. Accessed in: 29.12.2022

regulation of the Internet, which occurs mainly due to the increase in the degree of participation of civil society organizations.

Such organizations include the Internet Activities Board (IAB), the Internet Engineering Task Force (IETF), the Internet Society, and the Internet Corporation for Assigned Names and Numbers (ICANN).

Commercial structures. Since the 1990s, the commercialization of the Internet has grown steadily, and the involvement of business structures in its management has also increased. Given the cross-border nature of the Internet, businesses often view the Internet from a perspective that is contrary to the policies of their country in general. Business is actively involved in the development of new technical standards and technologies, which largely determine the current development of the Internet. Separately, it is worth highlighting that Internet providers that perform the key task of providing Internet access to end users and a priori plays a significant role in Internet governance.

David Johnson and David Post, in their famous article "Law and Borders - The Rise of Law in Cyberspace," emphasized the limitless nature of the Internet. According to them, cyberspace has no territorial boundaries, because the cost and speed of messages on the Web are almost completely independent of physical location. Messages can be transmitted from one physical location to any other without degradation, disruption, or significant delay, and without any physical signals or obstructions[16].

Also, Christopher Marsden notes that the ubiquity, rapid penetration, and commonplace necessity of international data flows via digital communications networks...combined with the economic and social effects of such flows, makes the Internet the paradigm of globalization: it was "born global"[17].

On the technical side, the Internet is a means of communication that allows you to exchange data between devices (computers, telephones, etc.) around the world. At the same time, it consists of a set of protocols (TCP-IP), hardware, numerous software applications, in particular, the World Wide Web (WWW), e-mail, and newsgroups that allow devices to connect to each other.

In other words, the Internet is a transnational means of communication that enables the seamless exchange of information at a high speed across national borders using various applications. The Internet Protocol address system used to locate devices (computers, phones, etc.) on the Internet is not organized according to geographic or national boundaries. Particularly, the logic behind the Internet Protocol address system does not conform to geographic boundaries[18]. For this reason, location does not matter for the operation of applications used on the Internet. Information on a network device, regardless of geographic location, can be exchanged with any other network device. Therefore, people describe the Internet as "limitless" or ubiquitous, in which the location of devices (computers, phones, etc.) on the Internet does not matter for both receiving/accessing and providing/sending information.

Currently, more and more people in different jurisdictions interact and enter into civil legal relations with each other. The borderless nature of the Internet leads to the emergence of a large number of cross-border disputes. For such disputes, it is difficult to establish a competent court, determine the applicable law and enforce the court's decision.

Internet protocol addresses, URLs, and e-mail addresses do not always reveal the location or identity of persons working on a computer identified on the Internet.

[16] David R. Johnson "*Law And Borders: The Rise of Law in Cyberspace*" // Stanford Law Review. 1367. 1996. URL: https://cyber.harvard.edu/is02/readings/johnson-post.html (Accessed 20 December 2021).
[17] Marsden C. "*Regulating the Global Information Society*". London: Routledge, 2000, p. 23.
[18]The structure and basic principles of the Internet. <https://rb.gy/kgwp3f >. Accessed in: 29.12.2022

Any particular access point on the Internet is identified by an Internet Protocol address, which holds four numbers from 0 to 255 and is separated by a dot[19]. Internet Protocol addresses are not based on geographic location. Therefore, an Internet Protocol address by itself does not reveal the geographic location of the user.

At the same time, it should be noted that some technologies have been developed that allow determining the probable location of the user by his Internet protocol address due to the complexity of determining the location of Internet users[20]. Since Internet Protocol addresses are distributed in blocks, such technologies can map most Internet Protocol addresses.

Therefore, some issues argue that such development leads to the return of borders to the Internet[21]. However, this claim is debatable. In LICRA and UEJF v. Yahoo! Inc and Yahoo France, a group of experts has concluded that approximately 70% of French users can be identified by their IP addresses[22].

Domain names also don't reveal much information about the user's location. A domain name is the name of the site, and its address on the Internet, which the user enters into the address bar of the browser. They were introduced to be easier to remember than a sequence of Internet protocol numbers. URL (for example, www.academy.uz/ru/library/journals) and email addresses (for an instance: a.name@uMail.uz) are based on domain names. Domain names have a hierarchical structure. The last suffix, such as .edu or .uz is a top-level domain, which can either be generic (e.g. .edu, .com, .biz, .museum, .pro, .name, .aero, .int, .net, .org) or country-specific (so-called country code domain names such as .uz)[23].

However, even a domain name does not always indicate that the registrant of that name is also located in that country. Some country-code top-level domain registries register non-resident users under the country-code top-level domain.

Thus, it is safe to say that users interact with each other and enter into civil legal relations without knowing each other's geographic location. In the event of a dispute, they may have to deal with the fact that depending on the circumstances their counterparty is located in another jurisdiction or in multiple locations.

The question of location is closely related to the question of identification. The only trace a user leaves behind is to reveal his Internet Protocol address, neither of which is sufficient in many cases to identify the user. The recipient of an electronic message cannot know that the sender is the person he claims to be. User attributes, such as their name and geographic address, are difficult to verify. Some relationships on the Internet (for example, posting on forums) are usually carried out under a pseudonym. These circumstances mean that many claimants will face difficulties in identifying the defendant and determining his location and property, which are necessary conditions for starting proceedings in court. Indeed, in the pre-internet world, international trade, aviation, shipping, and communications (telephone and fax) also cross borders and create problems for the law. However, the Internet has

[19] The structure and basic principles of the Internet. <https://rb.gy/kgwp3f >. Accessed in: 29.12.2022

[20] For example: www.digitalenvoy.net.

[21] Tedeschi B., "*Geography and the Net: Putting It in Its Place*". The Economist (9 August 2001). <https://rb.gy/5y1dcl>. Accessed in: 29.12.2022

[22] Marc Greenberg "A Return to Lilliput: The LICRA v. Yahoo! Case and the Regulation of Online Content in the World Market", Golden Gate University School of Law, 2003, p.1214.
https://www.tjsl.edu/slomansonb/5.2%20Yahoo%20US.pdf

[23] https://www.reg.ru/domain/new/zonepedia. Accessed in: 29.12.2022

multiplied these problems because, unlike communication media such as telephone and fax, it allows the creation of multimedia applications. People can transfer pictures, videos, music, and software from any device to any other one if it is connected to the Internet.

In the offline world, international trade and international publishing have traditionally been limited to professional people. In contrast, anyone can publish articles internationally, and consumers and self-employed individuals can buy/sell directly from an individual/individual located abroad on the Internet[24].

Moreover, the Internet has changed the situation in trade. Previously, consumers shopped mostly from local merchants and cross-border transactions were limited to business-to-business (B2B).

Now consumers, without leaving their homes, can order goods easily and get services from foreign suppliers via the Internet directly. In the same way, small businesses can enter into trade relations with other large or medium-sized businesses located on the other side of the planet.

In addition, in the pre-internet world, setting up an international business required too much money in order to establish branches. Now, the costs of setting up an international business online are almost the same as for a local business. Thus, the Internet has allowed the opportunity even for small businesses to offer their products and services on a global scale.

Auction platforms such as eBay allow consumers to sell goods on a large scale internationally. Social networks such as Facebook or MySpace and game providers also allow cross-border interaction between individuals.

Thus, it can be argued that the Internet has raised international relations and transactions between its users to a new level. Along with this, it has also caused an increase in cross-border disputes which involves small businesses, consumers, and other non-professional parties.

As previously noted, the characteristics of the Internet are its infinity, ubiquity, difficulty in determining the user's location, and the possibility of direct multimedia communications and transactions between individuals on a global basis. It follows from these characteristics that some disputes involve a large difference between the parties. In other words, these issues can be described as follows: (1) the parties are located in two different jurisdictions, (2) low cost of the dispute; and (3) inequality of opportunity. Many online disputes combine these factors[25].

Disputes arising from Internet relationships can be briefly illustrated by the following examples:

1) An individual entrepreneur in State A enters into a contract through a B2B e-commerce trading platform for the supply of goods with a large company in country B trading internationally. Individual entrepreneurs demand compensation for defective goods which damage based on the contract;

2) A consumer in State A enters into a contract through an e-commerce website with a major travel company in State B for a cruise vacation. However, the cruise is canceled at the last minute and the deposit paid has not been refunded. The consumer demands the return of the paid deposit.

3) A corporation in State A publishes a video on an online news platform accusing a government official in State B of belonging to a terrorist organization. A citizen of State B seeks damages for defamation.

4) A citizen of State A posts potentially defamatory comments about a world-famous movie star in State B on his own website. The movie star sues a citizen of State A in a local court in State B for defamation.

[24] See V. Heiskanen. *"Dispute Resolution in International Electronic Commerce".* Journal of International Arbitration Volume 16, Issue 3 (1999) pp. 29 – 43; I. Lloyd. "*Legal Aspects of the Information Society*". London: Butterworths, 2000, p. 268.

[25] J. Hornle. "*Cross-border internet dispute resolution*". Cambridge University Press, 2009, p. 35.

5) A large company in state A illegally hacks into the server of another company in state B in order to obtain commercial information. State B's company seeks damages for this illegal act.

These examples are related to disputes between persons in different jurisdictions who have entered into legal relations over the Internet. It is unlikely that such disputes could arise between them in the offline world. These examples show the cross-border nature of the Internet with inequality of opportunity between the parties.

Summing up the above, we can say that the modern world has become the object of an unprecedented penetration of information and communication technologies. The main aspect of this phenomenon was the ability to disseminate information and knowledge widely and rapidly that goes beyond state borders. Legal analysis of the characteristics of the Internet shows:

firstly, the cross-border nature of the Internet leads to problems in establishing a competent court, determining the applicable law, and enforcing a court decision. On the one hand, it is not always easy to determine online activities, and which law should apply, and on the other hand, many countries can claim jurisdiction over the same activity.

secondly, online activities can be performed anonymously, which has consequences in terms of liability. For example, the person behind a threat cannot always be traced.

thirdly, activity on the Internet has a much larger scale than in the physical world. Any action performed by anyone on the Internet is available theoretically to anyone who has an access to the Internet. The Internet is transnational and therefore it is rather difficult to determine which national legislation is applicable.

fourthly, the Internet and related technologies are constantly evolving., Laws must be formulated explicitly to keep pace with these changes.

In order to conclude, it should be noted that public relations remain without attention and legal regulation. All this shows the growing need for the international legal regulation of the Internet, as well as the implementation of unification in national laws. This, in turn, will make it possible to take direction in the formation and development of legislation regulating the Internet.

References:

1. David R. Johnson. “Law And Borders: The Rise of Law in Cyberspace” // Stanford Law Review. 1367. 1996.
2. I. Lloyd. “Legal Aspects of the Information Society”. London: Butterworths, 2000, p. 268
3. J. Hornle. “Cross-border internet dispute resolution”. Cambridge University Press, 2009, p. 26
4. Laila Damascena Antunes and others. “Jurisdiction and conflicts of law in the digital age: regulatory framework of internet regulation”. Institute for Research on Internet and Society, p. 5
5. L. Edwards. “Defamation and the Internet”, in L. Edwards and C. Waelde, Law & the Internet, 2nd edn, Oxford: Hart Publishing, 2000, p. 249–273.
6. Marsden C. “Regulating the Global Information Society”. London: Routledge, 2000, p. 23.
7. Tedeschi B., “Geography and the Net: Putting It in Its Place”. The Economist (9 August 2001).
8. W. Black, “The Domain Name System,” in L. Edwards and C. Waelde, Law & the Internet, 2nd edn. (Oxford: Hart Publishing, 2000), p. 125–132.
9. Minkov AM. “Dispute resolution about domain names in accordance with the UDRP procedure”. –M.: Ed. Walters Kluver, 2004. p. 18.

10. Barney Warf "The SAGE Encyclopedia of the Internet". USA, SAGE Publications, 2018, p. 23.
11. Rassolov I.M. Internet law: Textbook for university students studying in the specialty 021100 "Jurisprudence". - M., 2004, p. 12.
12. Prosvirnin Yu.G. "Information legislation". - Voronezh, 2000, p. 64.
13. Petrovsky S.V. "Internet services in the legal field of Russia". - M., Publishing service, 2003, p. 8.
14. Vaishnurs A.A. "Practical aspects of proving an offense committed using the Internet". // Law, No. 11, November 2006.
15. V. Heiskanen. "Dispute Resolution in International Electronic Commerce". (1999)16 Journal of International Arbitration, 29–44, 29–30; I. Lloyd. "Legal Aspects of the Information Society". London: Butterworths, 2000, p. 268.

Internet Resources:

1. Internet – statistics 100+ and facts for 2022. <https://rb.gy/cjmoni>. Accessed in: 29.12.2022
2. Internet and social media statistics for 2022 – figures and trends in the world and in Russia. <https://rb.gy/cjug3v>. Accessed in: 29.12.2022
3. The structure and basic principles of the Internet. <https://rb.gy/kgwp3f >. Accessed in: 29.12.2022
4. https://www.reg.ru/domain/new/zonepedia. Accessed in: 29.12.2022