



The influence of globalization and information technologies on international law

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Abstract: In this article, globalization and information technologies are considered as one of the main reasons which impacted on international law. The author highlights how globalization and information technology have profoundly impacted on international law in different ways. The article also comprehensively analyzes in which ways IT and globalization have an effect on international and the opinions of specialists in this sphere have been studied.

Key words: Informatization, human rights, cyber law, E-commerce, digital trade, digital governance.

Аннотация: В данной статье глобализация и информационные технологии рассматриваются как одна из основных причин, повлиявших на международное право. Автор подчеркивает, как глобализация и информационные технологии глубоко повлияли на международное право различными способами. В статье также всесторонне анализируется, каким образом ИТ и глобализация влияют на международное право, и изучаются мнения специалистов в этой сфере.



Ключевые слова: Информатизация, права человека, киберправо, электронная коммерция, цифровая торговля, цифровое управление.

The last 20th century is characterized by scientific and technological achievements, whose impact on society has not yet been fully explored. Among the scientific achievements, atomic energy, space exploration and the emergence of the Internet have become the most influential among them. As the Russian professor I. I. Lukashuk mentioned, globalization is an international process that helps national socio-economic structures to unite into a single international economic-social structure¹. According to another American scientist J. Rosenau, globalization processes do not know any territorial and legal barriers, they can easily overcome state borders and have the ability to influence any social community anywhere in the world.

Furthermore, globalization and the development of IT are closely related to each other. First of all, IT is one of the technological factors that lead to the emergence of globalization (along with the development of transport). Secondly, as a result of the development of IT, a certain system of social relations is formed - an information society, which is one of the manifestations of globalization. Thus, in terms of their content and consequences, IT and globalization are closely related. Thirdly, globalization determines the further development of science and technology as a manifestation of the interdependence of events and processes occurring in the modern world. As the result of globalization, society's need for information technologies is increasing, and such a system of social relations is forming that determines their further improvement.

¹ 1. Лукашук И.И. Глобализация, государство, право, XXI век. – М., 2000. С. 176



Moreover, globalization and IT have profoundly impacted international law in various ways. Technology has become an important issue in almost every area of international law practice. One of them is economic integration. We know that, globalization has led to the development of economic relations among countries all over the world. And naturally, there was a need of economic laws, such as trade agreements and international contracts. International trade treaties are increasingly focused on questions of data flows, privacy, and digital products and services. As the interstate economic relations developed, international organizations such as the World Trade Organization that control commercial affairs began to be formed. The World Trade Organization (WTO) is an international organization that deals with the global rules of trade between nations. Its primary purpose is to ensure that trade flows as smoothly, predictably, and freely as possible.

Another one is the sphere of human rights. The use of information technologies has significant impact on human rights such as, the right to personal privacy, access to information, freedom of expression and so on. There are both positive and negative impacts of information technologies on human rights. For instance, the positive side of IT is the internet and digital platforms allow for the free flow of information, enabling individuals to express their opinions, share knowledge, and engage in public discourse. And negative one is inadequate data protection practices can lead to breaches, exposing sensitive personal information and compromising individual privacy.

The use of information technologies and the process of informatization caused the formation of new branch of international law that is called cybersecurity law (cyber law). The internationalization of cyber law is driven by the need for cooperative legal frameworks to address issues that transcend national borders, such as cybercrime, cybersecurity, data protection and the governance of internet.



IT, particularly the internet, has crossed over traditional geographical boundaries and this caused the creation of various complex jurisdictional issues. For example, cybercrimes often involve perpetrators, victims and servers located in different parts of the world. Naturally, it makes difficult to decide which countries jurisdiction to apply for such kind of situations. For this reason, new international legal norms and frameworks has been created like, Budapest Convention on Cybercrime², The Okinawa Charter on Global Information Society³ and so on.

At the same time, a number of negative consequences of globalization are manifested in the information sector. It would not be wrong to say that they are related to the emergence of new groups of social relations that require legal regulation, the impact of scientific and technical development on the established branches of international law. As mentioned in the legal literature, the law, first of all, regulates the relations that arise as a result of the scientific and technical progress, as well as the economic and social changes that occur as a result of the scientific and technical revolution.

Scientific and technical progress is characterized by the acceleration of the introduction of scientific and technical achievements into everyday life in recent decades. So, scientific and technical progress affects both strong and weak international relations. At the same time, legal regulation of this type of relationship can be implemented in a complex way. The general principles of the influence of science and technology development on the system of interstate relations and international law became the subject of study of the science of international law in the 20th century. At the same time, a number of authors paid great attention to the legal regulation of atomic energy, transport, the possibility of using the achievements of scientific and technical development of developing countries, and the environmental consequences of scientific and technical development. The issue of the impact of the development of information technologies on the system of international

² <https://www.coe.int/en/web/cybercrime/the-budapest-convention>

³ <https://www.mofa.go.jp/policy/economy/summit/2000/documents/charter.html>



relations has not been comprehensively considered in the doctrine of international law in connection with the study of the general laws of scientific and technical development.

Globalization and international law are inseparable phenomena. Globalization leads to the emergence of new problems in international law, and later solves them with the help of a legal mechanism. I.I. Lukashuk rightly emphasized that it is necessary to search for new legal relations, legal institutions and norms in the conditions of globalization.

Overall, the development of information and communication technologies has had an impact on politics, economy, social sphere, culture, and everyday life. In our opinion, this effect will manifest itself in different degrees in different areas and lead to the emergence of new social phenomena - e-government, e-commerce, e-health, etc. In addition, the development of information and communication technologies is still an unfinished process, because it is impossible to predict what changes will occur in the future in various communication technologies and what consequences this will have for public relations.

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