Student Question

Should there be a single international body that makes, enforces and updates global laws regarding the internet?

The internet has always been a particularly complex issue for legislation. Being a global product, laws and enforcement fall to every individual country. For the most part, websites and online services follow laws and regulations established by the EU and US. Since it is easier to make a single global product rather than multiple products for each region, companies opt to follow the strictest laws, which are often established by the EU. That is why the iPhone started using USB type-C ports.

In general, the consumer protection laws for digital products that protect customers in the Americas come from the EU. One example is the Digital Services Act, which forced companies to update their End User License Agreements (EULAs) and privacy policies to a more clear and easy to read language. Should world-wide customers rely on the EU to protect them when their governments won't? Should an international organization be established to protect internet users?

My Response

Andres, you raise a compelling question about internet governance that highlights what Moor (1985) calls a "policy vacuum", a situation where our existing legal frameworks don't adequately address new technological realities. However, I'd argue that while international coordination is necessary, a single global enforcement body may create more problems than it solves, particularly in cybersecurity and digital forensics.

Your point about the EU's regulatory influence is well-taken. The Brussels Effect describes how the EU's large market and strict regulations effectively set global standards (Bradford, 2020). But from a cybersecurity perspective, this model has significant limitations when applied to enforcement. Consider a ransomware attack originating in Country A, targeting victims in Country B, utilizing servers in Country C, with cryptocurrency transactions routed through Country D.

Who investigates? Who prosecutes?

The Budapest Convention on Cybercrime (2001), the only binding international treaty on cybercrime, illustrates both the potential and limitations of international cooperation. While 68 countries have ratified it, major players like Russia and China have not, creating safe havens for cybercriminals. Microsoft's "The Future Computed" (2018) emphasizes that "we need to address these issues together with a sense of shared responsibility" (p. 17), but shared responsibility is different from centralized authority.

In digital forensics, chain of custody requirements vary dramatically by jurisdiction. A single international body would need to reconcile fundamentally different legal traditions, common law vs. civil law, different standards for evidence admissibility, and conflicting views on privacy vs. security. This represents what Moor (1985) calls a "conceptual muddle"; we can't fill the policy vacuum until we resolve underlying definitional conflicts about sovereignty, jurisdiction, and digital rights.

Rather than a single enforcement body, perhaps we need stronger mutual legal assistance treaties (MLATs) and standardized protocols for cross-border digital evidence, while preserving national sovereignty.

Follow-up question: Given that authoritarian governments might use a centralized international body to enforce censorship globally, how do we balance the need for coordinated cybercrime enforcement with protecting freedom of expression and human rights online?

References

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