

# LEGAL ISSUES OF THE METAVERSE: A PUBLIC INTERNATIONAL LAW PERSPECTIVE\*

*Metaverse'in Hukuki Sorunları: Uluslararası Kamu Hukuku Perspektifi*

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## **ABSTRACT**

The advent of the Metaverse undeniably presents a myriad of complexities in the realm of international law enforcement. Given the inherent transnational nature of the Metaverse, it becomes apparent that the application of national legal frameworks to virtual actions becomes a complex and challenging endeavor. The very essence of the Metaverse, with its ability to transcend traditional national boundaries, poses significant obstacles to the straightforward application of domestic laws. The regulation of virtual activities necessitates the establishment of a comprehensive and universally applicable framework under the auspices of public international law. One additional concern that arises pertains to the potential displacement of legislation by technological advancements. In the realm of the Metaverse, one can observe a rapid pace of technological progress. The realm of international law grapples with the formidable challenge of effectively regulating virtual activities in accordance with established international norms and principles, given the dynamic nature of these transformations.

The imperative for the international legal system to adapt to the realm of virtual activities is undeniable, as it is crucial for addressing the multifaceted concerns that arise in this domain. The subject matter at this article to the contemporary process of updating international agreements and legal structures, the formation of international regulatory bodies, and the encouragement of global cooperation and harmonization. As the Metaverse undergoes its evolutionary process it is imperative for international law to adapt accordingly and effectively regulate conduct within the virtual realm.

**Keywords:** Metaverse, international law, sovereignty, national security, human rights.

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**ÖZET**

Metaverse'nin gelişi, inkar edilemez bir şekilde uluslararası hukuk yaptırım alanında sayısız karmaşıklık sunmaktadır. Metaverse'nin ulusötesi doğası göz önüne alındığında, ulusal yasal çerçevelerin sanal eylemlere uygulanmasının karmaşık ve zorlu bir süreç haline geldiği açıktır. Geleneksel ulusal sınırları aşma yeteneği ile Metaverse'nin özü, ulusal yasaların doğrudan uygulanmasının önünde önemli engeller oluşturmaktadır. Sanal faaliyetlerin düzenlenmesi, uluslararası kamu hukuku himayesinde kapsamlı ve evrensel olarak uygulanabilir bir çerçevenin oluşturulmasını zorunlu kılmaktadır. Ortaya çıkan ek bir endişe, teknolojik gelişmelerin mevzuatın potansiyel olarak yerini almasıyla ilgilidir. Metaverse aleminde, hızlı bir teknolojik ilerleme hızı gözlemlenebilir. Uluslararası hukuk alanı, bu dönüşümlerin dinamik doğası göz önüne alındığında, sanal etkinlikleri yerleşik uluslararası normlara ve ilkelere uygun olarak etkin bir şekilde düzenlemenin zorlu zorluğuyla karşı karşıyadır.

Uluslararası hukuk sisteminin sanal faaliyetler alanına uyum sağlama zorunluluğu yadsınamaz, çünkü bu alanda ortaya çıkan çok yönlü endişelerin ele alınması çok önemlidir. Bu makale, uluslararası anlaşmaların ve yasal yapıların güncellenmesi, uluslararası düzenleyici kurumların oluşturulması ve küresel işbirliği ve uyumun teşvik edilmesiyle ilgili çağdaş süreçle ilgilidir. Metaverse, evrim sürecinden geçerken uluslararası hukukun buna göre uyum sağlaması ve sanal alemdeki davranışları etkin bir şekilde düzenlemesi zorunludur.

**Anahtar Kelimeler:** Metaverse, Uluslararası Hukuk, Egemenlik, Ulusal Güvenlik, İnsan Hakları.

**INTRODUCTION**

To put it simply, international law is a body of norms governing interactions between states and other entities.<sup>1</sup> International law originates from the body of rules to which all subjects of international law must adhere in order to effectively exercise their rights and fulfill their obligations on a global scale.<sup>2</sup> It goes without saying that states remain the primary focus of international law.<sup>3</sup> Yet, with the arrival of international non-governmental organizations on the agenda, the relevance of international organizations and individuals is growing.<sup>4</sup> International law also focuses on the norms and principles governing the relationships between states and their citizens, as well as the rights and responsibilities of individuals in the international community. Traditionally, international law has been defined as the branch of law that regulates legal relations between independent states, such as the law of the sea and the law of war.<sup>5</sup> International law also, includes the laws of peace, the protection of

<sup>1</sup> Yusuf Aksar, *Teoride ve Uygulamada Uluslararası Hukuk I* (4th edn, Seçkin, 2017) 34-35

<sup>2</sup> Aksar (n 1) 35

<sup>3</sup> Aksar (n 1) 35

<sup>4</sup> Aksar (n 1) 35

<sup>5</sup> Valerie Epps, *International Law* (4th edn, Carolina Academic Press, 2009) 3

human rights, the regulation of international trade and commerce, and the development and management of international organizations.

People will soon be able to engage in real-time communication and collaboration in a virtual world known as the Metaverse. As this emerging online community continues to grow, it is crucial to think about how it will be regulated and policed under public law. The development of the Metaverse will be significantly influenced by international law, the collection of laws that regulates relations between nation-states and the rights and obligations of individuals. International law will play a crucial role in creating the governance and regulation of this new virtual realm in the framework of the Metaverse. As the Metaverse expands and evolves, it is essential to analyze how international law may affect the rights and duties of individuals and nation-states.

A virtual world is an online environment in which users can have live, interactive conversations with one another and with artificial intelligence-powered artificial intelligence bots. In popular imagination, the Metaverse is a place where people can fully immerse themselves in a variety of different activities and surroundings that would be impossible in the real world. It will certainly have far-reaching effects on many facets of society, including public international law, as it grows into a significant element of the global economy. Considering the public law implications of the growing prevalence of the Metaverse is crucial as we move toward full integration of this new medium. The future of the Metaverse and making sure it's a secure and equitable space for all users, will be heavily influenced by issues like jurisdiction, human rights, and the role of international organizations. As a global, borderless virtual world, jurisdiction is an important consideration in the Metaverse. It's not easy to tell which state's laws apply to your Metaverse actions. International law faces a problem in this area because it must ensure that virtual activities are controlled in a uniform and open fashion across national boundaries.

Concern for human rights is another vital topic in the Metaverse. Thus, it is crucial to reconsider the appropriateness of governance structures for the protection of human rights in the really digital age.<sup>6</sup> Individuals' ability to express their human rights in the virtual sphere is expanding, but it also comes with new and different problems. There is a risk, for instance, that discrimination<sup>7</sup> and exploitation in the Metaverse will emerge in ways that aren't addressed by current human rights legislation. Human rights in the

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<sup>6</sup> Kuzi Charamba, 'Beyond the Corporate Responsibility to Respect Human Rights in the Dawn of a Metaverse' (2022) 30 (1) University of Miami International and Comparative Law Review 110,110

<sup>7</sup> Anja Lambrecht and Catherine Tucker, 'Algorithmic Bias? An Empirical Study into Apparent Gender-Based Discrimination in the Display of STEM Career Ads' (2019) 66(7) Management Science 2966, 2976-2978

Metaverse must be protected by international law, which must also guarantee that no harm will come to users from their participation in the online world. In order to develop international rules and standards for virtual activities and to promote international collaboration and coordination, international organizations can play a crucial role. Businesses and governments are unprepared to handle the privacy and security threats posed by the metaverse.<sup>8</sup> Not enough skilled workers are available to manage the metaverse's intricate infrastructure and create safe, reliable solutions.<sup>9</sup> The future of the Metaverse will be shaped by problems like jurisdiction<sup>10</sup>, human rights, and the role of international organizations, all of which are essential to making it a safe and equitable space for all users. The development of international law is required to meet these problems and guarantee that Metaverse virtual activities are regulated in accordance with universally accepted principles and values. By taking an active role in Metaverse governance, we can ensure that all events in the virtual world are safe, equitable, and consistent with universal ideals.

## I. TERMINOLOGY AND JURISDICTIONAL ISSUES

### A. Definition of the Metaverse

Whilst the term “metaverse” has only recently entered common usage among tech critics and academics, it was first coined in 1992 by Neal Stephenson in his novel *Snow Crash*.<sup>11</sup> In the story, the metaverse is portrayed as a virtual reality environment where internet is used by avatars and software agents.<sup>12</sup> According to some authors<sup>13</sup>, the multimedia platform *Second Life*, developed by Linden Lab and released in 2003, can be considered a precursor to the metaverse because it enables users to create and operate avatars and engage in social interaction within a virtual world. While virtual worlds like *Second Life* and *Metaverse* have been around since the Internet's infancy,

<sup>8</sup> Yogesh K. Dwivedi et al., ‘Metaverse Beyond the Hype: Multidisciplinary Perspectives on Emerging Challenges, Opportunities, and Agenda for Research, Practice and Policy’ (2022) 66 *International Journal of Information Management* 1,10

<sup>9</sup> Dwivedi et al. (n 8) 10

<sup>10</sup> When the metaverse is at stake, even the most fundamental problems about jurisdiction, venue, choice of law, and conflicts of law take on a new level of complexity. Michael D. Murray, ‘Ready Lawyer One: Lawyering in the Metaverse’ SSRN <<https://ssrn.com/abstract=4082648>> Last accessed 19 February 2023

<sup>11</sup> Neal Stephenson, *Snow Crash*, (Bantam Books, 1992)

<sup>12</sup> Judy Joshua, ‘Information Bodies: Computational Anxiety in Neal Stephenson’s *Snow Crash*’ (2017) 19(1) *Interdisciplinary Literary Studies* 17, 17-47

<sup>13</sup> Edd Gent, ‘Lessons from a *Second Life*’ Before Meta, Philip Rosedale Created an Online Universe’ (2022) 59(1), *IEEE Spectrum* 19 <<https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&number=9676346>> Last accessed 20 February 2023; Peter Ludlow and Mark Wallace, *The Second Life Herald: The Virtual Tabloid That Witnessed the Dawn of the Metaverse* (MIT press 2009)

they lack cross-platform support and robust features.<sup>14</sup> An growing amount of discussion and debate from academics and practitioners on the various societal ramifications for many people across the world has been sparked by the announcement that Meta Platforms will release Horizon Worlds in 2021 and the vision of how the metaverse might potentially impact many elements of how we work and socialize.<sup>15</sup> In this article the, metaverse refers to a comprehensive digital ecosystem, envisaged as a continuum of interconnected virtual spaces. Originating from early science fiction, it exemplifies a realm where users, represented by avatars, can communicate, collaborate, and interact in real-time, harnessing the vast capabilities of the internet. This expansive digital arena seeks to emulate, and in some instances, enhance real-world experiences, potentially reshaping the manner in which we engage, work, and form connections. The metaverse represents an expansive digital frontier, serving as an interactive realm that exists online. Beyond mere virtual existence, it facilitates real-time interactions between users and sophisticated digital entities. Often conceptualized as an alternate dimension, the metaverse offers experiences and scenarios far beyond terrestrial confines. However, as it intertwines with our global economy and societal fabric, it ushers in profound legal and ethical challenges. Among these are matters of jurisdiction, human rights interpretations within the digital domain, and the engagement of international bodies to uphold core principles. This dynamic virtual ecosystem is not only a hub of activity and imagination but also a canvas upon which the future paradigms of law, ethics, and governance will be painted.

## **B. Jurisdictional Issues**

### **1. Criminal Jurisdiction**

The identification of crime holds significant importance within the metaverse under the criminal jurisdiction. That is important understanding the nature of the crime. Are we dealing with cyberbullying, theft of virtual assets, digital fraud, or another type of misconduct? When considering the issue of criminal jurisdiction inside the metaverse, one encounters various challenges related to the determination of location.<sup>16</sup> While in the physical world, jurisdiction is often tied to where the crime occurred; the metaverse's lack of tangible presence complicates this. An initial approach could be to base jurisdiction on the location of the server where the activity occurred or the domicile of the perpetrator or victim. Determining the location of offenses committed in

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<sup>14</sup> Dwivedi et al. (n 8) 1-2

<sup>15</sup> Carlos Bermejo Fernandez and Pan Hui, 'Life, the Metaverse and Everything: An Overview of Privacy, Ethics, and Governance in Metaverse', (2022), 2022 IEEE 42nd International Conference on Distributed Computing Systems Workshops (ICDCSW) 272, 272-277

<sup>16</sup> Gilad Yadin, 'Virtual Reality Intrusion' (2016) 53 Willamette L Rev 63, 73

virtual reality environments poses a significant challenge. The offender and the victim in crimes committed within virtual reality might be situated in vastly distant parts of the world from each other.<sup>17</sup> Also, collaboratively should be formulated an internationally recognized set of cyber offenses specifically tailored for the metaverse. This would ensure that certain acts are universally recognized as crimes. It is imperative to establish agreements to ensure individuals who commit crimes in the metaverse can be extradited and tried in the appropriate jurisdiction. Given the transnational nature of the metaverse, the form should be a dedicated international task force that assists countries in investigating and prosecuting metaverse-related crimes.

## 2. Legal Jurisdiction

The rise of the Metaverse introduces a novel domain where private law relations come into play.<sup>18</sup> Within the Metaverse, users communicate using avatars, engage in digital trade, possess virtual properties, and partake in community events.<sup>19</sup> Such engagements lead to the formation of contracts, ownership rights, and potential liabilities, requiring an appropriate legal structure to oversee them. Hence, private law will be essential within the Metaverse to ensure trust, protection, and the upholding of rights and responsibilities. Since many interactions in the metaverse will likely be underpinned by contracts (e.g., purchase of virtual assets, virtual employment agreements), these contracts should clearly specify the governing jurisdiction in case of disputes. That is necessary to establish an international protocol for recognizing and enforcing rights related to virtual assets and intellectual property in the metaverse. That can be possible to develop and promote the use of international arbitration and mediation for resolving civil disputes in the metaverse. This could bypass some of the jurisdictional complexities of traditional courts. The creation of virtual courts within the metaverse can apply a universally recognized set of laws and regulations. These could serve as the primary institutions for resolving civil disputes. Guidelines can be developed to ensure that users of the metaverse are not exploited by virtual entities, ensuring fairness in transactions and interactions.

## 3. Shared Approaches

The establishment of a multinational entity or treaty organization to oversee jurisdictional matters in the metaverse should be considered, ensuring uniformity

<sup>17</sup> Mark A. Lemley & Eugene Volokh, 'Law, Virtual Reality, and Augmented Reality' (2018) 166 *University of Pennsylvania Law Review* 1051, 1072.

<sup>18</sup> Turdialiev Muhammadali PoLatjon Og, 'Prospects For The Development Of Private Law Relations In The Metaverse' (2023) 5(7) *The American Journal of Political Science Law and Criminology* 64, 66

<sup>19</sup> OG (n18) 66

and fairness. In order to construct a comprehensive jurisdictional framework for the metaverse, it becomes imperative to actively solicit the collaboration of state actors, intergovernmental bodies, private-sector stakeholders, and metaverse participants. Such a holistic engagement strategy ensures that a panoply of perspectives and requisites are judiciously integrated into the deliberative process. It is essential to guarantee that participants within the metaversal domain are comprehensively apprised of their inherent rights, the prevailing juridical structures, and the prescribed procedural avenues available for redress in instances of disputes or illicit activities. Digital communities should uphold common principles, encompassing a regard for, and potentially a duty to safeguard, the welfare of their participants<sup>20</sup>In light of the metaverse's continually evolving landscape, it is paramount that juridical structures exhibit a degree of flexibility and adaptability. Consequently, there should be systematic reviews and subsequent recalibrations of legal provisions to ensure congruence with the mutable characteristics of this virtual environment.

#### 4. Public International Law Perspective

In public international law, jurisdiction has long been tied to the concept of sovereignty, which enables states to exercise their independence.<sup>21</sup> Sovereignty functions as both an enabling concept and a constraining mechanism, informing the creation of international laws limiting the exercise of State jurisdiction.<sup>22</sup>

Public international law reflects and limits nations' "sovereignty" through norms of jurisdiction that determine the bounds of coexisting "sovereigns" powers, especially the scope of states' regulatory authority under international law.<sup>23</sup> While the term "jurisdiction" has a much broader meaning in public international law than it does in domestic or private international law, effectively encompassing any exercise of regulatory power, the general domestic definition of "jurisdiction," especially in relation to the powers of courts, is also used in international legal studies to examine the distinct topic of the regulatory power of international courts and tribunals.<sup>24</sup> In the context of norms creating the regulatory authority of nations, public international law

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<sup>20</sup> Kuzi Charamba, 'Beyond the Corporate Responsibility to Respect Human Rights in the Dawn of a Metaverse' (2022) 30(1) University of Miami International and Comparative Law Review, 110, 147

<sup>21</sup> Cedric Ryngaert, 'The Concept of Jurisdiction in International Law' (2015) 1-3 <<https://unijuris.sites.uu.nl/wp-content/uploads/sites/9/2014/12/The-Concept-of-Jurisdiction-in-International-Law.pdf>> Last accessed 18 February 2023

<sup>22</sup> Ryngaert (n 21) 1-3

<sup>23</sup> Alex Mills, 'Rethinking jurisdiction in international law' (2013) 84(1) British Yearbook of International Law 187, 194

<sup>24</sup> Mills (n 23) 194



traditionally recognizes three primary categories of jurisdiction.<sup>25</sup>

One of the key issues that arises at the intersection of the Metaverse, and public international law is jurisdiction. The issue of jurisdiction is crucial in determining who has the authority to govern and regulate the Metaverse, as well as how disputes and conflicts arise in this virtual space. The highly interconnected and transnational nature of the Metaverse is one of the most difficult challenges in establishing jurisdiction in this virtual space. In the realm of contemporary global interconnectedness, the convergence of users hailing from diverse jurisdictions poses a formidable challenge in ascertaining the appropriate legal framework to govern their interactions in real time. The fluid nature of this digital landscape complicates the identification and application of pertinent laws and regulations that ought to govern a given situation. Moreover, given the transnational nature of the Metaverse, ascertaining the competent nation-state vested with regulatory authority becomes a complex undertaking. To surmount these challenges, it is imperative for international organizations to engage in collaborative efforts aimed at formulating a comprehensive legal framework that possesses the requisite capacity to proficiently govern the Metaverse.

Public relations are rapidly evolving in the electronic space with the help of digital technologies, and other technologies, some of which may restrict human rights and freedoms but are not currently regulated by law.<sup>26</sup> Developing a new set of social relationships in the metaverse necessitates the establishment of a jurisdiction, defined as the extent to which opportunities apply on the basis of subject competence or the domain in which the right applies.<sup>27</sup> Along with establishing jurisdiction, it will be critical to address the issue of human rights in the Metaverse. It is imperative to emphasize the imperative nature of safeguarding users' fundamental rights to freedom of expression, privacy, and access to information, irrespective of their geographical location or nationality. In order to ensure the equitable enjoyment of the Metaverse, it becomes imperative to safeguard users against any form of discrimination and harassment. Additionally, it is crucial to prioritize the accessibility of the Metaverse for individuals with disabilities. International organizations shall undoubtedly assume a pivotal role in the regulation of the Metaverse, given their unparalleled capacity to tackle the intricate and transnational challenges

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<sup>25</sup> Ilias Bantekas, 'Criminal jurisdiction of states under international law' (2011), Max Planck Encyclopedia of Public International Law <chrome-extension://efaidnbmninnbpcajpcgglefindmkaj/https://spacelaw.univie.ac.at/fileadmin/user\_upload/p\_spacelaw/EPIL\_Criminal\_Jurisdiction\_of\_States\_under\_International\_Law.pdf> Last accessed 18 February 2023

<sup>26</sup> O. V. Kostenko, 'Electronic Jurisdiction, Metaverse, Artificial Intelligence, Digital Personality, Digital Avatar, Neural Networks: Theory, Practice, Perspective' (2022) 1(73) World Science 1, 1-13

<sup>27</sup> Kostenko (n 26) 1



that are anticipated to emerge. The objectives encompassed herein entail the establishment of a universally accepted framework of legal norms, facilitation of mechanisms for resolving conflicts, and guaranteeing the operation of the Metaverse in a manner that is both transparent and accountable.

Ultimately, the trajectory of the Metaverse and its relationship with international law will be significantly influenced by the collective actions undertaken by international organizations, governments, and the private sector. These key actors possess the capacity to exert considerable influence over the development and implementation of legal frameworks that govern the Metaverse on a global scale. As such, their decisions and initiatives will play a pivotal role in shaping the future landscape of this emerging virtual realm within the parameters of international law. Through collaborative efforts, it is indeed conceivable to establish a virtual realm that embodies principles of safety, equity, and accessibility for all its users. The absence of a tangible presence poses an additional challenge in ascertaining jurisdiction within the Metaverse. In physical reality, a person or entity's location determines jurisdiction. The Metaverse deviates from rules and principles, contrary to popular belief. Due to its lack of a physical presence in any nation-state, a virtual firm in the Metaverse may have trouble defining its regulatory jurisdiction. Virtual entities, like as companies and people, can exist in several jurisdictions, complicating jurisdiction in the Metaverse. Metaverse entities sometimes struggle to determine their legal structure due to contradictory laws and rules. In the lack of a clear legal framework, dominating nation-states may try to rule the Metaverse and its entities, creating a fragmented and unequal virtual world. The international community must work together to establish clear, unified Metaverse jurisdiction norms to address these issues. A multilateral treaty or multinational body to manage the Metaverse is one option. To provide a fair, unbiased, and inclusive Metaverse, establishing jurisdiction requires international cooperation. To handle the Metaverse's unique characteristics, international law may need to be revised. The above argument may require new legal frameworks and flexible methods for determining jurisdiction in virtual environments. To create a complete and unified Metaverse governance structure, sovereign nation-states must cooperate and coordinate. The resolution of these jurisdictional issues holds paramount importance in guaranteeing that the Metaverse operates as a secure and just milieu for all its users.

## II. THE METAVERSE AND INTERNATIONAL LAW

### A. The Concept of Sovereignty in the Metaverse

Sovereignty is a fundamental concept in international law that refers to a state's authority to govern itself and its territory.<sup>28</sup> *Jean Bodin* initially articulated

<sup>28</sup> Melda Sur, *Uluslararası Hukukun Esasları* (16th edn, Beta 2022) 121

the concept of sovereignty. Bodin drew the idea of sovereignty from the Latin word “*superanus*,” which means “the greatest, the highest.” According to Bodin, “*souveraineté*” (sovereignty) is the “absolute and permanent power of a state” based on this phrase.<sup>29</sup> The phrase “*Liberi populus externus is qui nullius alterius populi potestatis est subjectus*” is widely regarded as the first known definition of sovereignty, which can be found in Justinian’s Digest.<sup>30</sup> To ensure lasting peace in Europe, the peace treaties of Westphalia (1618–1648) firmly established the State-nation as the primary international actor, endowed with absolute sovereignty.<sup>31</sup> The Treaties of Westphalia were essential in shaping contemporary states because they established a connection between authority and land, formalizing the idea that each nation-state can act independently within its own borders.<sup>32</sup> This marked the beginning of the modern era.<sup>33</sup>

Sovereignty is an important concept in public international law because it provides a framework for how states interact with one another. Sovereignty implies that states have the right to self-determination and the ability to govern their own affairs independently of other states. It also implies that states have a responsibility to respect other states’ sovereignty. By the close of the eighteenth century, there emerged novel approaches to questions of authority. When power is passed from a monarch to the nation and its citizens, state sovereignty evolves into national sovereignty. How the traditional notion of sovereignty has evolved from the very beginning, proponents of state theory have sought to restrict the use of power to individuals’ inherent, inalienable “natural rights” at birth. Until after World War II, however, these efforts to rein in spending remained purely theoretical.<sup>34</sup> To be more specific, the emergence of the “state of law” understanding has resulted in states taking on a theoretical obligation to safeguard the rights of individuals who are obligated to them as citizens; it is assumed that the relevant state will spontaneously and without any other initiative obey these rights. In the United States, where these ideas were first developed, the Virginia Constitution, ratified on 12 July 1776, and the American Declaration of Independence, signed on 4 July 1776, both include provisions that state power is limited to individual rights and transfer these rights from doctrine to legal practices<sup>35</sup> The political power is bound

<sup>29</sup> Jean Bodin, *On Sovereignty* (6<sup>th</sup> edn, Cambridge University Press 2003) 1

<sup>30</sup> Adrian Alexe, *End of the Free World* (Aldo Press 2009) 152

<sup>31</sup> Jana Maftai, ‘Sovereignty in International Law’ (2015)11 (1) *Acta Universitatis Danubius Juridica* 54, 57

<sup>32</sup> Daniel Phillipott and Robert J. Jackson, ‘Westphalia, Authority and International Society’ in Robert J. Jackson (ed), *Sovereignty at the Millennium* (Blackwell Pub 1999)144, 144-167

<sup>33</sup> Maftai (n 31) 57

<sup>34</sup> Chris Brown, *Sovereignty, Rights and Justice: International Political Theory Today* (Polity Press 2002) 7

<sup>35</sup> Münci Kapani, *Kamu Hürriyetleri* (7<sup>th</sup> edn, Yetkin 1993) 45

by principle to uphold the rights specified in these documents, which have a national character in terms of their application. In fact, the state takes on the role of protector of individual liberties in certain situations. Recognizing human rights in law is an important step, but it won't accomplish much on its own.<sup>36</sup> The construction of universal-scale, sanction-enforceable oversight mechanisms to ensure the state's compliance with these rights and supervise the implementation is more vital than the legality of the rights themselves, but legality is critical. The necessity to discover a subject that is at least as strong as the state itself motivates the discussion of universal-scale control.

1776 the American Declaration of Independence<sup>37</sup>, 1789 the Declaration of the Rights of Man and of the Citizen<sup>38</sup>, and 1791- 1793 the French Constitutions<sup>39</sup> all eloquently represent this trend.<sup>40</sup> The concept of national sovereignty is originally articulated in Article 3 of the Declaration of the Rights of Man and Citizen<sup>41</sup>: The nation is the primary locus of all legitimate authority. Nothing or no one can use power that does not directly come from it. Article 1 of Title II of the French Constitution from 1791<sup>42</sup> established the idea of national sovereignty by stating that it is indivisible, inalienable, and irrevocable. As a result, the idea of national sovereignty established the nation as a distinct political entity with unique identity, principles, and interests that were non-transferable to other states or bodies. The nation as a whole, not a single person or small group within it, is the only entity that is permitted to exercise sovereignty. This idea of national sovereignty serves to shield the country from outside interference, enabling it to pursue its own objectives and interests without worrying that a foreign power will take control.

The 1907 Hague Convention mainly regulates the law of war, but it also includes the prohibition of the slave trade in the 19th century and the complete

<sup>36</sup> Mithat Sancar, "Devlet Akli" Kıskaçında Hukuk Devleti (3 edn, İletişim Press 2004) 120

<sup>37</sup> US Congress, 'Declaration of independence 1776' <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://bri-docs.s3.amazonaws.com/BAA-001-HandoutE.pdf> Last Accessed 20 February 2023

<sup>38</sup> Marquis De Lafayette, 'Declaration of the Rights of Man and of the Citizen 1789' <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://courses.kvasaheim.com/common/docs/drnc.pdf> Last Accessed 20 February 2023

<sup>39</sup> 'The Constitution of 1791' <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://wp.stu.ca/worldhistory/wp-content/uploads/sites/4/2015/07/French-Constitution-of-1791.pdf> Last Accessed 20 February 2023

<sup>40</sup> Maftai (n 31) 57

<sup>41</sup> De Lafayette (n 38)

<sup>42</sup> 'The Constitution of 1791, Title II of the Division of the Kingdom and of the Status of Citizens' <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://wp.stu.ca/worldhistory/wp-content/uploads/sites/4/2015/07/French-Constitution-of-1791.pdf > Last Accessed 16 February 2023

abolition of slavery at the beginning of the 20th century,<sup>43</sup> as well as the efforts to protect the rights of workers and ethnic minorities during the same period.<sup>44</sup> Indeed, II. after World War II, the “absolute” sovereignty of states began to be questioned; under the influence of the Nazi experience, the idea that an understanding of absolute sovereignty could cause the violation of individual and group rights and that the securing of individual rights and freedoms could not be left to the initiative of states alone brought along the search for a normative order based on ethical principles at the international level. The 20th century will be remembered as the period during which the concept of sovereignty evolved toward its current form, with interstate cooperation emphasizing respect for the obligations assumed by States as international actors, moving away from more lenient and flexible interpretations in the classical senses. In the first half of the 20th century, several authors looked into the subject of state sovereignty.<sup>45</sup> The example of Pasquale Fiore demonstrates that a state can function independently of other nations while still adhering to the constraints of international law.<sup>46</sup> Arbitrator Max Huber, writing for the Permanent Court of Arbitration in the *Island of Palmas Case Decision* (1928), emphasized the criterion of “independence” in the definition of sovereignty in interstate relations.<sup>47</sup> After World War II, many people develop pessimistic views of sovereignty because they believe that sovereignty in the traditional sense enabled abuse of power and the conflict. Fundamental inconsistencies were discovered between his total character-building and the necessity to establish international legitimacy, leading many to conclude that sovereignty is incompatible with international law. They appear to have reconciled state sovereignty with ensuring international legality after 1945, with the adoption of necessary documents on this regard underlying the international legal system.<sup>48</sup> Principles are established for inter-state cooperation, and among these is the recognition that respecting each other’s sovereignty is crucial.<sup>49</sup> The European Court of Human Rights, created within the Council of Europe, is an early and influential example of efforts to avoid leaving the law primarily to the initiative

<sup>43</sup> Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton University Press 2001) 105-109

<sup>44</sup> Jack Donnelly and T. Dunne and N. J. Wheeler, (eds.), ‘The Social Construction of International Human Rights’ in T. Dunne and N. J. Wheeler, (eds), *Human Rights in Global Politics* (Cambridge University Press 1999) 71

<sup>45</sup> Maftei (n 31) 58

<sup>46</sup> Maftei (n 31) 58

<sup>47</sup> Max Huber, ‘*Island of Palmas case (Netherlands, USA)*’ (Reports of International Arbitral Awards, 1928, 2.829-71) < [https://legal.un.org/riaa/cases/vol\\_II/829-871.pdf](https://legal.un.org/riaa/cases/vol_II/829-871.pdf)> Last Accessed 26 March 2023; Sur (n 28) 121

<sup>48</sup> ALEXE, (n 25) 154; Maftei (n 31) 58

<sup>49</sup> Maftei (n 31) 58

of governments.<sup>50</sup> With the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was signed by the member states of the Council of Europe and went into effect in 1953, it was planned that human rights violations in the member states would be closely watched and swift action would be taken to stop them.<sup>51</sup> The European Court of Human Rights was set up to protect people whose rights were violated by the government.<sup>52</sup> The territorial integrity and political independence of each state are sacred and cannot be compromised, and the right to self-determination and self-government is an inalienable human right.

Article 2, paragraph 1 of the Charter<sup>53</sup> establishes the idea of sovereign equality as the basis for cooperation among United Nations member states. As a result, it owes it to all other states to uphold their international personalities and sovereignty and to act in good faith when it comes to its international obligations. A sovereign state makes sure the maintenance of the global order by doing this. Unquestionably, national sovereignty is one of the fundamental principles on which contemporary international law is based. The conflict between nation-states and international organizations as participants in international relations governed by international law and the exercise of sovereignty by States inside international organizations add another dimension to this idea. Article 21 of the United Nations Charter<sup>54</sup> states that the organization is founded on the principle of sovereign equality of Member States; the objectives and principles of the United Nations Charter are also mentioned in the preamble of the North Atlantic Treaty<sup>55</sup>; thus, implicitly, the principle of sovereign equality is also a part of the preamble of the North Atlantic Treaty. Sovereignty has been central to the development of international law, particularly in areas such as force, human rights, and trade. The United Nations Charter, for example, which is a foundational document of international law, recognizes the principle of sovereignty and states' right to non-interference in their internal affairs.

It's important to consider the repercussions of giving the state absolute power in the country. The legitimacy of national norms and the exercise of state power are both assumed to occur within the confines of the law.<sup>56</sup> As in the *Lanoux*

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<sup>50</sup> H. Emrah Beriş, 'Egemenlik Kavramının Tarihsel Gelişimi ve Geleceği Üzerine Bir Değerlendirme' (2008) 63(01) Ankara Üniversitesi SBF Dergisi 55, 66

<sup>51</sup> Beriş (n 50) 66

<sup>52</sup> Beriş (n 50) 66

<sup>53</sup> 'Charter of the United Nations' (1945) 31(8) American Bar Association Journal 388, 388-399

<sup>54</sup> Article 21 of the Charter of the United Nations (n 53)

<sup>55</sup> 'North Atlantic Treaty; Documents Relating to the North Atlantic Treaty' (1949) U.S. Govt. Print. Off.

<sup>56</sup> Sur (n 28) 127

arbitration<sup>57</sup> decision of 6 November 1957, any restrictions imposed will be done so at the state's own discretion and through international commitment.<sup>58</sup> Contracts between the state and private parties should be interpreted in a way that restricts the scope of the state's authority as much as possible.<sup>59</sup> Although there were "stability records" in the concession agreement with a foreign oil company, Kuwait retained the power to make some changes in its economic policy, as was acknowledged in the *Aminoil/Kuwait* arbitration<sup>60</sup> decision of 24 March 1982.<sup>61</sup> Also, sovereignty is an important concept in public international law because it serves as the foundation for state relationships and contributes to the international system's stability and order. It is imperative to emphasize the imperative nature of safeguarding the fundamental rights of individuals, such as the right to freedom of expression, privacy, and access to information, irrespective of their geographical location or nationality. In order to ensure the equitable enjoyment of the Metaverse, it becomes imperative to safeguard users against discriminatory practices and unwarranted harassment. Additionally, it is crucial to prioritize the accessibility of the Metaverse for individuals with disabilities. International organizations will undoubtedly assume a pivotal role in the regulation of the Metaverse, as they possess the most suitable capabilities to effectively tackle the intricate and transnational challenges that are anticipated to emerge. The objectives encompassed herein encompass the establishment of a universally accepted framework of legal norms, provision of support in the resolution of conflicts, and guaranteeing the operation of the Metaverse in a manner that is both transparent and accountable.

Ultimately, it is imperative to recognize that the trajectory of the Metaverse and its relationship with international law will be significantly influenced by the collective endeavors of international organizations, governments, and the private sector. These key actors hold considerable sway in determining the course of events and shaping the legal framework that will govern this emerging digital realm. By fostering collaborative efforts, it is conceivable to engender a virtual realm that embodies the principles of safety, equity, and accessibility for all its users. The absence of a tangible presence poses an additional obstacle to the establishment of jurisdiction within the Metaverse. In the realm of physicality, the determination of jurisdiction often hinges upon the geographical situation of an individual or entity. Contrary to prevailing assumptions, the situation in the Metaverse does not consistently adhere to

<sup>57</sup> *Lac Lanoux Arbitration (France v. Spain)*, 24 I.L.R. 101, 1957.

<sup>58</sup> *Sur* (n 28) 127

<sup>59</sup> *Sur* (n 28) 127

<sup>60</sup> Fernando R. Teson, 'State Contracts and Oil Expropriations: The *Aminoil-Kuwait* Arbitration' (1984) 24(2) *Virginia Journal of International Law* 323,323

<sup>61</sup> *Sur* (n 28) 127

established norms and principles. Due to its lack of a physical presence in any nation-state, a virtual firm in the Metaverse may have trouble defining its regulatory jurisdiction. Virtual entities, like as companies and people, can exist in several jurisdictions, complicating jurisdiction in the Metaverse. Diverse legal frameworks and rules can make it difficult for Metaverse companies to determine their legal obligations. In the lack of a clear jurisdictional framework, dominating nation-states could try to control the Metaverse and its elements, creating a fragmented and unequal virtual world. The international community must work together to establish clear, unified Metaverse jurisdiction norms to address these serious issues. A multilateral treaty or international agency that oversees and regulates the Metaverse could solve its governance issues. In essence, the matter of establishing jurisdiction within the Metaverse presents a multifaceted challenge that calls for a collaborative endeavor among nations to guarantee a just, impartial, and inclusive virtual realm. In light of the challenges at hand, it may be necessary to consider potential revisions to the framework of international law in order to adequately address the distinct attributes of the Metaverse. The resolution of these jurisdictional matters holds paramount importance in guaranteeing the establishment of a secure and just milieu within the Metaverse, catering to the interests and rights of all its users.

The notion of sovereignty holds paramount significance within the realm of international law, as it assumes a pivotal role in the regulation of the Metaverse. In the realm of international law, the concept of sovereignty pertains to the preeminent power wielded by a nation-state in governing its territorial domain and exercising control over the conduct of its populace. The intricate nature of sovereignty is further compounded within the Metaverse, as this virtual realm transcends conventional national boundaries, enabling users hailing from diverse countries to engage in real-time interactions. The utilization of the principle of sovereignty within the Metaverse is poised to engender profound ramifications concerning the regulation of virtual activities and the safeguarding of human rights. In the Metaverse, a nation-state might regulate its inhabitants' behavior by claiming sovereignty. This includes the ability to restrict free speech, enforce laws, and collect taxes. Sovereignty in the Metaverse raises several legal and ethical issues. When a nation-state claims a Metaverse sector, public international law may be affected. This could violate other nations' sovereignty, causing problems. Additionally, Metaverse restrictions on freedom of expression and other fundamental rights may raise human rights concerns. To address these issues, international law may need to be reevaluated to account for Metaverse characteristics. The aforementioned proposition may necessitate the evolution of novel legal frameworks, alongside the adoption of adaptable methodologies for ascertaining sovereignty within the realm of virtual spaces. Moreover, it is imperative to underscore the



significance of international collaboration and coordination among sovereign states in the establishment of a comprehensive and coherent regulatory structure for the governance of the Metaverse.

In essence, the intricate and challenging matter of sovereignty within the Metaverse calls for a sophisticated and deliberate approach from the global community. The resolution of these jurisdictional matters will play a pivotal role in guaranteeing the safety and fairness of the Metaverse for all its users, while also safeguarding the sovereignty of nation-states.

## B. Human Rights in the Metaverse

The international community's tragic experiences during the second world war pushed the protection of human rights to the forefront of the United Nations' founding objectives. Belief in fundamental human rights, human dignity and worth, equality between men and women, and the equality of all nations, whether large or small, is expressed in the second paragraph of the preamble to the United Nations Charter. In a similar vein, Article 55<sup>62</sup> emphasizes the de facto respect for the human rights and fundamental freedoms of all people, regardless of "race, sex, language, or religion". According to Article 56<sup>63</sup>, in order to achieve these goals, member states have committed to cooperate with the United Nations individually or together. The United Nations General Assembly's 1948 Universal Declaration of Human Rights<sup>64</sup> followed the provisions of the United Nations Charter.<sup>65</sup> The Universal Declaration of Human Rights is a document with limited legal force. He was a pioneer in the development of significant texts on human rights law. The International Covenant on Civil and Political Rights<sup>66</sup> and the International Covenant on Economic, Social, and Cultural Rights<sup>67</sup> from 1966 are examples. The 1993 Vienna Declaration and program action<sup>68</sup> is one of the most significant steps

<sup>62</sup> Article 55 of the Charter of the United Nations (n 53)

<sup>63</sup> Article 56 of the Charter of the United Nations (n 53)

<sup>64</sup> UN General Assembly, 'Universal declaration of human rights' (1948) 302(2) UN General Assembly 14, 14-25.

<sup>65</sup> No nation has opposed it. However, 8 states chose to abstain. Byelorussia, Czechoslovakia, Poland, Saudi Arabia, South Africa, the Soviet Union, Ukraine, and Yugoslavia. 'Universal Declaration of Human Rights' <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e887?prd=EPIL>> Last Accessed 18 April 2023

<sup>66</sup> 'International Covenant on Civil and Political Rights' <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> Last Accessed 18 April 2023

<sup>67</sup> 'International Covenant on Economic, Social, and Cultural Rights' <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>> Last Accessed 18 May 2023

<sup>68</sup> UN General Assembly, 'Vienna Declaration and Programme of Action' (12 July 1993), A/

taken by the United Nations to safeguard human rights. Despite the fact that this is not legally binding, the fact that it was accepted by consensus at the World Conference on Human Rights is significant in terms of the universal nature of human rights and the United Nations' pioneering role in human rights.<sup>69</sup>

Human rights are an essential component of public international law and play a crucial part in the Metaverse's rule. The burgeoning development of the Metaverse presents a revolutionary shift not only in the realm of technology but also in the broader spectrum of societal dynamics. When examining the potential ramifications of this virtual domain on society, a comprehensive evaluation is necessary to discern the nuances of its impact. One of the central tenets in this assessment revolves around the human rights dimension. The notion of human rights, entrenched in the foundational principles of dignity, liberty, equality has been historically formulated with the tangible, physical world in mind. However, the introduction of the Metaverse, an environment where the lines between virtuality and reality blur, necessitates a recalibration of these principles to ensure their relevance and applicability. Within the Metaverse, rights related to privacy and freedom of expression assume a renewed significance. Given the immersive nature of this platform, users might find their personal data at a heightened risk of exposure or misuse. Simultaneously, the potential for virtual anonymity could both empower free speech and introduce challenges related to misinformation or virtual harassment. Moreover, issues of accessibility and non-discrimination are paramount. As the Metaverse evolves, there's a pertinent need to ensure that access isn't solely reserved for a privileged few, inadvertently perpetuating socio-economic disparities. Every individual, regardless of their background, should be able to experience and participate in the Metaverse without facing discrimination or bias.<sup>70</sup> Additionally, economic rights within the Metaverse, particularly concerning virtual assets, properties, and digital currencies, warrant rigorous legal scrutiny. Defining ownership, rights to transfer, and potential taxation within this virtual environment can be complex, yet are essential for a fair and just virtual society. Furthermore, cultural rights, including the right to participate in the virtual cultural life, freedom of artistic expression, and protection of virtual cultural heritage, could be novel areas that emerge with the Metaverse's growth.

Human rights are protected in the physical world by international treaties and agreements as well as by the legislation of individual nation-states. In

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<sup>69</sup> Kevin Boyle, 'Stock-taking on human rights: The world conference on human rights, Vienna 1993' (1995) 43(1) *Political Studies* 79, 79-95

<sup>70</sup> Peter High, 'Technology's Role In Driving Progress In Black Lives Matter' *FORBES* <[www.forbes.com/sites/peterhigh/2020/07/30/technologys-role-in-driving-progress-in-black-lives-matter/?sh=2a485b1b687e](http://www.forbes.com/sites/peterhigh/2020/07/30/technologys-role-in-driving-progress-in-black-lives-matter/?sh=2a485b1b687e)> Last accessed 29 August 2023

the realm of Metaverse, people have witnessed a series of unfortunate events that have entangled the company in scandals pertaining to the dissemination of hate speech, disinformation, and the imposition of internet censorship.<sup>71</sup> Amnesty International has posited a connection between these occurrences and the company's purported 'surveillance business model predicated upon violations of human rights'.<sup>72</sup> The aforementioned damages have given rise to tangible manifestations of violence, political instability, and a regression in democratic principles.<sup>73</sup> One of the most difficult aspects of defending human rights in the Metaverse is ensuring that these rights are honored in cross-national virtual places. In order to safeguard and uphold human rights within the Metaverse, it becomes imperative to engage in collaborative efforts with other sovereign states. This necessitates a collective approach to ensure the protection and enforcement of these fundamental rights, irrespective of the geographical location within the Metaverse where such violations may transpire. An additional challenge that arises when seeking to protect human rights within the Metaverse pertains to the imperative of upholding these rights amidst the proliferation of advancing technologies, including virtual reality and artificial intelligence. The utilization of such technologies within the Metaverse, for instance, has the potential to give rise to substantial concerns regarding privacy and security, thereby posing challenges in ensuring the protection of human rights within these virtual realms. In order to surmount these challenges, it may become imperative to modify the framework of international law to accommodate the distinctive attributes inherent in the Metaverse. The potential resolution of this matter necessitates the formulation of novel legal frameworks and the implementation of more flexible approaches to safeguarding human rights within virtual domains. Furthermore, it is imperative to underscore the indispensability of international collaboration and coordination among sovereign states in order to establish a robust and coherent framework of governance for the Metaverse. In summation, the safeguarding of human rights within the Metaverse presents a multifaceted and arduous matter necessitating the international community's adoption of a discerning and intentional methodology. The resolution of these human rights concerns is imperative in order to guarantee that the Metaverse functions as a secure

<sup>71</sup> 'The Facebook Papers: What Do They Mean from a Human Rights Perspective?' Amnesty International (4 November 2021) <<https://www.amnesty.org/en/latest/campaigns/2021/11/the-facebook-papers-what-do-they-mean-from-a-human-rights-perspective/>> Last accessed 13 June 2023

<sup>72</sup> 'The Facebook Papers' (n 71)

<sup>73</sup> Dan Milmo, 'Rohingya Sue Facebook for £150bn over Myanmar Genocide' The Guardian (6 December 2021) <<https://www.theguardian.com/technology/2021/dec/06/rohingya-sue-facebook-myanmar-genocide-usuk-legal-action-social-media-violence>> Last accessed 13 June 2023.

and just environment for all participants, while simultaneously upholding the fundamental human rights of every individual involved.

### C. National Security Considerations

Even though the term “national security” is well-established in the political discourse of international relations, it has many different meanings to different people, including policymakers and average citizens.<sup>74</sup> It’s possible that the idea of national security, which gained prominence in the United States after World War II, will be presented first. The United States passed its first piece of national security legislation in 1947, and it was called the “national security law.”<sup>75</sup> Until the 1980s, many obvious aspects of national security remained in place.<sup>76</sup> Military assaults were initially regarded as the greatest threat to the nation. As a result, national security issues such as the arms race, disarmament treaty, and military alliance have been prominent for a long time.<sup>77</sup> As a result, the United Nations Charter enshrines fundamental principles such as the non-use or threat of force, as well as the peaceful resolution of international disputes. The United Nations Charter, in contrast to the League of Nations Covenant, included economic, social, cultural, and human rights as “new agendas,” but their relevance to national security appeared to be minimal. That was the state’s primary responsibility to ensure national security.<sup>78</sup> In traditional national security discourse, the term “attack” predominantly refers to a direct or indirect aggressive action, which can either be physical (like a military strike) or intangible (like a cyberattack). Article 2(4) of the U.N. Charter constrains its understanding of uses of force to a distinct geographical region.<sup>79</sup> This implies that any compromise to this untouched state indicates a territorial breach. However, the traditional interpretation struggles to encompass cyberspace. An electronic assault via a country’s communication networks doesn’t equate clearly to an infringement of its sovereignty, like unauthorized aerial trespass would. Essentially, cyberspace has blurred the traditional linkage between land and sovereign rights.<sup>80</sup> Also, with the evolution of digital realms such as the

<sup>74</sup> Lisa A. Rich, ‘New Technology and Old Law: Rethinking National Security’ (2015) 2(4) *Texas A&M Law Review* 581, 581-582

<sup>75</sup> ‘National Security Law of 1947’ < <https://global.oup.com/us/companion-websites/9780195385168/resources/chapter10/nsa/nsa.pdf> > Last Accessed 20 May 2023

<sup>76</sup> Congyan Cai, ‘Enforcing a New national Security - China’s National Security Law and International Law’ (2017) 10 (1) *Journal of East Asia and International Law* 65, 67-68

<sup>77</sup> Cai (n 76) 67-68

<sup>78</sup> Cai (n 76) 67-68

<sup>79</sup> Scott J. Shackelford, ‘From Nuclear War to Net War: Analogizing Cyber Attacks in International Law’ (2009) 27(1) *Berkeley Journal of International Law* 192, 214

<sup>80</sup> Shackelford (n 79) 214

Metaverse, our understanding of what constitutes an “attack” has considerably expanded. In the Metaverse, an “attack” might not only mean a direct assault on digital assets or infrastructure. It can also encompass psychological operations, misinformation campaigns, and even cultural subversion. Given the immersive nature of the Metaverse, where individuals’ perceptions can be easily influenced, these non-traditional forms of attacks can have profound implications on a nation’s security. Much like our current internet, the Metaverse will be susceptible to cyber-attacks. This could range from data breaches, which could expose sensitive personal information, to more sophisticated attacks aimed at destabilizing the virtual environment itself. From a national security perspective, these cyber threats in the Metaverse can have real-world repercussions, such as undermining trust in digital platforms or even extracting sensitive national intelligence. The Metaverse provides an ideal platform for information warfare. Adversarial entities can manipulate virtual environments or narratives to influence public opinion, propagate divisive ideologies, or even recruit for extremist causes. Detecting and countering these operations will be a significant challenge for national security agencies. As virtual assets, currencies, and economies grow within the Metaverse, they can become targets for attacks. Economic destabilization within the Metaverse, whether through fraud, asset theft, or market manipulation, could have cascading effects on real-world economies, especially if the Metaverse economy becomes significantly intertwined with the global financial system. Given the decentralized and boundary-less nature of the Metaverse, determining the origin, perpetrator, and even the jurisdiction of an attack becomes complex. Traditional notions of retaliation, deterrence, and defense have to be re-evaluated in this new context. The Metaverse can also be a platform for cultural exchange. While this promotes global unity and understanding, it also provides avenues for cultural infiltration and shifts in national identity, which can be viewed as non-traditional forms of “attack” on a nation’s social fabric. Therefore, as the Metaverse grows in prominence, it becomes essential for national security apparatuses worldwide to recalibrate their strategies and tools. Recognizing and understanding the multifaceted nature of “attacks” within this digital realm is the first step towards ensuring both the integrity of the Metaverse and the security of the nation-state in an increasingly interconnected digital age.

Since there seems to be a significant potential threat to our national security every day in the twenty-first century, policymakers, stakeholders, and citizens are being urged to reevaluate our legal, social, economic, and military structures to determine whether they are sufficient to meet the objectives, difficulties, and ideals of the ensuing months, years, and decades.<sup>81</sup> In the modern era, there

<sup>81</sup> Rich (n 74) 592

are not only exciting new advancements in science, technology, and human understanding, but there are also reports of widespread threats to our national security, whether they are domestic or foreign, natural or artificial.<sup>82</sup>

National security is indeed a paramount consideration for sovereign nation-states and constitutes an indispensable element within the realm of public international law. The intricacies surrounding the safeguarding of national security in the Metaverse are heightened due to the transnational nature of virtual space, wherein users hailing from different nations can engage in real-time communication. The challenge that nation-states encounter in effectively monitoring and regulating virtual activities that pose a risk to their security is indeed a significant impediment to safeguarding national security interests within the Metaverse. The matter at hand necessitates the exploration of novel technological advancements and methodologies for overseeing virtual undertakings, alongside the establishment of legal structures that empower nation-states to address virtual activities posing security threats. One must acknowledge that safeguarding national security in the Metaverse poses a formidable challenge, primarily centered around the imperative of upholding the sovereignty and jurisdiction of nation-states in regulating virtual undertakings transpiring within their territorial confines. The potential need for the establishment of novel legal frameworks enabling nation-states to exercise control over virtual activities and ensure their alignment with national security interests may arise. In order to surmount these challenges, it may be imperative to make adjustments to the framework of international law so as to effectively accommodate the distinctive attributes inherent in the Metaverse. The potential resolution of this matter may necessitate the development of novel legal frameworks and the adoption of adaptable methodologies for overseeing virtual undertakings that pose a risk to the security of nation-states. Furthermore, it is imperative to underscore the indispensability of international collaboration and coordination among sovereign states in order to establish a robust and coherent framework of governance for the Metaverse. In summation, the safeguarding of national security within the Metaverse presents a multifaceted and intricate matter necessitating a discerning and intentional stance on the part of the global community. The resolution of these national security challenges shall assume paramount importance in guaranteeing the establishment of a safe and secure environment within the Metaverse, thereby safeguarding the sovereignty and security of nation-states.

Metaverse is a new virtual world that is rapidly developing, and there is no consensus on its nature or activities. International law struggles to manage virtual actions and guarantee they comply with global standards and values due to this lack of clarity. Because the Metaverse's boundaries are unclear

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<sup>82</sup> Rich (n 74) 592

and virtual actions may overlap with physical ones or take place in numerous jurisdictions, it's hard to tell which state regulates a specific activity. This makes it hard to determine which state regulates an activity. Due to a lack of defined definitions and borders, it is difficult to determine which actors are accountable for preserving human rights and guaranteeing national security in virtual areas.

Public international law also struggles to enforce laws across boundaries in the Metaverse. Virtual actions can happen everywhere, thus they're not subject to any state's jurisdiction. Because of this, it is difficult for states to regulate and enforce laws related to actions in virtual spaces while simultaneously adhering to international norms and principles. A Metaverse crime committed by an actor in one jurisdiction may have affected a victim in another. If the culprit is in a country without an extradition treaty with the victim's state, it may be difficult to file criminal charges against them. This makes it harder for states to enforce laws and protect individuals from internet crimes, creating a gap. Online activity may not be traceable, making it harder for law authorities to identify and charge criminals. For instance, tracing the origin of virtual assets like cryptocurrencies and identifying the people behind anonymous virtual accounts may be challenging.

Technical advancement is outpacing legal frameworks, making public international law implementation in the Metaverse difficult. Technical innovation is outpacing the creation of legal frameworks to monitor and govern virtual behaviors in the Metaverse, a constantly changing virtual realm. The Metaverse is researching and implementing blockchain and AI technology. These technologies could impact the economy, environment, and human rights. However, the legal frameworks meant to oversee these technologies are still being developed, and they may not be able to keep up with the Metaverse's rapid developments. Public international law in the Metaverse is difficult since technical growth is surpassing legal framework development. This challenge requires a coordinated effort to guarantee that virtual activities comply with international norms and values and do not harm society. This necessitates international collaboration and coordination to ensure that virtual activities comply with international norms and that virtual criminals are held accountable. This may require new legal frameworks, strengthened international treaties, and international regulatory agencies with the competence and resources to efficiently oversee the Metaverse.

### III. THE ROLE OF INTERNATIONAL ORGANIZATIONS IN REGULATING THE METAVERSE

States may find it more advantageous to act collaboratively and work together to attain specific objectives.<sup>83</sup> An international organization is the

<sup>83</sup> Yücel Acer and İbrahim Kaya, *Uluslararası Hukuk* (12<sup>th</sup> edn, Seçkin 2021) 132



formal and continuous cooperation structure of multiple states for a specified purpose or reasons.<sup>84</sup> For example, more than three-quarters of the resolutions adopted in 2017 by the United Nations Security Council dealt with ongoing conflicts in specific countries or regions, while the remaining resolutions dealt with a variety of thematic issues, such as the adoption of the first resolutions dealing with cultural heritage and landmines.<sup>85</sup> Armed conflict, unconventional and digital warfare, mass migration, human trafficking and smuggling, ethnic cleansing, genocide, and terrorism were all new and increasingly complex challenges for the Security Council.<sup>86</sup> Then, an United Nations Group of Governmental Experts struggled to reach a consensus on the applicability of international law and international humanitarian law to cyber conflicts, despite the proliferation of cyber threats.<sup>87</sup> After thirteen years of discussions, the United Nations Security Council's Chapter VII powers to maintain international peace and security remain unresolved, as do the use of force and the right of self-defense by individual states.<sup>88</sup> As evidenced by these instances, international organizations can play a crucial role in the regulation of the Metaverse, since they contribute to the establishment of worldwide standards and norms for virtual activity. In addition to coordinating the activities of nation-states to regulate the Metaverse, these organizations provide a venue for the resolution of potential disputes in virtual areas. International organizations develop and enforce virtual activity laws to regulate the Metaverse. International organizations may set Metaverse privacy, security, and intellectual property rules. International norms and values, when applied to the Metaverse through established standards, ensure a protective environment for all its users. Global entities are instrumental in overseeing the Metaverse, offering solutions for virtual disagreements. They might also mediate between nations on matters of virtual activity guidelines and digital property rights, aiming for swift, equitable resolutions and curbing the potential for digital disputes to intensify.

To sum up, the participation of global institutions in shaping the Metaverse's rules is pivotal to align virtual operations with international standards. Their regulatory influence is paramount for maintaining the Metaverse's integrity, making it a beneficial and thriving component of the world's economic landscape, and fostering its advancement as an inventive digital frontier.

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<sup>84</sup> Acer and Kaya (n 83) 132

<sup>85</sup> Renee Dopplick et al., 'United Nations and International Organizations' (2018) 52, Year in Review: An Annual Survey of International Legal Developments and Publications of the ABA / Section of International Law 479, 479

<sup>86</sup> Dopplick et al. (n 85) 479

<sup>87</sup> Dopplick et al. (n 85) 481

<sup>88</sup> Dopplick et al. (n 85) 481



## CONCLUSION

The Metaverse introduces unique challenges to established ideas of sovereignty, jurisdiction, national security, and human rights. Navigating legal boundaries in the Metaverse is intricate due to its global expanse, prompting the need for creative strategies, which may hinge on factors like server placements, user locations, or globally accepted digital infractions. The essence of sovereignty in international law is reshaped in this virtual space, striving to harmonize state authority with individual freedoms. Furthermore, the Metaverse heightens issues related to personal rights, such as privacy, freedom of speech, and inclusivity, urging a coordinated international approach to safeguard them. As for national security, the Metaverse introduces threats beyond traditional military concerns, encompassing cyber-attacks, information warfare, and cultural subversion. International organizations, like the UN, play a crucial role in addressing these challenges by facilitating collaboration among states and setting global standards. Their involvement is vital for ensuring the Metaverse's safety, alignment with global norms, and successful integration into the world economy.

International law covers several important issues in the Metaverse. These include sovereignty in the virtual realm, human rights, national security, and international institutions' crucial role in Metaverse governance. Transnational law enforcement, technical improvements outpacing legal frameworks, and multinational institutions regulating the Metaverse provide further issues. International cooperation and coordination are crucial to navigating the Metaverse. This requires promoting international cooperation to meet the complex digital concerns. Additionally, Metaverse-specific legal frameworks must be created. People can keep international treaties relevant and effective in this new area by adapting and innovating them. International regulatory institutions with knowledge and resources are also essential. These entities will ensure Metaverse compliance and protect all parties. This requirement must be met for effective Metaverse regulation. The unique characteristics of virtual space and the problems created by rapid technological progress must be recognized and appreciated before international law can appropriately address the growing Metaverse. It is of utmost importance to acquire a comprehensive understanding of the complexities inherent in the Metaverse and the foundational technologies that underpin it, as this knowledge is indispensable in effectively tackling the various challenges it presents. International organizations, which serve as proponents of collective endeavors and harmonization, espouse this perspective. In order to effectively govern virtual undertakings, it may be imperative to contemplate potential amendments to international legal instruments and frameworks. Such modifications would serve the purpose of establishing a harmonized and transparent system of supervision, while



also affording opportunities for public scrutiny and evaluation. In order to ensure the preservation of global norms within the Metaverse, it is imperative to engage in thoughtful deliberation regarding the implementation of novel legal frameworks and the establishment of international agreements. One plausible avenue for consideration could entail the establishment of dedicated international regulatory entities. It is imperative that these organizations possess the requisite knowledge and resources to effectively oversee the intricacies of virtual dynamics. This encompasses not solely the capacity to formulate and implement regulations, but also to effectively address and settle disputes. It is of utmost importance for global institutions to proactively engage in the exploration and comprehension of the Metaverse and its underlying technologies in order to effectively navigate the intricate challenges it poses. The imperative to adapt and refine established international agreements and governance frameworks to effectively address the dynamic nature of virtual interactions cannot be overstated. This is crucial in order to maintain a robust system of consistent and transparent oversight. The paramount objective lies in accentuating the expansion of global synergy and alignment, as this serves as a crucial mechanism to guarantee that virtual engagements are in line with universally recognized principles, while simultaneously mitigating any potential societal drawbacks.

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