

VOL. I/ISSUE I/2024



A PAVAN DUGGAL ASSOCIATES INITIATIVE

INTERNATIONAL JOURNAL ON CYBERLAW, CYBERCRIME & CYBERSECURITY

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EMERGING GLOBAL CYBER LEGAL TRENDS IN 2023

BY

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The year 2023 promises to be the year of remarkable transitions and transforming developments as far as cyberspace is concerned. From the financial perspectives, experts are expecting that the year 2023 will be much more tumultuous than the year 2022.

Similar perspectives can be seen as far as evolving cyber legal trends in the global scenario is concerned. The biggest cyber legal trend in the year 2023 would consist of growing cyber attacks and cyber security breaches and the need for coming up with effective new cyber legal norms of behaviour in cyberspace.

The Ukraine war has had an impact of being a catalyst, in the context of increasing cyber attacks. These cyber attacks will continue to keep on growing in numbers and frequency, making more significant impact in the year 2023. These developments are going to force nation states to work in the direction of evolving acceptable norms of behaviour vis-à-vis cyberspace.

The academic work, that has already been done as the result of the Tallinn Manual 1.0 and 2.0, could initially be a starting point for more discussions and deliberations in this regard. Russia has reportedly been supporting the idea of coming up with a comprehensive treaty on cyber security at the international level.

Seen from another perspective, the year 2023 is further expected to witness a massive increase in cyber security breaches globally.

Ransomware will continue to propagate unabated as cyber criminals will laugh all the way to the bank. The global cost of cyber security breaches will continue to keep on growing. The world is expected to lose 10 Trillion USD in the year 2023, thanks to growing cyber security breaches. These developments are going to propel more action by nation states in coming up with national legal frameworks to deal with cyber security.

Not only are countries likely to come up with national laws on cyber security, but more significantly, we can even see new trends in the way countries will come up with legal frameworks to regulate ransomware. The growing trends in this regard, that started in 2020 in the US when the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCEN) in a joint ruling held ransomware payments to be illegal in most cases, could catch up as countries could legislate to prevent digital stakeholders from making payment to ransomware criminals.

Further, cyber security law jurisprudence is likely to witness massive increase in its scope and ambit in the year 2023. More and more countries are likely to use secondary legislation methodology to come up with distinctive rules and regulations governing various aspects of the cyber security ecosystem.

Hence, the year 2023 could see some major evolution of cyber security law jurisprudence.

We can further see more increase in cybercrimes with each passing week in the year 2023. In the year 2023, we are further likely to see expansion of the Golden Age of Cybercrimes as new cybercrimes will continue to keep on evolving and growing to target helpless lay netizens.

The year 2023 could also see massive increase in cyber security attacks in the Internet of Things (IoT) ecosystem, thereby encouraging nation states to come up with laws to mandate a minimum level of cyber security in the context of manufacturing of IoT devices.

These laws could potentially be building on the foundations that have been laid by the US Federal Internet of Things Cyber Security Improvement Act, 2020 and the European Union Cyber Resilience Act and could usher in the evolution of legal frameworks to protect and promote cyber security in the Internet of Things (IoT) ecosystem.

ChatGPT will continue to be the rage of the times. The year 2023 is further likely to see the increase and adoption of Artificial Intelligence and the need for concrete legal frameworks to govern and regulate Artificial Intelligence. The European Union is expected to implement its Artificial Intelligence law, thereby bringing to attention the need for various other countries to come up with national legal frameworks to govern Artificial Intelligence.

The year 2023 is further likely to see various countries moving away from just stipulating National Artificial Intelligence Policies to providing legal frameworks to govern and regulate Artificial Intelligence.

The global spotlight is coming to crypto-assets and crypto-currencies. We can also expect to see new trends in 2023 where more and more countries are likely to come up with legal frameworks to regulate legal aspects of crypto-assets and crypto-currencies.

Metaverse will continue to flourish and grow in the year 2023, thereby bringing to the forefront new legal aspects and challenges connected therewith.

Digital Humans will increasingly get more and more popular in the year 2023. As Digital Humans are expected to have significant impact upon economic operations, we can also begin to start seeing beginnings of Digital Humans regulation in the year 2023.

As cybercrimes will continue to grow unabated, countries would be pushing not only in the direction of updating their national cybercrimes laws but also would need to come up with dedicated new legal frameworks targeting at cybercrimes.

Drones and their adoption are likely to mature onto the next level in the year 2023. The increased use of drones is further likely to push the need for having in place effective legal frameworks to regulate activities in the drone ecosystem.

Countries would also be called upon to revisit and revise their existing cyber legal frameworks so as to make them topical and relevant in the context of growing emerging technologies.

The year 2023 could also see more traction in the international discussions in the direction of the evolving proposed International Convention to Regulate the Misuse of ICTs for Criminal Purposes, which is being currently deliberated of the UN Adhoc Committee on Cybercrime.

New technological developments are likely to further emerge in the year 2023, bringing forward their own unique challenges which would require further addressing by distinct cyber legal frameworks.

All said and done, the year 2023 promises to be an exciting year as far as the growth of cyber legal jurisprudence is concerned.

I am confident that the growth of cyber legal jurisprudence in the year 2023 is going to bring forward new building blocks for Cyberlaw jurisprudence for the coming years.

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