

Abstract

According to the principles of jurisdiction in the context of private international law, jurisdiction which is defined as the authority of a domestic court of one state to hear a case and resolve a dispute, or adjudicative jurisdiction. Cyberspace which is a place that has no geographical boundaries as well as e-commerce raises the jurisdictional question concerning civil and commercial matters of cyberspace because of the conflict between the borderless nature of the Internet and the physical nature of jurisdiction.

Even though having an argument that cyberspace should be treated as a separate space, separate jurisdiction, from the real world, it seems not to be impacted in reality in this time. The approaches of the states are still based on traditional jurisdiction which is primarily limited by geographical boundaries. This leads to the problems of identity and location of the parties and the computers including the problems in locating the place where the contracts or the events take place. In Thai, there is no statutory which stipulates international jurisdiction. The courts shall exercise jurisdiction in cyberspace by applying the Code of Civil Procedure based on territorial principle and personal principle as well.

However, the problem concerning jurisdiction in cyberspace is both national and global at the same time. It is the necessary progress to harmonize differences in legal rules of connecting points concerning jurisdiction in form of international convention or international co-operation, or the like, so as to deal with the borderless nature of cyberspace more successfully and to remain consistent with reasonableness and justice, especially legal proceedings against a person domiciled out of the forum state. In addition, establishing cyberspace court should be regarded as one of the most preferable solutions that probably be set up in the long run.