

The International Responsibility of States for Cyberattacks: A Comparative Study of International Practice and Iran's National Instruments

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Abstract

The unprecedented expansion of cyberattacks and the ambiguity surrounding the applicability of traditional rules of international law to this emerging phenomenon have created fundamental challenges for the system of international state responsibility. One of the central challenges in this regard is the basis of attribution—namely, the difficulty of establishing a legal link between a cyber operation, which is often carried out by non-state actors using globally distributed infrastructures, and a specific state. This study aims to examine the legal dimensions of this phenomenon through a descriptive-analytical approach and a comparative analysis of international practice, including the Articles on Responsibility of States for Internationally Wrongful Acts, as well as strategic documents and national laws of the Islamic Republic of Iran. The findings indicate that although the doctrine of “effective control” remains the primary basis for attribution in international law, the covert and transnational nature of cyber operations has intensified debates on the necessity of developing complementary standards such as the “due diligence obligation.” An examination of Iran’s national documents also reveals a defense-oriented approach focused on the protection of critical infrastructures. The results of this comparative analysis suggest that while Iran’s legal system is generally aligned with the fundamental principles of international law, it requires clearer regulations regarding attribution standards and the legal framework for cyber countermeasures. Such developments would help address existing normative gaps and enable the adoption of more proactive legal strategies in the international arena.

Keywords: international responsibility; cyberattacks; attribution; international law; Iranian legal system; countermeasures.

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