Jurisdiction refers to the authority of a government to regulate conduct and enforce those regulations through a court system (i.e., enacting rules, making legal decisions, issuing judgments, and administering justice). Jurisdiction is generally tied to territory and the power of a government over its territory. Criminal jurisdiction is a subset of jurisdiction that refers to the power of a governmental authority to investigate a crime, bring criminal charges, and impose punishment.

As sovereign nations, Indian tribes have historically had exclusive jurisdiction over everything occurring within their territory. However, jurisdiction in Indian country does not follow a strict territorial approach. Through a series of statutes and court decisions, four types of jurisdiction have developed for criminal acts occurring in Indian country:

1. Exclusive tribal jurisdiction
   - concurrent (i.e., shared) tribal and federal jurisdiction
   - concurrent tribal and state jurisdiction, and
   - exclusive state jurisdiction

Whether authority is exclusive to the tribal authority, exclusive to the state, or shared between the tribe and federal or state authorities is determined by the type of crime, the status of the perpetrator and victim, and the location where the crime took place. Importantly, in cases where authority is shared, a tribe may make a choice to exercise jurisdiction over a tribal court and the federal or state government. The laws against double jeopardy do not apply because a tribe is considered an independent sovereign.

In PL 280 states, subject to approval of the U.S. Attorney General, tribal governments may request federal concurrent jurisdiction over crimes in PL 280 states.

In 2013 (VAWA), a tribal government may request federal concurrent jurisdiction over non-Indians if the tribe has chosen to exercise jurisdiction over non-Indians unless the tribe has granted limited jurisdiction to the federal courts under the GCA. If the tribe wishes to make a choice to exercise concurrent jurisdiction, the tribal court and the federal or state government. The laws against double jeopardy do not apply because a tribe is considered an independent sovereign.