
Civil Law Ways to Protect Digital Rights and Digital Jurisprudence

Kutibaeva Elizaveta¹, Mukhitdinova Firyuza Abdurashidovna², Daumenov Berdakh Aitmuratov³

¹Dean of the faculty of law of the Karakalpak state University named after Berdakh, Doctor of law, Professor

²Doctor of Law, Professor of Tashkent State Law University

³Candidate of Legal Sciences, Associate Professor of the Karakalpak state University named after Berdakh

Email: feruza.mukhitdinova@gmail.com², Berdus@mail.ru³

*Corresponding author: kutibaeva_elizaveta@mail.ru¹

Abstract

The rapid development of modern science and technology has ensured the transition today to a new technological order based on new technological changes in the economy, politics, socio-cultural sphere, as well as in law. The creation and widespread use of modern digital and other "breakthrough" technologies has generated processes of transformation in society - the so-called "digital era", which consistently forms a new social, economic, political and legal reality. As a result, extensive technological opportunities have emerged in the field of IT technologies and the Internet of Things, which contributes to the formation of a new technological environment and, at the same time, formulates many issues in the field of law and digital economy, digital rights, and the use of modern digital technologies, legal protection of intellectual property and protection of intellectual rights.

Keywords: Modern science, Technology, innovation, Breakthrough and Digital era .

1. INTRODUCTION

The rapid development of modern science and technology has ensured the transition today to a new technological order based on new technological changes in the economy, politics, socio-cultural sphere, as well as in law. The creation and widespread use of modern digital and other "breakthrough" technologies has generated processes of transformation in society - the so-called "digital era", which consistently forms a new social, economic, political and legal reality.

As a result, extensive technological opportunities have emerged in the field of IT technologies and the Internet of Things, which contributes to the formation of a new technological environment and, at the same time, formulates many issues in the field of law and digital economy, digital rights, and the use of modern digital technologies, legal protection of intellectual property and protection of intellectual rights.

The basis of modern development is innovation, which is the driving force of overall growth in all spheres of society. The combination of applied digital technologies creates the technological foundation of the "digital economy", new social and public relations in the digital space. Digitalization also has a significant impact on social processes, transforming the social paradigm of people's lives, opening up unprecedented opportunities for obtaining new knowledge, expanding horizons, mastering new professions and professional development. Thanks to digitalization, new social elevators are emerging, geographical horizons of opportunities are expanding, and the creation of more comfortable cities, efficient public institutions and affordable public servants improve the lives of citizens.

The object of the study is social relations arising in connection with property turnover and civil protection of unprotected digital data.

The subject of the study is the norms of Uzbek and foreign law, in particular, of Germany and the USA, regulating public relations in the field of the legal regime of digital data as an object of civil law, norms of supranational law, as well as judicial practice, established doctrine and new doctrinal positions of scientists.

2. MATERIALS AND METHODS

When writing the article, the author relied on the works of legal scholars in the field of general theory of law, civil law, information law, as well as on the research of foreign legal scholars.

An absolute innovation is the analysis of legal regulation in the field of consumer protection of digital data for the first time, taking into account the current state of development of public relations.

Digital data is information presented in digital form (in the form of a numeric code that allows it to be processed by a computer). The legal significance of highlighting this concept is that various data can be combined in order to find patterns and needs in developing common approaches to legal regulation.

The protection and protection of data rights is ensured through various legal regimes within the intellectual property institute (including databases, know-how), commercial secrets and other confidentiality and secrecy regimes, protection of personal non-property rights and protection of personal data, protection of competition and antimonopoly legislation, however, these regimes do not cover all unprotected digital the data and/or are aimed at protecting against illegal distribution and do not provide their direct property turnover.

The above-mentioned regimes are insufficient to ensure the independent participation of digital data in civil circulation.

At the same time, in domestic and foreign legal regulation, there is a tendency to attribute various types of digital data or their totality to an independent object of civil law regulation with the spread of regulation already existing for (movable) property, or with attribution to a separate type of property.

In the absence of positive legal regulation, there is a tendency towards self-regulation in the form of the development of standardized forms of (international commercial) contracts - user agreements in which counterparties are limited to make changes.

The protection and protection of data rights is ensured through various legal regimes within the intellectual property institute (including databases, know-how), commercial secrets and other confidentiality and secrecy regimes, protection of personal non-property rights and protection of personal data, protection of competition and antimonopoly legislation, however, these regimes do not cover all unprotected digital the data and/or are aimed at protecting against illegal distribution and do not provide their direct property turnover.

The above-mentioned regimes are insufficient to ensure the independent participation of digital data in civil circulation.

At the same time, in domestic and foreign legal regulation, there is a tendency to attribute various types of digital data or their totality to an independent object of civil law regulation with the spread of regulation already existing for (movable) property, or with attribution to a separate type of property.

In the absence of positive legal regulation, there is a tendency towards self-regulation (a method of non-state regulation) in the form of the development of standardized forms of (international commercial) contracts - user agreements in which counterparties are limited to make changes.

Meanwhile, such properties of digital data as separability, non-consumability, inaccuracy, quantitative certainty, reproducibility of the information encoded in them and the similarity of copies with the original digital data are highlighted, which illustrate the possibility of their independent participation in property turnover, turnover without the mediation of any media.

Since the key to participation in property turnover is the availability of commercial value, in the case of digital data, this is ensured by restricting third parties' access to the information encoded in it. The digital form just creates the technical possibilities for such a limitation. This becomes possible by restricting access by creating a password / keys or using other technical means that exclude the possibility of copying, use by third parties without the consent of the owner of digital data.

The properties of digital data allow not only ensuring their participation in property turnover, but also their appropriation by a specific subject of civil relations. The ability to technically establish unique access to information and exclusive control of a person over it, as well as to individualize such information, justifies the recognition for digital data of the existence of an independent absolute right by analogy with the right of ownership of things. In order to streamline information exchange between the Ministry and local self-government bodies of citizens, reduce data processing time and thereby accelerate the provision of public

services, an electronic document management system has been introduced. This system has been launched in one hundred mahallas and will be tested in the daily work of the administrations of mahalla committees.

In addition, a unified database is currently being developed to expand the technical capabilities of the Ministry to provide social support to citizens, including women victims of violence, unemployed citizens who need professional development and assistance in finding a suitable job, as well as socially vulnerable families. This system will collect and analyze information for use by the built-in mechanism and decision-making, helping to determine the priority of providing social support to the most needy. Information from the database will also be transferred to other government agencies for analysis in additional areas.

At the first stage of the updated digitalization, the official website of the Ministry was developed and tested. This website, which contains information about the activities of the Ministry, as well as relevant news and documents, will help improve communication and interaction with citizens who are interested in receiving information and assistance.

To support the operation of the above-mentioned information systems, UNDP used funding from the Government of Japan to provide servers and computer equipment to the Ministry of Mahalla and Family Support as part of technical assistance plans for the project.

And also in medicine and in medical services to citizens is also digital today. About how a single digital health contour is created, three layers of a digital contour are implemented. The first one is personalized registers: the register of major diseases, the register of preferential drug provision, the register of medical organizations/medical workers. At the lower level there are information collection systems, the geoinformation subsystem is a "technological" layer. The "network" layer – regulatory and reference information, the federal electronic registry, the register of electronic medical documents. It is an ecosystem of digital services that allows medical organizations to interact with each other and form a set of data at a public level. With the financial support of the Government of Japan, UNDP provided the Ministry of Mahalla and Family Support of the Republic of Uzbekistan with a wide range of technical assistance in creating a new digital infrastructure. As you know, today the center of consistent and large-scale reforms in Uzbekistan is a person, his legitimate interests and constitutional rights. A person, his life, freedom, honor and dignity and other inalienable rights are the highest value in our society.

Article 40 of the Constitution of the Republic of Uzbekistan stipulates: "Everyone has the right to qualified medical care." At a time when we set ourselves unprecedented tasks and lofty, noble goals in the field of public health protection, this constitutional norm is clearly not enough.

The Strategy "Digital Uzbekistan — 2030" was approved. The Republic of Uzbekistan has signed a decree "On measures to digitalize the activities of judicial authorities", which marks the beginning of a new stage in the widespread introduction of modern information and communication technologies in the judicial proceedings and daily activities of the courts and at the same time is a logical continuation of the large-scale work on the digital transformation of the judicial branch of government, which is actively carried out in the country. Already in August 2017, by the decree of President Shavkat Mirziyoyev, work began on the introduction of a system of remote access to courts, mechanisms for participation in court sessions using a video conferencing system, automatic distribution of cases between judges, sending enforcement documents for enforcement in electronic form, and much more," the expert said. – The new program of digitalization of judicial and legal activities provides for more than 20 additional measures that are designed to ensure more effective use of digital technologies in the development of the most important democratic and legal institutions in the country, which is very important against the background of the rapid introduction of modern ICT in public and socio-economic life, the transfer of many public relations into electronic form.

In particular, the resolution pays great attention to the issues of combining information systems of courts and other state bodies and organizations in order to increase the efficiency and effectiveness of the administration of justice. In addition, digital mechanisms for effective electronic interaction of courts with citizens and entrepreneurs are being introduced.

The main goal of the "digital reform" in the judicial and legal sphere is the consistent and rigorous implementation of the constitutional right of citizens to free, unhindered access to fair justice, which is the cornerstone of judicial and legal transformations in Uzbekistan.

The introduction of modern ICT in the activities of courts increases the openness, accessibility and quality of justice, minimizes corruption risks, and strengthens the accountability of the judiciary to the public, thereby increasing their responsibility for the legality of decisions taken. This is especially important in the conditions of a dynamically developing economy in the country, the expansion and complication of economic legal relations. Prompt and high-quality, first of all transparent consideration by the courts of causes related to economic legal relations, will serve as an important guarantee of the legality of entrepreneurial activity, the formation of a healthy and favorable business environment.

Moreover, the digitalization of the judiciary is one of the key components of the concept of strategic development of the public administration system based on the principles of e-government, accessibility of public authorities and management to an open dialogue with citizens.

3. CONCLUSION

Personal data, as well as non-personal data, must be recognized as an object of civil circulation within the framework of the allocated digital data object, however with certain restrictions established by public law. The norms on the protection of privacy and on the lawful processing of personal data should be taken into account. Thus, the processing of personal data must be carried out under the conditions established by law; subjects have the right to oblivion, data portability, to receive information about the grounds, the procedure for processing their personal data, and more.

REFERENCES

1. Khamidovna P. O., Saidovna R. D., Bakhtiyarovna Y. B. The Role Of Communication And Independent Thinking In The Development Of Students' creative Ability //Berlin Studies Transnational Journal of Science and Humanities. – 2021. – T. 1. – №. 1.5 Pedagogical sciences.
2. Memisevic, H., & Biscevic, I. (2020). The relationship of executive functions with academic competency and social skills in adolescents with intellectual disability. *Journal for ReAttach Therapy and Developmental Diversities*, 3(2), 12-21.
3. Rakhmonova D. S. Teacher's creative potential is factor of education quality assurance //Scientific Bulletin of Namangan State University. – 2020. – T. 2. – №. 3. – C. 453-457.
4. Saidovna R. D. Systematic Approach To The Development Of Students' creative Abilities //Berlin Studies Transnational Journal of Science and Humanities. – 2021. – T. 1. – №. 1.5 Pedagogical sciences.
5. Saidovna R. D. Pedagogical creativity as a factor of student development //Web of Scientist: International Scientific Research Journal. – 2021. – T. 2. – №. 05. – C. 729-736.
6. Stoykova, M. (2021). Empowerment and social functioning of people with mental disabilities. *Journal for ReAttach Therapy and Developmental Diversities*, 4(1), 1-11. doi:10.26407/2021jrtd.1.43