



Right to Privacy in Cyberspace

**Abdulkhamidova
Khadichabegim Ulugbek qizi**
Supervisor: **Allayorov
Jaxongir Tashpolatovich**

First-year Master's Degree and Distance Learning of
Tashkent State University of Law

PhD, acting associate professor of the Department of
«Private International Law»
of the Tashkent State University of Law

ABSTRACT

Life without the Internet and online communications now seems unimaginable. Almost all aspects of human life are now connected with the Internet. People buy goods and services online, communicate with friends and family through social networks, make bank transfers over the Internet, and much more. However, all this carries certain risks associated with the leakage of personal data and violation of the right to privacy. In cyberspace, personal data can be hacked, stolen or used for personal gain. To protect personal data and privacy rights, certain precautions must be taken, such as the use of strong passwords and anti-virus software, restricting access to personal information, and being careful when posting personal information online. In view of the indicated relevance, this scientific article is aimed at studying the features of ensuring the right to privacy of a person in cyberspace. The purpose of the scientific article is to identify the actual problems of ensuring the law under study. The methodology of a scientific article covers the application of methods of scientific analysis, synthesis, induction, deduction, sociological method of research, and generalization of scientific material. The results of the work in a scientific article are expressed in the form of proposals developed by the author of the article. The scope of the results is the legislation of the Republic of Uzbekistan and the practice of public relations related to the Internet. The general conclusion in this scientific article is the statement about the need to strengthen the legislative and legal framework for ensuring the human right to privacy in cyberspace.

Keywords:

Internet, human rights, cyberspace, privacy, personal data, protection.

Life without the Internet and online communications now seems unimaginable. Almost all aspects of the life of a modern person are now connected with the Internet. People buy goods and services online, communicate with friends and family through social networks and instant messengers, make bank transfers via the Internet, and much more. However, all this carries certain risks associated with the leakage of personal data and violation of the right to privacy. In cyberspace, personal data can be hacked, stolen or used for personal gain.

In public relations, there are often risks of data leakage and violation of human privacy in cyberspace, due to the rapid development of digital technologies.

To protect personal data and privacy rights, it is often necessary to take certain precautions, such as the use of strong passwords and anti-virus software, restricting access to personal information, and being careful when posting personal information online. However, not all risks associated with infringement of privacy rights can be prevented with the best efforts. A

particularly urgent problem is the theft of personal data of users from social networks, as this can lead to consequences related to the unauthorized use of personal information.

In view of the indicated relevance, this scientific article is aimed at studying the features of the legal support of the right to privacy of a person in cyberspace. The purpose of the scientific article is to identify the actual problems of ensuring the law under study.

Analysis of the research topic in the scientific literature shows a certain level of theoretical development of human rights, but to a lesser extent, human rights to privacy in cyberspace. In particular, some aspects of ensuring the right to privacy in cyberspace were studied by such authors as M.A. Akhmedshaeva, Sh.A. Saidullaev, N.B. Elchaninova, V.P. Ivansky, P.A. I. Gadzhiev, V. I. Chekharin, A. I. Kovler, T. D. Oganessian and others.

Materials and methods of research

The modern world is increasingly dependent on technological development and the use of the Internet. A person as a person is characterized not only by the fact that he is included in social ties[1, p.36]. The enjoyment of individual freedom and privacy is one of the fundamental conditions for the functioning of democracy[2]. These phenomena have given rise to new forms of communication and communication, but have also led to a number of problems related to the violation of privacy rights in cyberspace.

The inviolability of a person's private life is one of the fundamental human rights, enshrined in many international conventions and declarations. Everyone has the right to privacy and protection of his personal life from infringement by the state, society or private individuals.

It is necessary to pay attention to such a problem related to privacy - the leakage of personal data, which, for example, may consist in disseminating a person's data without his consent, publishing his photos on social networks and websites without his permission, creating cartoons with his photos.

Analyzing this issue, we note that the above problem is due to the fact that today on the

Internet you can post, download, save information, but this can lead to leakage of user confidential data, which can lead to various negative consequences, including, for example, the threat of financial identification, compromising the reputation of the client, and even to cyber-blackmail and theft of "identity" (digital identity, digital profile in social networks, etc.). But still, we can state the fact that at the moment the digital world is gradually becoming more secure.

The methodology of a scientific article covers the application of methods of scientific analysis, synthesis, induction, deduction, sociological research method, comparative legal analysis and generalization of the received scientific material. So, in particular, it should be noted that in many Western countries, privacy is seen as protecting the privacy of citizens from the penetration of state bodies into their private lives[3, p.419]. International practice links the right to privacy with the protection of information that can be identified with a specific person[4, p. 50-56]. Article 31 of the Constitution of the Republic of Uzbekistan provides that "everyone has the right to privacy, personal and family secrets." These guarantees for the protection of the right we are studying are due to its value for each person.

Research results

The main result of the study in this scientific article will be the identified actual problems related to ensuring the human right to privacy in cyberspace.

In practice, one of the main problems is the illegal collection and use of users' personal data. For example, many website entities collect information about visitors without their respective consent, which violates their right to privacy. In addition, identity theft, hacking and cyber-fraud are becoming more and more common, which can lead to serious consequences for citizens affected by these situations.

Another problem is the violation of the right to freedom of action on the Internet.

The third problem is the threat to the security of a person's confidential data from various types of cyber-attacks. For example, negative

phenomena such as website hacks, viruses, phishing and other types of cybercrime can lead to data breaches and serious trouble for users. In addition, cyber-espionage has become part of a "hostile game" between citizens with different interests regarding the same social relations.

Analysis of the obtained scientific and practical results, their effectiveness and validity

To combat the urgent problems identified above, it is necessary to develop legislation that protects human rights in cyberspace - the norms of legislation must be constantly analyzed, and the result of their application should be systematized using examples of law enforcement practice in information collections published on the websites of government and law enforcement agencies, which will increase the scientific potential of legal science in this direction. It is also important to improve the technical means of protecting websites and personal data, which will help prevent leakage of confidential information and protect users from cyber attacks.

The general scientific statement is that ensuring the right to privacy in cyberspace is one of the main problems of the modern world. Solving urgent problems related to ensuring this right requires a comprehensive approach and actions, including ensuring appropriate technical protection and awareness of Internet users about potential threats when interacting with dubious sources and sites.

In the online environment, people transmit a wide variety of personal information that can be of interest to many others, including cybercriminals. The purposes of using this information may be different, for example, from manipulation, extortion, public disgrace, to blackmail by other unfavorable circumstances. Although confidentiality is not always mentioned directly as a separate right, in the constitutions almost all states recognize its value as having constitutional significance [5, pp.103-118]. The US Constitution does not explicitly mention the right to privacy. The development of these doctrines was due to judicial lawmaking (for example, the case of

Olmstead v. United States, on unauthorized wiretapping) [6, p. 438].

Another example is the French case *Libert v. France* (dated February 22, 2018, dismissal due to materials stored on the computer of an employee of the organization) [7]. In Uzbekistan, the confidentiality of a citizen's data is guaranteed by Article 28 of the Law "On Personal Data", according to which confidentiality consists in the obligatory observance by the owner and (or) operator, another person of the requirement that they are not disclosed without the consent of the subject or other legal grounds.

The right to privacy includes the right to confidentiality of personal data (which is very important to ensure in cyberspace), as well as the right to protection from unauthorized access to information about a person's personal life in various information sources and websites. The operational and technological capabilities provided by cyberspace and digital technologies make it possible to protect human rights and freedoms, but the risks regarding the violation of a person's privacy in the online space can have direct and indirect consequences for a person's privacy in the real world. For example, in practice, there was often news that underage citizens committed suicide due to the fact that they were victims of emotional pressure and cyberbullying in networks.

Analysis of the results of the study.

As the researchers rightly note, "in the conditions of modern legal relations, the human right to privacy is filled with legal content" [8]. According to A. I. Kovler, the advent of "digital man" (*homo numericus*) to replace "reasonable man" (*homo sapiens*) happened quite quickly [9, p.146].

Features of ensuring the right to privacy in cyberspace may include the following points:

1. Confidentiality is the basis for ensuring privacy in cyberspace. The exchange of personal information, even in a confidential mode, can be subject to hacking or data leakage if appropriate security measures are not followed.
2. Technologies for the protection of personal data of a person - security programs and systems play a key role in protecting personal

data in cyberspace. Some of them - passwords, encryption, antiviruses - allow you to protect personal data from access by third parties.

3. Ensuring the direct action of the Constitution of the Republic of Uzbekistan and laws, and their implementation in protecting the right to privacy in the online environment.

4. Social engineering is the technique and capabilities of digital technologies that allow access to personal data by misleading users through complex online manipulation. The practice of distributing such techniques should be limited if the right security measures are in place.

5. The development of ethical rules on the Internet - these are moral and ethical standards that ensure the preservation of privacy in the online environment. Understanding that the protection of human rights in cyberspace is not only the responsibility of the state, but also the responsibility of each individual user, can help to balance personal interests and legal obligations.

The analysis of the above components of ensuring the right to privacy in cyberspace led to the assertion that understanding the right to privacy in the online environment is fundamental to ensuring human freedom on the Internet, which in turn emphasizes the need to take effective measures to practice to protect an individual's personal data from unauthorized access and hacking at all times.

In terms of legal regulation of the protection of the right to privacy in cyberspace, responsibility for its violation, one cannot be guided only by the norms of the Criminal Code, since the law we are studying is complex, interacts with other human rights and branches of law. The norms of the Criminal Code may provide for the grounds for liability for violation of this right, but often, in the first place, those responsible for violating this right are brought to administrative responsibility. The possibility of attracting guilty person to civil liability, which is expressed in the obligation to compensate for material damage and moral damage. In conclusion of this thought, we note that the protection of the law under study is complex and is not limited only to the norms of the Criminal Code, but involves the operation of special and sectoral legislation,

depending on the situation that has arisen. But the norms of the Constitution of the Republic of Uzbekistan as the Basic Law of the country (Article 31) are the starting point of legal regulation.

Conclusion

To solve the above-mentioned urgent problems, it is necessary to constantly improve the norms of legislation regarding the fight against cybercrime. We should agree with the opinion of researchers that at the moment there is a "need to develop effective safeguards against abuse by public services and large ICT companies" [10], which can be supplemented by constant information support for citizens, increasing their information and legal literacy.

It is also necessary to improve the level of education and awareness of citizens about the rights and risks associated with privacy on the Internet. People are expected to know what personal information they can or cannot share online, and how to act if their personal information has been stolen, altered or used for illegal purposes. For example, a person's personal data can be used in various commercial videos without their consent, advertising, information stands.

The right to privacy is one of the most important human rights, but violations of this right are very common in the development of cyberspace. Espionage, leakage of personal data and other cases - they all belong to the group of problems related to the inviolability of a person's privacy. While many information systems and website operators strive to ensure the security of users' personal data, the importance of ensuring that each person independently monitors the protection of their personal data in cyberspace should not be ignored. Thoughtful actions by Internet users can help address these challenges and provide a safer and freer cyberspace.

Along with all the new challenges of the practice of digital legal relations, new technologies are emerging aimed at protecting the privacy of a person. We are talking about the following technologies, such as new encryption programs, VPN services, browsers with a tracking blocking function, and much more. As we can see, the development and improvement of digital

technologies makes it possible to provide organizational capabilities for the protection of human rights, including privacy in cyberspace.

In general, all the above possibilities for ensuring the protection of privacy of human rights could be reflected in the content of the Information Code of the Republic of Uzbekistan, the legal content of which would largely consolidate the legislative and institutional framework for the protection of human rights in the virtual space.

References

1. Akhmedshayeva M.A., Saydullayev SH.A. *Garantiya prav cheloveka v Konstitutsii Respubliki Uzbekistan*. – Tashkent: TDYUI, 2011. – 36 s.
2. Yel'chaninova N.B. *Obespecheniye prava na neprichinnost' chastnoy zhizni v usloviyakh informatizatsii obshchestva* // *Problemy nauki*. 2016. № 1 (43). Available at: <https://cyberleninka.ru/article/n/obespechenie-prava-na-neprikosnovennost-chastnoy-zhizni-v-usloviyah-informatizatsii-obschestva> (accessed: 03.01.2023).
3. *Konventsiya o zashchite fizicheskikh lits pri avtomatizirovannoy obrabotke personal'nykh dannykh: Zaklyuchena v g. Strasburg 28.01.1981* // *Sobraniye zakonodatel'stva RF*. 2014. № 5. St. 419.
4. Ivanskiy V.P. *Personal'nyye dannye kak osnovnoy ob'yekt obespecheniya nenasiliya v chastnoy sfere: zakonodatel'nyy opyt v zarubezhnykh gosudarstvakh* /// *Administrativnoye pravo i protsess*. 2012. № 8. S. 50-56.
5. Romashov P.A. *K voprosu o pravednosti na neprichinnost' chastnoy zhizni v tsifrovom vozraste* // *Permskiy uridicheskiy al'manakh. Yezhegodnyy nauchnyy zhurnal*. 2019. № 1. S. 103-118.
6. *Olmsted protiv. SSHA*, 277 US 438 (1928).
7. Gadzhiyev KH.I. *Zashchita chastnoy zhizni v tsifrovuyu epokhu* // *Zhurnal zarubezhnogo zakonodatel'stva i ravnopraviya*. 2019. №6.
8. Chekharina V.I. *O konstitutsionalizatsii prava na zashchitu personal'nykh dannykh: iz zarubezhnogo opyta* // *Mezhdunarodnyy zhurnal gumanitarnykh i yestestvennykh nauk*. 2020. № 3-2. Available at: <https://cyberleninka.ru/article/n/o-konstitutsionalizatsii-prava-na-zaschitu-personalnyh-dannyh-iz-zarubezhnogo-opyta> (accessed: 03.01.2023).
9. Kovler A. Ya. *Prava cheloveka v tsifrovuyu epokhu* // *Vestnik Yevropeyskogo suda po pravam cheloveka*. 2019. № 6. - S. 146.
10. Oganesyanyan T.D. *Pravo na zashchitu personal'nykh dannykh: istoricheskiy aspekt i sovremennaya kontseptualizatsiya v epokhu bol'shikh dannykh* // *Zhurnal zarubezhnogo zakonodatel'stva i sravnitel'nogo pravovedeniya*. 2020. №2. Available at: <https://cyberleninka.ru/article/n/pravo-na-zaschitu-personalnyh-dannyh-istoricheskiy-aspekt-i-sovremennaya-kontseptualizatsiya-v-epokhu-big-data> (accessed: 01.03.2023).