

CONSTITUTIONAL STATUS OF DIGITAL RIGHTS: THE UZBEKISTAN EXPERIENCE**Mirjalilov Asilbek Shuhrat ugli**

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Abstract: This thesis analyzes the constitutional status of digital rights in the Republic of Uzbekistan and their legal nature. Drawing on the Law on Electronic Government (2015), the Law on Electronic Document Circulation (2004), and the Law on Personal Data (2019), the national regulatory framework for digital rights is examined and recommendations for its improvement are proposed.

Keywords: digital rights, constitution, electronic government, electronic document circulation, personal data, e-government, digitalization.

Introduction and Relevance of the Problem

The rapid advancement of information and communication technologies in the twenty-first century has given rise to fundamentally new legal relationships in the field of human rights. Digital rights — the aggregate of rights and freedoms related to an individual's use of digital technologies, free access to information, control over personal data, and safe activity in the online environment — have emerged as a distinct category requiring legal recognition. The interaction between the state and the citizen is increasingly shifting to the digital sphere: documents are transmitted electronically, services are rendered online, and data is stored in digital databases. This process has made the recognition of digital rights as an independent constitutional-legal category an objective necessity.

The Republic of Uzbekistan has taken significant steps toward digital transformation over the past decade. The "Digital Uzbekistan 2030" strategy, the My.gov.uz unified state portal, and the introduction of e-government services have fundamentally transformed the relationship between citizens and the state. In 2015, the Law on Electronic Government was adopted, providing the legal foundation for the delivery of state services in digital form. In 2003, the Law on Electronic Document Circulation ensured the legal validity of documents in electronic form. However, these advances necessitate a sufficiently developed theoretical framework for the constitutional-legal status of digital rights.

Accordingly, this study is of pressing relevance. Its aim is to analyze Uzbekistan's current legislation and to develop a prospective model for the constitutional consolidation of digital rights.

Legal Nature of Digital Rights and Analysis of National Legislation

Digital rights are currently interpreted in diverse ways within international legal doctrine. A number of scholars (M. Castells, Y. Benkler)¹ regard them as a projection of civil and political rights

¹Castells M. *The Information Age: Economy, Society and Culture*. — Oxford: Blackwell, 1996; Benkler Y. *The Wealth of Networks*. — New Haven: Yale University Press, 2006.

into the digital environment. Other scholars classify digital rights as an independent third-generation of rights.

Digital rights constitute the aggregate of rights and freedoms related to an individual's full participation in the information and digital environment. They may be grouped into three categories: rights of access to information and free use thereof; rights to protection of personal data and digital privacy; and rights of equal access to electronic services (digital inclusion).

The 2023 revised Constitution of the Republic of Uzbekistan consolidates the right to information and freedom of expression (Article 33).² However, digital rights have not yet been fully reflected as a distinct category at the constitutional level — this remains an important problem from the perspective of comparative jurisprudence.

The key legislative framework governing Uzbekistan's digital sphere comprises the following instruments: the Law on Informatization (2003), the Law on Electronic Document Circulation (2004), the Law on Electronic Government (2015), the Law on Personal Data (2019), and the Digital Uzbekistan 2030 Strategy (2020).

The Law on Electronic Document Circulation (2004) establishes the legal force of electronic documents and electronic digital signatures, as well as the procedures for their creation, storage, and transmission. This Law equates citizens' legal relations in the digital environment with those conducted on paper, thereby serving as an important instrument for the practical guarantee of digital rights. The transition of business entities to electronic document circulation, as well as the use of electronic documents in inter-agency cooperation among state bodies, is directly grounded in this Law.

The Law on Electronic Government (No. URQ-395, December 9, 2015)³ is the primary instrument regulating legal relations in the field of digital services. Pursuant to Article 3 of the Law, electronic government is defined as a system of organizational-legal measures and technical means directed at enabling state bodies to provide public services to natural and legal persons through information and communication technologies. Article 7 guarantees citizens' equal right of access to electronic services; Article 23 sets out in detail the rights of applicants when receiving electronic state services. These norms constitute the legal basis for the right to digital inclusion.

The Law on Personal Data (2019)⁴ — as the primary guarantee of the right to digital privacy — consolidates citizens' rights to control their personal data, to amend or delete it, and to give consent to the collection and processing of data. However, the practical application of the law and its oversight mechanisms are acknowledged to remain at a stage of improvement.

²Constitution of the Republic of Uzbekistan (new edition, 2023). — Tashkent, 2023. Articles 29, 33.

³Law of the Republic of Uzbekistan "On Electronic Government", No. URQ-395, December 9, 2015. [Online resource]: <https://lex.uz/docs/-2833860>

⁴Law of the Republic of Uzbekistan "On Personal Data", July 2, 2019.

A joint analysis of these laws leads to the following conclusion: while the sectoral legislative foundations of digital rights in Uzbekistan are broad in scope, their integrated consolidation at the constitutional level has not yet been fully accomplished. This results in gaps in the guarantee of the enforcement of rights in practice.

International Experience and Comparative Analysis

At the international level, the constitutional consolidation of digital rights is being pursued along three main directions. The first direction consists of extending the interpretation of existing constitutional norms to the digital environment: in the United States, this is exemplified by the *Carpenter v. United States* precedent (2018), and in Germany, by the application of Articles 1 and 2 of the Basic Law (Grundgesetz) to the digital space.⁵ The second direction involves the introduction of a dedicated constitutional article on digital rights: Brazil, through Constitutional Amendment No. 115 of 2022, consolidated the protection of personal data — including in digital media — as a fundamental right.⁶ The third direction consists of regulation through specialized legislation and national strategies: Estonia, building on Articles 26, 43, and 44 of its Constitution, has created the world's most advanced e-government ecosystem, with 99% of public services available online.⁷

Estonia's experience is particularly noteworthy: this state is a global leader by virtue of its e-residency program, digital identity verification system, and the online delivery of 99% of government services. Uzbekistan is likewise taking steps in this direction within the framework of the Digital Uzbekistan 2030 strategy. However, for Uzbekistan's model to be effective, technological capacity and legal guarantees must be brought into alignment.

Conclusions and Recommendations

On the basis of the analysis conducted, the following principal conclusions may be drawn:

- The sectoral legislative framework for digital rights in Uzbekistan (electronic government, electronic document circulation, personal data) has been established, but has not yet been consolidated in an integrated manner at the constitutional level.
- Although the Law on Electronic Government guarantees citizens' equal right of access to electronic services, the problem of the "digital divide" (rural populations, persons with disabilities, the elderly) has not yet been fully resolved.

⁵*Carpenter v. United States*, 585 U.S. 296 (2018); Basic Law (Grundgesetz) of the Federal Republic of Germany, Art. 1 (Human Dignity), Art. 2 (Personal Freedoms), 1949.

⁶Constitutional Amendment No. 115 of the Federative Republic of Brazil, February 10, 2022. Article 5, Para. LXXIX: "the right to personal data protection, including in digital media, is guaranteed."

⁷Constitution of the Republic of Estonia, §26 (right to privacy), §43 (secrecy of communications), §44 (right to access personal data); e-Estonia Digital Agenda 2030.

- It is necessary to transfer the institution for the protection of personal data to the governance of an independent, politically neutral oversight body.

On the basis of these conclusions, the following recommendations are advanced: the introduction of digital rights into the Constitution as a distinct article, or the elaboration of precise interpretations of existing articles encompassing the digital environment; the addition to the Law on Electronic Document Circulation of modern norms relating to cryptographic protection, cloud technologies, and artificial intelligence; and the financial provision of a state programme on digital rights and the introduction of a dedicated ombudsman institution.

In conclusion, the constitutional consolidation of the status of digital rights is one of the strategic tasks on Uzbekistan's path toward building a democratic rule-of-law state. The consolidation and constitutional entrenchment of the existing legislative framework will make it possible to fully guarantee citizens' digital rights.

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