



LEGAL GUARANTEES OF THE USE OF THE INTERNET BY INDIVIDUALS

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Article history:	Abstract:
<p>Received: November 10th 2022 Accepted: December 6th 2022 Published: January 6th 2023</p>	<p>This article is devoted to the legal analysis of the constitutional legal basis of the right to use the Internet. The role of the Internet in the modern world and the level of freedom of access to the Internet in different countries are compared and analyzed.</p> <p>The specific aspects of whether the freedom of access to the Internet should be regulated at the level of the constitution or at the level of the law as a separate personal right have been studied.</p> <p>It is explained that the regulation of relations related to the Internet is required by the time itself and that most of the social relations in the future will be on the Internet.</p> <p>In addition, what is Internet freedom and the right to free access to the Internet are analyzed and explained based on the opinion of scientists. That is, it is justified what conditions should be created by the state for everyone to access the Internet and use it without restrictions.</p>

Keywords: Internet, blogger, constitution, network, convention

The modern world cannot be imagined without the Internet, which has unique communication and information opportunities. This year, the number of Internet users worldwide has reached 5 billion. At the same time, there is a significant "number" gap between developed and developing countries or between industrialized and rural areas.

Access to the Internet is a universal telecommunication service, the obligation to provide it is carried out by the state. Using the Internet allows citizens to participate in social life and exercise their rights and freedoms. Restricting access to the Internet significantly reduces such opportunities. There is a "digital reflection" of human rights in the "real" world, which is implemented through the "virtual world".

It follows that a person's "online" rights and freedoms should at least be at the same level as "offline" rights and freedoms. The problem is that fundamental international legal documents in the field of human rights and the rights and freedoms recognized in them were adopted long before the possibility of using these rights and freedoms online appeared. Internet access can be seen as a new "digital" generation of human rights. This has been recognized by international jurists, both theoreticians and practitioners, in their articles.

The Internet is the only popular means of searching, receiving and distributing information, and it is a source of information that provides us with open,

simple and fluent information about the concepts that are abstract to our minds in all fields.

Naturally, the number of people who need this resource is increasing day by day.

In the 21st century, among the sources of searching, receiving and distributing information, the era of the World Information Network (www) has come, and the time itself shows that its audience and sphere of influence are expanding.

Today, there are more than 5 billion Internet users worldwide, which is 63% of the world's population. These numbers are increasing not only from year to year, but also from day to day. The reason is that the borders of the territories provided with the Internet global information network are expanding. The majority of the people who do not use the Internet world information network also come from regions without Internet access.

If we look at the statistics of the Google search engine alone. Google is the leading search engine in the world information network. Seven out of ten Internet users around the world turn to this site in search of information. The system receives about 3.9 billion requests every day, 228 million every hour, and about 3.8 million every minute. This search system, which is widely popular among Internet users worldwide, was launched in September 1998.

The above facts show that in today's developing world and in the conditions of globalization,



the main means of searching, obtaining and distributing information is the Internet, the global information network, and this cannot be denied.

The Internet global information network is not only a means of searching for, obtaining and distributing information, but also a field of social relations that arise as a result of searching for, obtaining and distributing information. Since the Internet users of the global information network make up 63% of the world's population, it means that the Internet is also the place where the main social relations are formed. Because individuals are entering into social communication directly through the Internet.

So, today itself presents us with new tasks. That is, it is necessary to regulate the basic rights, freedoms and obligations related to the Internet, the area where the main social relations will be formed in the coming years. In this, the main attention should be focused on the principle of aiming for future goals and development.

The right to use the Internet and the level of Internet freedom are not at the same level in the countries of the world.

"Freedom House" has published its next annual report on the level of Internet freedom in the world.

Uzbekistan scored 27 points out of 100 in Freedom House's 2022 Internet Freedom Report. This indicator is one point less than last year. In it, Iceland took the highest place with 95 points out of a maximum of 100 points, followed by Estonia, Costa Rica and Canada.

Among the countries of the former union, after the Baltic states, Georgia (77 points) is among the "free Internet" countries. It is noteworthy that in this regard, Georgians have surpassed countries such as Germany, Japan, and the USA. Also, Ukraine and Kyrgyzstan were included in the "partially free" list with 59 and 53 points.

Uzbekistan is on the list after Azerbaijan (38), Kazakhstan (32) and even Belarus (28). (<https://freedomhouse.org/report/freedom-net/2022/countering-authoritarian-overhaul-Internet>)

What conditions should be created by the state so that everyone can access the Internet and use it without restrictions?

Is the use of the Internet among human rights and freedoms?

Is the Internet a source of information seeking, retrieval, and distribution?

Is the state obliged to guarantee everyone's free access to the Internet global information network?

Can the right to seek, receive and disseminate information be limited, including using the Internet?

The right to access and use the Internet global information network can be defined separately as a personal right. That is, along with other personal rights, the right to access and use the Internet must be guaranteed and provided by the state.

The topic of information has become important at all stages of human development. In today's globalization processes, information is a more urgent issue, and now the guarantee of information search, acquisition and distribution remains a special task for the states.

In 2012, UN member states ratified the UN Human Rights Council Resolution on Freedom of Expression on the Internet. It also set the above requirements for the states to ensure that everyone has unrestricted access to the Internet.

It is worth mentioning that the UN Special Rapporteur Frank La Rue stated that, "Although access to the Internet is not recognized as one of the human rights, States must allow access to the Internet in order to exercise freedom of expression and other rights and freedoms through the Internet. must provide".

The following can be pointed out in terms of the impact of digital technologies on human life:

The COVID-19 pandemic has had a major impact on Internet traffic, with Internet usage increasing by 35% in 2020. This is the largest increase in history.

In a number of European countries, the right to access the Internet is guaranteed at the level of the Constitution (Estonia, Greece, Portugal, Russia), as well as at the level of a special law (Finland, France, Germany).

It is considered appropriate to specify certain specific restrictions on the use of the Internet as part of the activity of searching and obtaining information. The reason is that well-defined restrictions strengthen the rights of citizens to seek and receive information and prevent the violation of human rights using various destructive and malicious intentions.

In addition, a certain scope of the use of the rights of individuals while using the Internet is clearly defined by the state. Because citizens must not harm the legitimate interests, rights and freedoms of other persons, the state and society in the exercise of their rights and freedoms. It is also forbidden to seek, receive and distribute information directed against the current constitutional system.

There is no special ban on using the Internet global information network. Article 29 of the Constitution of the Republic of Uzbekistan states that



everyone has the right to seek, receive and distribute the information they want. These rights are not applied to the disclosure of information that is directed against the existing constitutional system, the protection of the rights and freedoms of other persons, public safety and order, as well as state secrets and other secrets.

Restrictions in the direction of searching, receiving, distributing information are also applied in the following cases:

- disclosure of information that may cause moral or material damage;
- Violation of privacy, that is, illegal collection or distribution of information about personal life, which constitutes a personal or family secret, without the consent of the person;
- disseminating false information, that is, disseminating false information that causes a person's dignity to be degraded or discredited, or threatens public order or security.

These restrictions are also reflected in international documents, in particular: Article 19 of the Universal Declaration of Human Rights: "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without hindrance and to seek, receive and impart information and ideas through any media and regardless of national frontiers." defined.

Article 19 of the International Covenant on Civil and Political Rights states: "(2) Everyone has the right to freedom of expression; this right includes the freedom to seek, receive and impart various information and ideas, regardless of national borders, whether in writing or through the press or in artistic forms of expression or in any other way at one's discretion. (3) Paragraph 2 of this article implementation of the stipulated rights imposes special obligations and responsibilities. Therefore, some restrictions may be imposed on them, but they are only prescribed by law and must be necessary for:

- a) to respect the rights and reputation of other persons;
- b) to protect state security or public order, public health or morale."

Similar norms are revealed in detail in Article 10 of the European Convention on Human Rights.

We remind you that in July 2021, the opening of TikTok and Twitter slowed down in Uzbekistan. On July 2, the use of some social networks, in particular TikTok, was officially restricted in Uzbekistan. In February 2022, it was proposed to completely block TikTok in Uzbekistan.

On March 16, 2022, Twitter and TikTok started working in Uzbekistan without VPN applications.

However, access to social networks was soon restricted again.

Such restrictions are primarily a violation of personal rights and freedoms. At the same time, it causes more negative consequences than positive ones. Because after using various VPN programs in order to bypass "blocks" on the Internet, users are switching to other dangerous and prohibited resources and committing bigger offenses.

Therefore, any democratic country must ensure Internet freedom within its territory. Because we exercise our rights and freedoms through the Internet. This is our fundamental right. In other words, the right to use the Internet is a personal right. The state is considered the guarantor of free and unhindered exercise of rights by citizens. How is Internet freedom ensured in general? We will try to find an answer to this question by analyzing the opinions of several experts.

Sarkis Darbinyan, lawyer, lawyer of the public project "Roskomsvoboda": Internet freedom is the freedom of network users in the global digital space by particular political regimes, corporations or individuals. The existence and further development of Internet freedom depends on users' voluntary compliance with the rules of individual and collective communication and interaction. Freedom to use the Internet is one of the basic rights given to every user of the global network. This is the right to free search, free expression, free access to content.

Ucha Seturi, Chairman of the Association of Small and Medium Providers of Georgia: Internet freedom is: First, the ability of a person to express his opinion, that is, freedom of thought and speech. Second - warranty. Each user's personal information must be protected. Thirdly, minimization of state intervention and regulation. It may not be easy to determine whether government intervention will hinder the development of the Internet, but the development of online media should not be hindered and media resources should be given more freedom.

Giorgi Cyxymu Jakhia, Georgian blogger: Internet freedom is: First of all, open and free expression of opinion by ordinary people. Also, open and free opinion should not be controlled or persecuted by the special services of the country, and there should be no political or religious censorship. Internet freedom is the freedom to access various sources, to obtain any legal information from open sources.

Adil Jalilov, head of the MediaNet international journalism center: Freedom of the Internet is: Freedom of thought, freedom of speech, search for information, receiving and distributing it. Only taking into account the borders and contours. A border is a law within



international law (for example, banning child pornography, banning the promotion of terrorism). Contour is self-regulation of (legally operating) network users. Here they define their moral standards. Without self-regulation, no laws can work effectively and be developed in a timely manner. I think that in the near future, technology will minimize the role of government regulation and everything will be about self-regulation again.

Yuriy Zisser, founder and co-author of the Belarusian Internet resource TUT.BY Free Internet is: stable access from anywhere on the planet through my computer equipment, mobile devices at low prices. This is an endless opportunity for quick communication on business or friendship. If I do not violate these laws, intelligence agencies and resource moderators maintain confidentiality and do not interfere. This is the absence of paid "trolls" on the Internet, that is, "trolls" who write posts on political topics or in favor of a certain party. Free Internet is:

Low-cost stable access from anywhere on the planet through my computer hardware, mobile devices. This is an endless opportunity for quick communication on business or friendship. If I do not violate these laws, intelligence agencies and resource moderators maintain confidentiality and do not interfere. It is the absence of paid "trolls" on the Internet, that is, "trolls" who write posts on political topics or in favor of a certain party. that I am protected by the law in case of persecution and the availability of rapid moderation of public resources.

Therefore, we can understand that Internet freedom is not only free access to the Internet, but also the provision of adequate conditions for its use. To ensure Internet freedom, the following conditions should be created:

- Freedom of access to the Internet is uniformly provided throughout the country. That is, the level of Internet provision should be the same throughout the country, and residents of remote areas should be able to use it in the same way;
- The minimum fee paid by any person for using the Internet. That is, everyone should have the ability to pay for using the Internet freely, except for their personal needs, or this service should be free in general;
- Establishing a certain minimum speed for free use of the Internet and ensuring it by the state. That is, to determine the minimum speed at which the Internet can be used normally and to provide it. In general, this right can be exercised to a certain extent through low Internet speed. At the same time, this right may be violated as a result of low speed.

REFERENCES

1. Konstitutsiyaviy huquq: darslik. To'ldirilgan va qayta nashr qilingan ikkinchi nashr. – Toshkent: Yuridik adabiyotlar publish, 2020. -400 bet;
2. O'zbekiston Respublikasi Konstitutsiyasi;
3. O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksi;
4. O'zbekiston Respublikasining Jinoyat kodeksi;
5. Кудратиллаев, Ж. З. "Jinoyatlarni aniq va to'la ochishda tergovga qadar tekshiruv institutini takomillashtirish." International journal of conference series on education and social sciences (Online). Vol. 2. No. 6. 2022./ Тикашева Г. Анализ некоторых нормативно-правовых актов Республики Узбекистан в сфере обеспечения прав ребёнка. – 2022.
6. Jaxongir Q. et al. INTERNETDAN FOYDALANISH HUQUQINING KONSTITUTSIYAVIY HUQUQIY ASOSLARI //SIYOSATSHUNOSLIK, HUQUQ VA XALQARO MUNOSABATLAR JURNALI. – 2022. – Т. 1. – №. 7. – С. 26-30.
7. Jaxongir Q., Zokirjon O. G. L. Mahalliy ijro hokimiyat organlari boshqaruv tizimini isloh etish masalalari //Ta'lim fidoyilari. – 2022. – Т. 13. – С. 51-54.
8. Алишаев С. Т. СУДЕБНОЕ РЕШЕНИЕ: ЗАКОННОСТЬ, СПРАВЕДЛИВОСТЬ И БЕСПРИСТРАСТНОСТЬ //Herald pedagogiki. Nauka i Praktika. – 2022. – Т. 2. – №. 2.
9. Алишаев С. Т. СУД ҲУКМИНИ ТУЗИШ ВА РАСМИЙЛАШТИРИШ МУАММОЛАРИ //E Conference Zone. – 2022. – С. 176-179.
10. Кудратиллаев, Ж. З. "Jinoyatlarni aniq va to'la ochishda tergovga qadar tekshiruv institutini takomillashtirish." International journal of conference series on education and social sciences (Online). Vol. 2. No. 6. 2022./
11. Алишаев С. Т. ОДИЛ СУДЛОВНИНГ ЯКУНИ ҲУЖЖАТИ СИФАТИДА ҲУКМ //E Conference Zone. – 2022. – С. 171-175.
12. Алишаев С. Т. ЖИНОЯТ ИШИНИ СУД МУҲОКАМАСИГА ТАЙЁРЛАШ ТАРТИБИНИ ТАКОМИЛЛАШТИРИШ МАСАЛАЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2022. – Т. 7. – №. 11.
13. Ражабов, Бекзод; ПЕРСПЕКТИВЫ УЛУЧШЕНИЯ ПРЕДВАРИТЕЛЬНОГО РАССЛЕДОВАНИЯ, Review of law sciences,,2,209-212,2020,ООО «Grand Inter Media»
14. Ражабов, Бекзод; ПЕРСПЕКТИВЫ УЛУЧШЕНИЯ ПРЕДВАРИТЕЛЬНОГО



РАССЛЕДОВАНИЯ, Review of law sciences, 2, 209-212, 2020, ООО «Grand Inter Media»

15. Kudratillaev K. SPECIFIC FEATURES OF THE USE OF PRECAUTIONARY MEASURES //СОВРЕМЕННЫЕ НАУЧНЫЕ ИССЛЕДОВАНИЯ: АКТУАЛЬНЫЕ ВОПРОСЫ, ДОСТИЖЕНИЯ И ИННОВАЦИИ. – 2022. – С. 215-218.
16. Кудратиллаев Х. З. ВОПРОСЫ ИМПЛЕМЕНТАЦИИ ПРОЦЕССУАЛЬНЫХ НОРМ МЕЖДУНАРОДНЫХ КОНВЕНЦИЙ ПО РЕГУЛИРОВАНИЮ АРЕСТА И КОНФИСКАЦИИ. – 2022.
17. Kudratillaev X. Z. EVALUATION OF EVIDENCE IN CRIMINAL PROCEEDINGS (international experience) //Herald pedagogiki. Nauka i Praktika. – 2022. – Т. 2. – №. 2.