NAVIGATING THE LEGAL LANDSCAPE OF DIGITAL OBJECTS IN SOCIAL MEDIA: A CIVIL LAW PERSPECTIVE

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Article history:		Abstract:
Received:	May 24th 2023	This article examines the civil law aspects of social networks, focusing on the objects of relations, including social networks, accounts (profiles), methods (tangible or virtual property), digital asset status, information, and the distinction between simple and complex objects. The study highlights the difficulties in defining the legal nature associated with various digital assets and virtual property in the context of social networks. The article examines the work of various authors, highlighting the need for a comprehensive legal framework to ensure the effective management of academic social networks, contributing to the harmonization of regulations and policies in the digital sphere.
Accepted:	June 24th 2023	
Published:	July 24th 2023	

INTRODUCTION

Social networks are now a widespread phenomenon on the Internet, which has become an integral part of society. However, like any other type of activity related to communication and information exchange, the use of social networks is accompanied by certain legal risks. This may be copyright infringement, distribution of illegal content, disclosure of personal information, etc. Therefore, the issue of civil law regulation of relations in social networks is becoming increasingly relevant and important. The purpose of this article is a review of the literature, that is, to analyze scientific works on the civil law regulation of relations in social networks in the context of the object of relations. As part of the review, the main legal aspects of the use of social networks will be considered, as well as practical recommendations will be offered. This will allow to identify the most pressing problems and trends in this area, as well as to form an idea of possible directions for further research in this area.

DISCUSSION

The analysis of scientific works on this **topic** allows us to identify the main approaches to determining the object of relations in social networks, as well as to evaluate the effectiveness of existing regulatory mechanisms and suggest possible ways to improve civil law regulation in this area.

The objects of relations in social media can include the following:

▪ **Social network.** This may include legal issues related to the general operation of the platform, its privacy policy, personal data protection, advertising, etc.;

▪ **user account (profile)** in the social network. This may include legal issues related to creating, editing and deleting a profile, managing privacy, accessing content, etc.;

▪ **mode** (material or virtual property) of the object placed in the social network. This may include legal issues related to copyrights, trademark rights, patents, image rights, etc.;

▪ **the status of a virtual asset** that can be associated with objects posted on social networks. This may include legal issues related to taxation, inheritance, etc.;

▪ **information** posted on social networks. This may include legal issues related to personal data protection, privacy rights, discrimination, etc.;

▪ **simple objects** such as comments, likes, etc., as well as complex objects such as groups, events, etc. Legal regulation may concern the actions of users in relation to these objects, as well as the responsibility of the platform for the actions of users;

▪ **complex objects** in social networks can include elements such as groups, events, company pages, etc. These objects can have different functions and be used for different purposes such as communication, collaboration, marketing, etc.

It should be noted that the legal regulation of relations associated with complex objects in social networks may relate to such issues as responsibility for the content of information posted on the pages of companies and groups, the rights to use trademarks and logos, and the protection of intellectual property. In general, social networks **involve** many legal issues related to various aspects of their operation and use, including user accounts, objects placed on the platform, digital assets, information and various

objects. Regulation may concern the actions of users and the responsibility of the platform for their actions. In the context of the digitalization of society and the widespread use of social networks in everyday life, there is a need for civil law regulation of relations related to the use of these resources.

For a more complete description of the issue under consideration, the work of scientists in the field of civil law regulation of relations in social networks was studied.

The scientific study by **D. Boyd** and **N. Ellison** – **"Social networking sites: definition, history and research"** is a review of the literature on social networks, and contains a definition of the concepts under study. The authors define a **social network** as an online community where users can create their own personal profiles, establish contacts with other users and exchange information. The authors note that a characteristic feature of social networks is their graphical representation of users and their connections in the form of a network, which can be visually represented as a graph. In addition, the authors draw attention to the difference between the concepts of **"social network" and "account" (profile)**. An account is an individual user account on a specific social network, which contains information about the user, such as name, photos, lists of friends, and other data that the user himself adds to his profile. Consequently, in this article, the opinion of scientists is that a social network is an online community in which users can create their personal profiles and establish contacts with other users, and an account is an individual user account on a specific social network containing information about the user. [4]

M. Castells' book **"The Emergence of the Network Society"** outlines his opinion that social networks are a key element of the information society. He defines a social network as a set of social interactions that take place between people, and an account (profile) as an individual user account containing information about him. [5]

"The Networked Self: Identity, Community and Culture on Social Networking Sites" by **Z. Papacharissi** is a study of the role of social networks in the formation and expression of personal and collective identities. According to Z. Papacharissi, **social networks** are platforms that allow people to connect, exchange information and establish relationships based on common interests and values. The author notes that **social media accounts and profiles** are the way users represent themselves and their identity in the online space. The author also discusses how social media users use profiles to manage their interactions and relationships with others. In addition, the author discusses the topic of privacy and control over personal information on social

networks, and how users can use privacy settings to control what information about them is available to other users and the public. It also examines the impact of social networks on culture and society, including methods of communication, politics and media. [16]

A. Matvishin in his study on "Legal Issues in the Use of Social Media" considers various legal issues related to the **use** of social media, including privacy, intellectual property and regulation of advertising. The author discusses the potential legal implications for individuals and organizations using social media platforms and provides guidance on how to mitigate legal risks. [12]

Ch. Tsai and P. Chen, in "Privacy and Security Issues in Social Media", analyzed the **confidentiality** and security issues associated with social media, including identity theft, cyberbullying, and online harassment. The authors provide an overview of the various privacy and security settings available on social media platforms and suggest ways to protect personal information online. [6]

E. Eswad, in "The Future of Free Speech on the Internet", defines social media as "web communication platforms that allow users to create, share or exchange information, opinions and content" and analyzes the legal and regulatory framework that applies to social media platforms. media. [2].

K. Mushal and P. Kazenko in the article "Social networks on the Internet" explores the characteristics and types of social networks on the Internet. The authors provide an overview of social network analysis, including its application in various fields such as sociology, psychology, and computer science. The article also discusses the technical aspects of social networks, including data collection, presentation and visualization of networks. In addition, the article explores the social implications of social networking on the Internet, such as privacy concerns.[13]

In the article "25 years of social media: a review of applications and definitions of social media from 1994 to 2019", the authors, **T. Eichner, M. Grünfelder, O. Maurer and D. Jageni,** review the history of social media and their definitions, starting with the first use the term "social media" in 1994. They note that over time, the number of platforms and users of social media has increased significantly, making them one of the most important applications of the Internet. In this case, **social networks** can also be defined as web platforms that allow users to create a profile, share content, connect with other users, and participate in online communities based on common interests or characteristics. In addition, social networks can facilitate various forms of communication such as instant messaging, commenting and sharing, and often involve complex algorithms and data processing mechanisms.

According to **Law Insider** (the top rated site for studying contracts, regulations and terms), an account (profile) means all accounts, profiles, pages, feeds, registrations and other presences on or in connection with any (i) site or online social media service or social media, (ii) a blog or microblog, (iii) a mobile application, (iv) a site for sharing photos, videos or other content, (v) a virtual world of games or a virtual social world, (vi) a site for ratings and reviews, (vii) a wiki or similar community content site or (viii) a message board, forum or similar forum. [15]

On the one hand, the **mode of an object** posted on a social network refers to whether the object is **tangible or virtual property**. For example, a photo posted on a social network would be considered virtual property, while a product sold through a social media marketplace would be considered tangible property. Understanding the mode of an object in a social network can have implications for various legal and regulatory issues such as intellectual property rights and taxation.[7]

A. Kud in his work "Justification of the term "digital asset": economic and legal aspects" discusses the economic and legal aspects of digital assets, including their classification and regulation. However, without additional context or information, it is difficult to say for sure whether this article contains a specific definition of "digital asset status". Interestingly, the term **"digital asset status"** refers to the legal and/or financial classification of digital assets, which are usually intangible assets such as cryptocurrencies, digital tokens, digital certificates, or digital intellectual property rights. The status of a digital asset can have important implications for its ownership, transferability and taxation. It can also influence how digital assets are regulated and treated within various legal frameworks. [10]

As for **the legal aspects of the content of information posted on social networks**, may include the following issues:

Protection of personal data - the owner of information posted on social networks has the right to protect his personal data. Social networks must comply with relevant laws and regulations related to the processing and protection of personal data;

Right to Privacy — Social media users can expect their information to be kept private. In the event of a breach of confidentiality, users may seek assistance from law enforcement or the courts;

Discrimination - information posted on social networks should not contain discriminatory statements based on race, gender, age, nationality, etc. Such statements may violate discrimination laws and lead to legal consequences;

Copyrights - Information posted on social networks may contain materials protected by copyrights. Users should be careful when using such materials and respect the relevant copyrights. [17]

"Simple Digital Objects" of a social network refers to a single file that can be easily understood by the user and presented by their software. "**Digital Complex Objects"**, on the other hand, require several separate files and possibly additional metadata to be properly understood. This concept is further discussed in the context of digital libraries. The referenced source is the Dictionary entry "Digital Libraries" in the IGI Global Dictionary [8].

It can be concluded that each study focuses on its own unique issue, such as the protection of intellectual property rights, privacy and security in social networks, the regulation of online hate, the liability of social networks for user-generated content, and the regulation of targeted advertising.

There are also **a number of studies** on the **responsibility** of social network users for their actions and the content they post on the platform. In this context, issues related to copyright infringement, defamation, dissemination of profanity or illegal content, etc. are usually considered.

For example:

S. Livingston, J. Carr, J. Byrne - "One of three: Internet governance and children's rights". Research conducted by the UNICEF Office of Research-Innocenti on Internet Government and Children's Rights. The study examined the safety of children on the Internet, as well as their rights and interests in the context of using the Internet. [eleven]

H. Krasnova, N. Veltri and O. Gunther — "Self-sufficiency and privacy calculation on social networks: the role of culture". A study on the impact of culture on the self-sufficiency and privacy of social media users. The study discusses differences in culture that can influence user levels of self-reliance and privacy. [9]

M. Zimmer - "But the data is already public: about the ethics of research on Facebook". A study on the ethical issues of research conducted on the Facebook platform. The study discusses issues of user privacy and consent, as well as ethical issues related to the use of this data. [18]

Many social networks such as Facebook, Twitter, YouTube, and Instagram allow users to post their photos, videos, and other content. However, many such publications may infringe copyright. Legal literature discusses the legal aspects of copyright issues related to the use of social networks. States set rules and restrictions on the use of social media. In particular, issues related to advertising, consumer protection, content regulation, etc. are considered. The legal literature also discusses different approaches to regulating social media in different countries.

Attention is drawn in the aspect of the problems of our study of the work that considers **the protection of personal data of users** of social networks. Among the most important issues discussed in this context are the following:

• What data is collected by social networks and how is it used?

• What rights do social media users have with regard to their personal data?

• How should social networks inform users about the collection and use of their personal data?

• How to ensure the security of personal data of users of social networks?

Moreover, another important topic in the legal literature is the regulation of social networks in general. This applies to issues such as:

• what laws and regulations should govern social media activities?

• What measures can be taken to protect social media users from inappropriate content (discriminatory or obscene messages)?

• How should social networks deal with fake news and disinformation spread through their platforms?

It is impossible not to notice that despite the seeming multidimensionality and extensiveness of research, many properties and mechanisms still require additional consideration. In addition, the legal literature on the concept of a social network, account (profiles) is a wide range of studies related to the legal and ethical aspects of the use of social media.

Lisa Austin believes that social networks are a place where users can violate the rights of other people, including the right to privacy. She argues that social networks create new forms of social relations that can lead to the violation of human rights, and it is necessary to develop laws that will ensure the protection of personal data and privacy rights [3].

The author examines and rethinks **Warren Westin's** ""Privacy and Freedom", which is a classic work in the field of personal information protection and privacy. Austin puts forward new conceptual approaches to the protection of privacy in today's digital environment and discusses the problems associated with the use of social networks and other online platforms. In particular, the author examines the issues of control over personal information, protection of privacy rights and the ability of the state to regulate the use of personal data. The study represents an important contribution to the development of the theory of privacy and the protection of personal data in the digital age.

"An Excerpt from a Contextual Approach to Online Privacy" by author **Helen Nissenbaum** is one of the most influential research on personal information and privacy in the digital age. The author considers not only the technical aspects of data protection, but also the socio-cultural, political and ethical factors associated with the use of technology.

One of the main themes of the book is the idea of "contextual integrity", which is the concept of protecting privacy in today's information environment. According to this concept, the protection of personal information should not be based only on general rules and laws, but also take into account the context of the use of information and comply with socio-cultural and ethical standards. The book provides an analysis of the problems associated with the use of social networks and other online platforms, and proposes approaches to protecting personal information that take into account the specifics of these technologies and the context of use. Nissenbaum considers the collection, storage and processing of personal data, as well as the role of the state, business and society in ensuring privacy in a digital environment. [13]

CONCLUSION

The conclusions of the literature review show that the object of legal relations can be represented by various phenomena and objects, depending on the type of legal relations. Among them, the social network, account (profile), mode (tangible or virtual property), digital asset status, information, simple object and complex object stand out. Social networks and accounts, in particular, are subject to legal relations in the field of personal data protection and copyright protection. The regime can be an object of legal relations in the field of land and property law. The status of a digital asset is an object of legal relations in the field of financial and tax law. It is important to take into account that legal relations always have an object to which the rights and obligations of the participants are directed. Analysis of the object of legal relations allows you to more accurately determine its features, participants in legal relations and their rights and obligations, as well as identify possible problems and ways to solve them.

All the authors mentioned in the review draw attention to the need for civil law regulation of relations in social networks, which requires the establishment of clear rules and regulations regarding each of the listed objects of relations, since social networks should be responsible for the security of storage and processing of user information, and for the protection of their personal data. They must also have mechanisms in place to control and combat illegal and harmful content that may be harmful to users. And the accounts (profiles) of users in social networks must be protected and ensured confidentiality, in accordance with the law. Users should have the right to delete

their account and personal data, and be protected from the misuse of their personal information. Issues of mode (tangible or virtual property) and the status of a digital asset can be regulated by legislation and social media policies. This may include the establishment of rights to use and distribute content, including copyright, as well as measures to protect against illegal copying and distribution of content.

The rights and obligations of users in relation to posting information on social networks should also be regulated. Users must follow the rules of conduct and not post illegal, malicious or offensive content. They should also be aware of what information can be shared on social media and how it can affect their personal lives and professional reputations. Civil law regulation should take into account the difference between simple and complex objects in social networks. For example, the regulation of the posting of photos and videos that contain information about intimate life may be stricter than the posting of ordinary messages or links to news. Thus, civil law regulation of relations in social networks should take into account all objects of relations and include clear rules and mechanisms for protecting the rights and interests of users.

In conclusion, this study highlights the importance and complexity of civil law regulation of legal relations in social networks. Possible directions for further analysis include exploring flexible legal mechanisms, comparative experiences across jurisdictions, interactions with other areas of law, and challenges posed by new technologies and innovations in the digital environment. Exploring the roles and responsibilities of all actors – social networks, users and others – in ensuring safety and fairness in online communities is also an essential aspect to explore.

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