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Comparative-legal analysis of the draft law of the republic of Uzbekistan “on the protection of the rights of users of online platforms and websites”

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Abstract: The article analyzes Draft Law No. 6294 of the Republic of Uzbekistan, “On the Protection of the Rights of Users of Online Platforms and Websites,” which was released for public discussion by the Information and Mass Communications Agency (IMCA) under the Presidential Administration of Uzbekistan. Particular attention is given to the terminology proposed in the draft within the framework of the principle of legal certainty, and a comparative analysis is carried out against corresponding legislation in other jurisdictions.

Keywords: Draft law, protection of users’ rights, false information, concept of “false information”, online platform, legal certainty.

Introduction: The rapid development of digitalisation in Uzbekistan is undoubtedly reflected in the drafting of new normative legal acts regulating various aspects of the information sphere of society.

To date, the number of Internet users in Uzbekistan has grown to 32.7 million. However, national legislation lacked provisions systematising the rights of online-platform users.

At the same time, in his congratulatory message for Media Workers’ Day on 27 June 2025, the President of the Republic of Uzbekistan noted that “Our country is making significant progress in ensuring citizens’ constitutional rights in the information sphere ... a draft law on the protection of the rights of users of online platforms and websites has been submitted.”.

Тем самым глава государства, подчеркнул

приоритетность защиты прав пользователей и необходимость разработки соответствующих нормативных актов.

Thus, the head of state emphasised the priority of protecting users' rights and the need to develop the relevant regulatory acts.

The draft law under consideration is aimed at regulating social relations in the field of protecting the rights of users of online platforms and websites operating in the territory of the Republic of Uzbekistan.

For the first time, such concepts are introduced as account, blogger, website, website user, website owner, false information, influencer, content, moderator, online platform, public community, profiling, spam resource, instant-messaging service, etc.

Transparent mechanisms are envisaged for the prompt removal of pornography, phishing, violence and false information (Articles 13 and 15 of this draft law), thereby ensuring the State's proactive stance on cybersecurity.

According to Article 9, platforms are obliged to notify users about the privacy policy, prevent leaks and promptly inform them of breaches — which correlates with the EU GDPR norms.

It should also be noted that Article 21 guarantees users the opening of accounts and the creation and dissemination of content, which encourages bloggers and online-platform authors to legalise their income and to ensure transparency in the sphere of economic relations.

At the same time, Article 20 introduces a fast mechanism for the removal and refutation of false information at users' request, thereby protecting reputational rights, while Articles 10 and 18 ensure users' right to lodge complaints about illegal content and to apply to the courts for the protection of their rights, dignity and lawful interests.

However, Article 3 reveals the essence of the concept of "false information," stating that "false information is information that is not consistent with reality or contains distortions of facts, creating an incorrect impression of persons, objects, events, phenomena and processes, fixed in any form."

Why does this wording not comply with the principle of legal certainty?

First, the focus is not on an objectively verifiable fact, but on the subjective category — "impression". By its nature, an impression is a personal and unique mental experience characterised by individuality, multifacetedness and variability.

It is not subject to assessment or division into "correct" and "incorrect": one individual may have a positive impression, another a neutral one, a third a negative one.

Accordingly, any attempt to establish a criterion of "correctness" for this phenomenon contradicts the fundamental property of legal certainty.

Second, the proposed approach effectively transfers the subject from the sphere of objective actions or events to the domain of subjective mental experience. From the standpoint of the general theory of law this is unprecedented: the traditional, verifiable elements of an offence (act, causal link, harm) are replaced by an assessment of the emotional-cognitive reaction of message recipients.

Such substitution creates prerequisites for arbitrary law-enforcement: any critical statement or news report can be qualified as "forming an incorrect impression" and thus declared "false".

Third, the draft law proposes to assess the "incorrectness" of an impression without clear methodological criteria, granting a state body or official the right to decide which impression is "correct".

This approach contradicts international standards, in particular:

Article 10 of the European Convention on Human Rights (freedom of expression) emphasises that even "shocking and offensive opinions" fall under the protection of freedom of speech.

In this regard, it is preferable to use a more precise legal definition of this concept so as to avoid the above-mentioned shortcomings. In the current version of the draft law, the use of the word "impression" may lead to legal uncertainty and a threat to freedom of speech.

It would be more appropriate to use wording such as: «False information is a deliberate distortion of facts with the aim of misleading, damaging reputation, destabilising society or undermining state security».

This formulation eliminates subjectivity and focuses on intent and consequences, while also conforming to the standards applied in the EU and the countries of the Organisation for Economic Co-operation and Development.

When finalising the above-mentioned draft law, it is important to take into account the following norms and practices:

1. GDPR (EU) — requires transparency in personal-data processing policies and notification of breaches within 72 hours.
2. Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms — ensures a

balance between security and freedom of expression. International experience can also be taken into account, for example:

1. Germany. *Netzwerkdurchsetzungsgesetz (NetzDG)* – “Act to Improve Enforcement of the Law in Social Networks.” It obliges platforms with more than 2 million registered users in Germany to delete “manifestly illegal” content within 24 hours after a complaint, and, in disputed cases, within seven days; non-compliance is subject to fines of up to €50 million.

2. Turkey. The “Law on the Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publications,” as amended on 29 July 2020, stipulates that foreign social networks with more than 1 million daily users in Turkey are required to:

- appoint a permanent authorised representative in the country;
- store Turkish users’ data on servers located within Turkey;
- respond to official takedown requests within 48 hours;
- face escalating fines, advertising bans, and traffic throttling of up to 90 % for non-compliance.

3. Kazakhstan. Law of the Republic of Kazakhstan No. 18-VIII “On Online Platforms and Online Advertising” (signed 10 July 2023, in force 9 September 2023). The statute introduces a legal definition of “blogger/influencer” and requires those engaged in commercial activity to register. It further:

- Require platform owners with more than 100 000 daily users to appoint an official representative and retain user data for cooperation with state authorities;
- Prohibit the dissemination of knowingly false information, extremist appeals, and other unlawful content;
- Impose fines for failure to comply with takedown orders.

The draft law under consideration is a timely and comprehensive initiative aimed at strengthening digital security, data protection, and freedom of expression in Uzbekistan.

To increase its effectiveness, it is essential to introduce clear time frames for content removal, transparency standards, compliance monitoring, and mechanisms to safeguard freedom of speech.

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