

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI  
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02  
RAQAMLI ILMIY KENGASH**

---

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**QUDRATILLAYEV JAXONGIR ZOKIRJON O‘G‘LI**

**INTERNETDAN FOYDALANISH HUQUQINING  
KONSTITUTSIYAVIY-HUQUQIY ASOSLARI**

12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.  
Moliya va bojxona huquqi

**yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi  
AVTOREFERATI**

**Toshkent – 2025**

**Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi**  
**Оглавление автореферата диссертации доктора философии (PhD)**  
**Contents of the abstract of the dissertation of the Doctor of Philosophy**  
**(PhD)**

<b>Qudratillayev Jaxongir Zokirjon o'g'li</b> Internetdan foydalanish huquqining konstitutsiyaviy-huquqiy asoslari .....	3
<b>Kudratillayev Jakhongir Zokirjon ugli</b> Constitutional and legal foundations of the right to use the Internet.....	27
<b>Кудратиллаев Жахонгир Зокиржон угли</b> Конституционно-правовые основы права пользования интернетом.	48
<b>E'lon qilingan ilmiy ishlar ro'uxati</b> Список опубликованных научных работ List of published scientific works .....	52

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI  
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02  
RAQAMLI ILMIY KENGASH**

---

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**QUDRATILLAYEV JAXONGIR ZOKIRJON O‘G‘LI**

**INTERNETDAN FOYDALANISH HUQUQINING  
KONSTITUTSIYAVIY-HUQUQIY ASOSLARI**

12.00.02. – Konstitutsiyaviy huquq. Ma'muriy huquq.  
Moliya va bojxona huquqi

**yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi  
AVTOREFERATI**

**Toshkent – 2025**

**Falsafa doktori (PhD) dissertatsiyasi mavzusi O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida B2023.2.PhD/Yu1032 raqam bilan ro‘yxatga olingan.**

Dissertatsiya ishi Toshkent davlat yuridik universitetida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o‘zbek, ingliz, rus (резюме)) Ilmiy kengashning veb-sahifasida (<https://tsul.uz/uz/fan/avtoreferatlar>) va “ZiyoNET” Axborot ta’lim portalida ([www.ziynet.uz](http://www.ziynet.uz)) joylashtirilgan.

**Ilmiy rahbar:**

**Bekov Ixtiyor Rustamovich**  
yuridik fanlar doktori, professor

**Rasmiy opponentlar:**

**Muxitdinova Firyuza Abdurashidovna**  
yuridik fanlar doktori, professor

**Xakimov G‘ulomjon Turg‘unpulatovich**  
yuridik fanlar nomzodi, dotsent

**Yetakchi tashkilot:**

**O‘zbekiston Respublikasi Ichki ishlar  
vazirligi akademiyasi**

Dissertatsiya himoyasi Toshkent davlat yuridik universiteti huzuridagi Ilmiy darajalar beruvchi DSc.07/30.12.2019.Yu.22.02 raqamli ilmiy kengashning 2025-yil 10<sup>00</sup> soat 17-dekabrda majlisida bo‘lib o‘tadi (Manzil: 100047, Toshkent shahar, Sayilgoh ko‘chasi, 35-uy. Tel.: (99871) 233-66-36; faks: (99871) 233-37-48, e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

Dissertatsiya bilan Toshkent davlat yuridik universiteti Axborot-resurs markazida tanishish mumkin (1449-raqam bilan ro‘yxatga olingan). (Manzil: 100047, Toshkent shahar, Sayilgoh ko‘chasi, 35-uy. Tel.: (99871) 233-66-36).

Dissertatsiya avtoreferati 2025-yil 3-dekabrda tarqatildi.

(2025-yil 3-dekabrda 31-raqamli reyestr bayonnomasi).

**R.R.Xakimov,**  
Ilmiy darajalar beruvchi Ilmiy kengash  
raisi, yuridik fanlar doktori, professor

**F.B.Maxmudov,**  
Ilmiy darajalar beruvchi Ilmiy kengash  
kotibi, yuridik fanlar doktori, dotsent

**A.G‘.Asadov**  
Ilmiy darajalar beruvchi Ilmiy kengash  
huzuridagi Ilmiy seminar raisining  
o‘rinbosari, yuridik fanlar doktori,  
professor

## KIRISH

**Dissertatsiya mavzusining dolzarbligi va zarurati.** Dunyoda axborotni izlash, olish, to'plash, saqlash, qayta ishlash va tarqatishga hamda inson huquq, erkinliklarini amalga oshirish jarayoniga Internet jahon axborot tarmog'i o'z ta'sirini o'tkazmoqda. Internet sivilizatsiya va jamiyat turmush tarzini tubdan o'zgartirib yubordi. Mazkur tarmoq global axborot magistrallari majmui bo'lib, sayyoramizning istalgan nuqtasiga ma'lumotlarni zudlik bilan yetkazib berish imkonini beradi. Internet XX asrning 70-yillarida paydo bo'lib, nisbatan qisqa vaqt ichida hayotimizning barcha jabhalariga shiddat bilan kirib keldi va uni tubdan o'zgartirdi. Bugungi kunda dunyoda 5.35 milliard Internet foydalanuvchisi bor. Ya'ni dunyo aholisining 66 foizi Internetdan foydalanadi<sup>1</sup>. Ijtimoiy tarmoqlardan esa (2024-yilda 1-mart holatiga ko'ra) 5.04 milliard foydalanuvchilar foydalanib kelmoqdalar, bu butun dunyo aholisining deyarli 60 foizini tashkil qiladi<sup>2</sup>. Ushbu tendentsiyalar o'z navbatida BMT tomonidan "Internetdan foydalanish huquqini insonning asosiy huquqlariga tenglashtirish"ga qaratilgan rezolyutsiya qabul qilishiga turtki berdi.

Freedom House xalqaro inson huquqlari tashkiloti "Internet tarmog'idagi erkinlik" (Freedom on the Net) yillik hisobotini<sup>3</sup> e'lon qildi. Tadqiqot 2023-yil iyundan 2024-yil mayigacha bo'lgan davrni qamrab oladi. Hisobotda 72 ta davlat tahlil qilingan va 3 ta toifaga ajratilgan: Internet tarmog'i erkin, qisman erkin va erkin emas. Hisobotga ko'ra O'zbekiston 100 balldan 27 ball to'pladi va Internet tarmog'i erkin bo'lmagan davlatlar qatoridan joy oldi. Umuman olganda, hisobot mualliflari ta'kidlaganidek, so'nggi 14 yil davomida butun dunyo bo'ylab Internet erkinligi darajasi izchil pasayishda davom etmoqda. Internetdagi erkinlik darajasiga ta'sir etuvchi asosiy sabablar qatorida saylovlarga aralashish va Internetda o'z fikr-mulohazalarini erkin bildirish uchun repressiyalarning kuchayishi qayd etilgan. Shuningdek, 2023-yilda kamida 43 mamlakatda odamlar o'z fikrini bildirgani va Internetda faol bo'lgani uchun hujumga uchragan yoki o'ldirilgan<sup>4</sup>.

Jahonda axborot texnologiyalarining inson huquq va erkinliklariga ta'siri, raqamli konstitutsionalizm, Internetdan foydalanish huquqining asosiy huquq sifatida e'tirof etilishi masalalari, raqamli muhitda inson huquqlarining yangi talqini, Internetni huquqiy tartibga solishning mexanizmlari, Internetda axborot izlash, olish va tarqatish huquqining kafolatlari, Internet boshqaruvida xalqaro standartlarni joriy etish masalalari yuzasidan ilmiy tadqiqotlar o'tkazish muhim tadqiqot yo'nalishlari sifatida o'rganilmoqda.

Mamlakatimizda so'nggi yillarda so'z, matbuot va fikr erkinligini ta'minlash sohalarida tizimli ishlar amalga oshirilmoqda. Internet foydalanuvchilari soni 2016-yilda 12.1 million bo'lgan bo'lsa, 2024-yil boshiga kelib ikki barobarga, ya'ni 33 milliondan oshdi. Aholi yashash maskanlarini Internet tarmog'i bilan ta'minlash 2016-yildagi 28 foizdan 2024-yilda 98 foizga yetgan<sup>5</sup>. 2023-yil 1-mayda yangi tahrirda qabul qilingan O'zbekiston Respublikasi Konstitutsiyasining 33-moddasi 3-qismida

<sup>1</sup><https://www.forbes.com/home-improvement/Internet/Internet-statistics/>

<sup>2</sup><https://www.statista.com/statistics/272014/global-social-networks-ranked-by-number-of-users/>

<sup>3</sup><https://freedomhouse.org/report/freedom-net/2024/struggle-trust-online>

<sup>4</sup><https://kun.uz/33966394>

<sup>5</sup> <https://dataportal.com/reports/digital-2024-uzbekistan>

davlat Internet jahon axborot tarmog'idan foydalanishni ta'minlash majburiyatini o'z zimmasiga olmoqda. Bu islohotlar natijasida O'zbekistonda Internetdan foydalanish huquqi axborot olish huquqining bir ko'rinishi sifatida Konstitutsiya darajasida mustahkamlandi.

Internetdan foydalanish huquqi yurisdiksiyamiz uchun nisbatan yangi bo'lganligi uchun Internet bilan bog'liq normativ huquqiy hujjatlar nisbatan tarqoq bo'lib, Internetning u yoki bu jihatini tartibga solishga qaratilgan. Bu esa ushbu sohadagi qonunchilikni takomillashtirishni taqozo etadi.

Mazkur dissertatsiyada ilgari surilgan takliflar O'zbekiston Respublikasi Konstitutsiyasi, "Axborot olish kafolatlari va erkinligi to'g'risida"gi, "Axborot erkinligi prinsiplari va kafolatlari to'g'risida"gi, "Axborotlashtirish to'g'risida"gi qonunlar, Vazirlar Mahkamasining 2018-yil 5-sentabrdagi (707-sonli) "Butunjahon Internet tarmog'ida axborot xavfsizligini yanada takomillashtirish chora-tadbirlari to'g'risida"gi qarori va sohaga oid boshqa qonunchilik hujjatlarini muayyan darajada takomillashtirishga xizmat qiladi.

**Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi.** Mazkur tadqiqot respublika fan va texnologiyalar rivojlanishining "Demokratik va huquqiy jamiyatni ma'naviy-axloqiy va madaniy rivojlantirish, innovatsion iqtisodiyotni shakllantirish ustuvor yo'nalishi" doirasida tayyorlangan bo'lib, dissertatsiya 12.00.02 – Konstitutsiyaviy huquq. Ma'muriy huquq. Moliya va bojxona huquqi yo'nalishiga mos keladi.

**Muammoning o'rganilganlik darajasi.** Mamlakatimizda yuridik fanlar doirasida Internetdan foydalanish huquqining konstitutsiyaviy huquqiy asoslari maxsus monografik tadqiqot obyekti sifatida o'rganilmagan. Biroq tadqiqot mavzusining u yoki bu jihatlari I.Rustambekov, B.Xodjayev, J.Ilxombekov, J.Abdullayev, N.Nugmanov, A.Amanov va boshqa olimlarning ilmiy ishlarida tadqiq etilgan<sup>6</sup>.

Mustaqil Davlatlar Hamdo'stligiga a'zo mamlakatlarda Internetdan foydalanish huquqining konstitutsiyaviy huquqiy asoslariga taalluqli ilmiy izlanishlar A. Sherbovich, A. Pazyuk, M. Sereda, E. Talapina N.Baranova, A.Ishina, A.Krotov, T.Izzatov, T.Timerbayev, A.Proxorov, Y.Lotman, S.Petrovskiy, S.Simonovich, G.Yevseyev, O.Dudko, T.Baljirova, A.Sheremet, S.Malaxov, L.Kupriyanov, N.Kulicheva, B.Kristalniy, Y.Nesterov, A.Chernov, V.Shalak, A.Kochetov, L.Lapo, M.Pogorelova, A.Tedeyev, I.Rassolov, A.Lukyanov, S.Mixaylov, Y.Altovskiy, A.Malkevich, Y.Zasurskiy, A.Skvorsov va boshqa olimlar tomonidan olib borilgan<sup>7</sup>.

Boshqa xorijiy mamlakatlarda esa A.Mellakauls, L.Lessig, D.Rutzen, Y.Zenn Y.Kurbaliyya, E.Gelbstayn, S.Baldi, V.Radunovich, K.Myoller, A.Amuru, Y.Akdeniz va boshqa olimlar tomonidan Internetdan foydalanish huquqi bilan bog'liq masalalar talqin qilingan<sup>8</sup>.

Biroq yuqorida keltirilgan tadqiqotlar tahlili Internetdan foydalanish huquqining nazariy va amaliy muammolari O'zbekiston Respublikasining qonunchiligi, shuningdek, ushbu sohaga oid xalqaro hujjatlar hamda boshqa

<sup>6</sup>Mazkur ilmiy ishlarning to'liq nomi foydalanilgan adabiyotlar ro'yxatida keltirilgan.

<sup>7</sup>Mazkur ilmiy ishlarning to'liq nomi foydalanilgan adabiyotlar ro'yxatida keltirilgan.

<sup>8</sup>Mazkur ilmiy ishlarning to'liq nomi foydalanilgan adabiyotlar ro'yxatida keltirilgan.

normativ-huquqiy hujjatlar asosida kompleks tadqiqot ishi sifatida alohida o'rganilmaganidan dalolat beradi.

**Dissertatsiya tadqiqotining dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog'liqligi.** Dissertatsiya mavzusi Toshkent davlat yuridik universitetining ilmiy-tadqiqot ishlari rejasiga muvofiq, "Rivojlangan davlatlar qonunchilik amaliyoti va xorijiy davlatlarning ijobiy yutuqlarini nazariy tadqiq etish asosida olingan natijalarni milliy qonunchilikka implementatsiya qilish" mavzusi doirasida bajarilgan.

**Tadqiqotning maqsadi** O'zbekiston Respublikasida Internetdan foydalanish huquqining konstitutsiyaviy-huquqiy asoslari bo'yicha ilmiy-amaliy xulosa, ilmiy asoslangan taklif va tavsiyalar ishlab chiqishdan iborat. Ya'ni Konstitutsiyaviy huquq va erkinliklar tizimida insonning subyektiv huquqi sifatida Internetdan foydalanish huquqi konsepsiyasini ishlab chiqish, shuningdek, Internetdan foydalanish huquqining mustaqil va umume'tirof etilgan inson huquqi sifatida shakllanishi bilan bog'liq tendensiyalarni aniqlashdan iborat.

**Tadqiqotning vazifalari:**

Internet va Internetdan foydalanish tushunchalarining yuridik nuqtayi nazardan rivojlanish tarixini o'rganish;

Internet va Internetdan foydalanish huquqining yuridik tabiatini tahlil qilish;

Internet va Internetdan foydalanish huquqining o'ziga xos xususiyatlarini aniqlash, ularni inson huquqlari obyekti sifatida tavsiflash;

Internetdan foydalanish huquqining tarkibiy qismlarini (texnik va notexnik omillarni) aniqlash va tahlil qilish;

milliy (davlatlar) darajasida va xalqaro miqyosda Internetdan foydalanish huquqining alohida mustaqil huquq sifatida tan olish (mustahkamlash) tajribasini o'rganish va tahlil qilish;

Internetdan foydalanish huquqining huquqiy tartibga solishninishini tadqiq qilish;

Internetdan foydalanish huquqining boshqa konstitutsiyaviy huquq va erkinliklar bilan o'zaro nisbatini va mazkur huquq va erkinliklarga qanday ta'sir ko'rsatishini aniqlash;

Internetdan foydalanish huquqining ta'minlanishi bilan bog'liq muammolarni aniqlash;

Internetdan foydalanish huquqining ta'minlanishi bilan bog'liq davlatlarning ijobiy va salbiy majburiyatlarini belgilash;

Internetdan foydalanish huquqi va Internet bilan bog'liq cheklovlarning konstitutsiyaviyligini hamda cheklovlarning mutanosibligini tahlil etish va baholash;

Internetdan foydalanish huquqining ta'minlanishi bilan bog'liq muammolar yuzasidan takliflar ishlab chiqish.

**Tadqiqotning obyekti** O'zbekiston axborot jamiyatida yangi inson huquqi sifatida Internetdan foydalanish huquqining shakllanishi bilan bog'liq ijtimoiy munosabatlar tizimi hisoblanadi.

**Tadqiqotning predmeti** Internetdan foydalanish huquqini alohida mustaqil huquq sifatida tan olinishi va ta'minlanishiga doir nazariy-huquqiy qarashlar,

sohaga oid qonunchilik hujjatlari, ularni qo'llash amaliyoti, xorijiy mamlakatlar qonunchiligi va tajribasi, yuridik fandagi mavjud konseptual yondashuv, ilmiy-nazariy qarashlar, huquqiy kategoriyalar hamda mazkur munosabatlarni tartibga soluvchi qonunchilik hujjatlarini takomillashtirishga oid masalalar tashkil etadi.

**Tadqiqotning usullari.** Tadqiqotda bilishning formal-mantiqiy, analitik, tarixiy-huquqiy, qiyosiy, tahlil, umumlashtirish, qiyosiy-huquqiy, mantiqiy, statistik, tizimli-tuzilmaviy, so'rovnoma, formal-yuridik kabi usullaridan foydalanildi.

**Tadqiqotning ilmiy yangiligi** quyidagilardan iborat:

fikrlash, so'z va e'tiqod erkinligi hamda axborotni izlash, olish va tarqatish huquqini amalga oshirishning kafolati sifatida davlatning Internet jahon axborot tarmog'idan foydalanishni ta'minlash uchun shart-sharoit yaratish majburiyatini belgilash zarurligi asoslangan;

axborotni izlash, olish va tarqatishga bo'lgan huquqni cheklashning aniq chegarasi va asoslarini belgilash zarurligi asoslab berilgan;

Internetdan foydalanish huquqini asossiz va nomutanosib cheklanishini oldini olish uchun insonning huquq va erkinliklarni cheklashning aniq chegarasi va asoslarini belgilash zarurligi asoslangan;

bolalarni ularning sog'lig'iga zarar yetkazuvchi axborotdan himoya qilishni amalga oshiruvchi organlar va tashkilotlar tizimiga mazkur yo'nalishdagi qanday komissiyalar vakolatli tashkilot sifatida kiritilishi zarurligi asoslab berilgan.

**Tadqiqotning amaliy natijalari** quyidagilardan iborat:

"Internet" va "Internetdan foydalanish huquqi" kabi tushunchalariga nisbatan mualliflik ta'riflari ishlab chiqilib, O'zbekiston Respublikasi qonunchiligiga kiritish zaruriyati va qaysi normativ-huquqiy hujjatlarda mustahkamlanishi asoslantirilgan;

inson va fuqaroning konstitutsiyaviy huquq va erkinliklarini amalga oshirilishining asosiy sharti Internetdan foydalanish huquqi ekanligi hamda Internetdan foydalanish huquqining Konstitutsiya darajasida mustahkamlash zaruriyati asoslab berilgan;

Internetdan foydalanish huquqini ta'minlash bilan bog'liq bo'lgan texnik va notexnik omillarni O'zbekiston Respublikasi qonunchiligi bilan (asosan "Axborotlashtirish to'g'risida"gi qonun doirasida) tartibga solish masalasi asoslantirilgan;

Internet va Internetdan foydalanish huquqining cheklanishi va cheklanishning mutanosibliigi bilan bog'liq masalalar qanday tartibga solinishi va qaysi normativ-huquqiy hujjatlarda mustahkamlanishi asoslab berilgan.

**Tadqiqot natijalarining ishonchliligi.** Tadqiqot natijalari xalqaro huquq va milliy qonunchilik normalari, rivojlangan davlatlar tajribasi, qonunni qo'llash amaliyoti, statistik ma'lumotlarni tahlil qilish natijalari asosida umumlashtirilgan va tegishli hujjatlar bilan rasmiylashtirilgan. Rivojlangan davlatlar tajribasi va milliy qonunchilik normalarining o'zaro tahlili asosida xulosa, taklif va tavsiyalar aprotatsiyadan o'tkazilib, ularning natijalari yetakchi milliy va xorijiy nashrlarda e'lon qilingan. Olingan natijalar vakolatli davlat organlari tomonidan tasdiqlangan va amaliyotga joriy qilingan.

**Tadqiqot natijalarining ilmiy va amaliy ahamiyati.** Tadqiqot natijalarining ilmiy ahamiyatini unda keltirilgan xulosalar va takliflar, shuningdek ular asoslangan faktik materiallar belgilaydi. Ishda shakllangan xulosalar konstitutsiyaviy huquqning nazariy asoslarini inson huquqlari konsepsiyasini rivojlantirish yo‘nalishida boyitadi va to‘ldiradi. Shuningdek, ular ijtimoiy munosabatlar va axborot texnologiyalarining rivojlanish tendensiyalarini inobatga olgan holda, O‘zbekistonda inson huquqlarining rivojlanish yo‘nalishlari va istiqbollari aniqlashtiradi. Shu bilan birga, Internetda vujudga kelishi mumkin bo‘lgan konstitutsiyaviy-huquqiy masalalar bo‘yicha o‘quv kurslarida, maxsus kurslar uchun uslubiy materiallar ishlab chiqishda, o‘quv dasturlari, o‘quv qo‘llanmalarini tayyorlashda va ilmiy faoliyatda ham foydalanish mumkinligi bilan belgilanadi.

Tadqiqot natijalarining amaliy ahamiyati axborot jamiyati sharoitida inson huquq va erkinliklarining ustuvorligi konstitutsiyaviy tamoyilini ro‘yobga chiqarishga qaratilganligi bilan belgilanadi. Ishda keltirilgan xulosalar va takliflar amaliyotda keng qo‘llanilish imkoniyatiga ega bo‘lib, ulardan qonunchilik jarayonida, sud va boshqa davlat organlarining huquqni qo‘llash faoliyatida, ilmiy-tadqiqot ishlarida va ta‘lim jarayonida, xususan, o‘quv seminarlari va treninglarda, o‘quv va uslubiy qo‘llanmalar tayyorlashda foydalanish mumkin.

**Tadqiqot natijalarining joriy qilinishi.** Internetdan foydalanish huquqini ta‘minlashni takomillashtirish sohasidagi tadqiqot bo‘yicha olingan ilmiy natijalar asosida:

davlatning Internetda axborot izlash, olish va tarqatish huquqini ta‘minlash bilan bog‘liq majburiyatlariga oid taklif 2023-yil 1-maydagi (O‘RQ-837-son) “O‘zbekiston Respublikasi Konstitutsiyasi to‘g‘risida”gi O‘zbekiston Respublikasi Konstitutsiyaviy Qonunida (33-modda 3-qism) o‘z ifodasini topgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Spikeri o‘rinbosarining 2024-yil 7-oktabrdagi 02/6-09-67-sonli dalolatnomasi). Ushbu taklifning joriy qilinishi davlatning Internetdan foydalanish huquqini ta‘minlash bilan bog‘liq majburiyatlari Konstitutsiya darajasida mustahkamlab qo‘yilishiga xizmat qilgan;

axborotni izlash, olish va tarqatish huquqi bilan bog‘liq cheklovlarga oid takliflar 2023-yil 1-maydagi (O‘RQ-837-son) “O‘zbekiston Respublikasi Konstitutsiyasi to‘g‘risida”gi O‘zbekiston Respublikasi Konstitutsiyaviy Qonunida (33-modda 4-qism) o‘z ifodasini topgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Spikeri o‘rinbosarining 2024-yil 7-oktabrdagi 02/6-09-67-sonli dalolatnomasi). Unga ko‘ra axborotni izlash, olish va tarqatishga bo‘lgan huquqni cheklashga faqat qonunga muvofiq hamda faqat konstitutsiyaviy tuzumni, aholining sog‘lig‘ini, ijtimoiy axloqni, boshqa shaxslarning huquq va erkinliklarini himoya qilish, jamoat xavfsizligini hamda jamoat tartibini ta‘minlash, shuningdek davlat sirlari yoki qonun bilan qo‘riqlanadigan boshqa sir oshkor etilishining oldini olish maqsadida zarur bo‘lgan doirada yo‘l qo‘yilishi nazarda tutadi. Mazkur cheklovlarning Konstitutsiyada belgilanishi orqali izlash, olish va tarqatish mumkin bo‘lgan axborotlarning umumiy xususiyati va prinsipi shakllandi. Bu esa Internetdagi cheklanishi mumkin bo‘lgan ma‘lumotlarning aniq chegarasini aniqlashga xizmat qilgan;

insonning huquq va erkinliklari faqat qonunga muvofiq va faqat konstitutsiyaviy tuzumni, aholining sog‘lig‘ini, ijtimoiy axloqni, boshqa shaxslarning huquq va erkinliklarini himoya qilish, jamoat xavfsizligini hamda jamoat tartibini ta‘minlash maqsadida zarur bo‘lgan doirada cheklanishi mumkinligi, ya‘ni qaysi hollarda inson huquq va erkinliklarini cheklanishi mumkinligi oid takliflar 2023-yil 1-maydagi (O‘RQ-837-son) “O‘zbekiston Respublikasi Konstitutsiyasi to‘g‘risida”gi O‘zbekiston Respublikasi Konstitutsiyaviy Qonunida (21-modda 3-qism) o‘z ifodasini topgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Spikeri o‘rinbosarining 2024-yil 7-oktabrdagi 02/6-09-67-sonli dalolatnomasi). Bu Internetdan foydalanish huquqining cheklanish doirasi va cheklovning mutanosibliigi Konstitutsiya darajasida belgilab qo‘yilishiga xizmat qilgan;

bolalarni ularning sog‘lig‘iga zarar yetkazuvchi axborotdan himoya qilishni amalga oshiruvchi organlar va tashkilotlar tizimiga oid takliflar 2023-yil 11-apreldagi (O‘RQ-829-son) “Xotin-qizlar va bolalar huquqlari, erkinliklari hamda qonuniy manfaatlarini ishonchli himoya qilish tizimi yanada takomillashtirilishi munosabati bilan O‘zbekiston Respublikasining ayrim qonun hujjatlariga o‘zgartish va qo‘shimchalar kiritish to‘g‘risida”gi Qonunga asosan 2017-yil 8-sentabrdagi (O‘RQ-444-son) “Bolalarni ularning sog‘lig‘iga zarar yetkazuvchi axborotdan himoya qilish to‘g‘risida”gi Qonunida (7-modda 1-qism 3-xatboshi, 9-modda nomi, 9-modda 1-qism 1-xatboshi va 9-modda 2-qismi) o‘z ifodasini topgan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Spikeri o‘rinbosarining 2024-yil 7-oktabrdagi 02/6-09-67-sonli dalolatnomasi). Natijada bolalarni ularning sog‘lig‘iga zarar yetkazuvchi axborotdan himoya qilish sohasida bolalar masalalari bo‘yicha Qoraqalpog‘iston Respublikasi, viloyatlar va Toshkent shahar, tumanlar (shaharlar) komissiyalari ham vakolatli tashkilotga aylandi.

**Tadqiqot natijalarining aprobatsiyasi.** Mazkur tadqiqot natijalari 6 ta ilmiy anjumanda, jumladan 3 ta xalqaro, 3 ta respublika miqyosida o‘tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o‘tgan.

**Tadqiqot natijalarining e‘lon qilinganligi.** Tadqiqot natijalari bo‘yicha jami 11 ta ilmiy ish, jumladan, ilmiy jurnallarda 5 ta (2 ta xorijiy nashrda) va to‘plamlar tarkibida 6 ta ilmiy maqolalar chop etilgan.

**Dissertatsiyaning tuzilishi va hajmi.** Dissertatsiya tarkibi kirish, uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati va ilovalardan iborat. Dissertatsiyaning hajmi 150 betni tashkil etgan.

## **DISSERTATSIYANING ASOSIY MAZMUNI**

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga bog‘liqligi, muammoning o‘rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy tadqiqot ishlari bilan aloqasi, uning maqsad va vazifalari, obykti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprobatsiyasi, natijalarning e‘lon qilinganligi, dissertatsiyaning hajmi va tuzilishi haqida ma‘lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi “**Internetdan foydalanish huquqining ilmiy nazariy asoslari**” deb nomlangan. Dastlab Internetning yaratilish va rivojlanish tarixiga e’tibor qaratilgan. Internetning rivojlanish tarixi 4 bosqichga (*tajriba bosqichi, Web 1.0 bosqichi, Web 2.0 bosqichi va Web 3.0 bosqichi*) bo‘lib tahlil qilingan. Har bir bosqichning Internetdan foydalanish huquqiga ko‘rsatgan ta’siri o‘rganilgan.

Internet va Internetdan foydalanish tushunchalarini konstitutsiyaviy huquq nuqtayi nazaridan tahlil qilingan. Internetning quyidagi o‘ziga xos xususiyatlari o‘rganilgan: *transchegaraviy (globallik), kommunikativ (aloqa) va alohida “huquqiy maydoni”*.

Shuningdek, “Internet” tushunchasiga batafsil to‘xtalib o‘tilgan. Internetni kengroq tushunish uchun olimlarning Internetga bo‘lgan qarashlarini va normativ-huquqiy hujjatlaridagi ta’riflarni batafsil tahlil qilingan. Xususan, bir qator olimlar V.I. Shalak, I.Rustambekov, Y.Kurbaliyya, M. A. Pogorelova va L.Lessiglarning “Internet” haqidagi qarashlari tahlildan o‘tkazilgan. Ushbu tahlillar asosida muallif *“Internet - bu umumiy foydalanishdagi global axborot-telekommunikatsiya tarmog‘i bo‘lib, ko‘plab mahalliy, mintaqaviy va shaxsiy kompyuter tarmoqlarini yagona axborot makoniga birlashishini ta’minlaydi. Uning ishlashi maxsus dasturiy protokollardan foydalangan holda axborot va texnik resurslarning tizimli integratsiyasi orqali amalga oshiriladi. Bu esa domen manzillari va gipermatn texnologiyalari yordamida turli xil resurslarga kirish, shuningdek elektron pochta, chatlar va boshqa tarmoq xizmatlari orqali ma’lumot almashish imkonini yaratadi. Internet insonlarga axborot izlash, olish va tarqatish, muloqot qilish, ma’lumotlar almashish, shuningdek turli xil xizmatlar va ilovalardan foydalanish imkonini beradi.”*, degan xulosaga kelgan.

Internetdan foydalanishni Internet global kompyuter tarmog‘iga ulanish va unda ishlash imkoniyati sifatida tushunish mumkin. Internetda ishlash Internetning axborot resurslaridan foydalanish, axborotni mustaqil va faol tarqatish, axborot resurslarini yaratish va boshqalarga ulardan foydalanish imkoniyatini taqdim etish, shuningdek boshqa foydalanuvchilar bilan o‘zaro muloqot qilish hisoblanadi.

Internetdan foydalanish huquqi aksariyat huquqlarning amalga oshirish vositasi bo‘lib, o‘zining raqamli aksi bo‘lgan har qanday huquqni Internetdan foydalanish huquqi yordamida amalga oshirish mumkin. Shundan kelib chiqib, Internetdan foydalanish huquqi aksariyat huquqlarning amalga oshirish vositasi ekanligi asoslab berilgan.

Internetdan foydalanish huquqi yuzasidan olib borilgan yuqoridagi tahlillar va E.V.Talapina, A.A. Sherbovich, A.V. Pazyuk, P.Xert, M.Salikov, I.Ostapovich, V.Rudenko va L.Lessiglarning shu bilan bog‘liq qarashlarini keng tahlil qilgan holda “Internetdan foydalanish huquqi” tushunchasiga quyidagi mualliflik ta’rifi ishlab chiqildi: *“Internetdan foydalanish huquqi - insonlarga global Internet tarmog‘iga kirish va unda ishlash (texnik va notexnik omillarga bog‘liq), Internet axborot resurslaridan foydalanish, shuningdek axborot yaratish va tarqatish imkoniyatini beruvchi shaxsiy, pozitiv, individual (xususiy) va nisbiy huquq hisoblanadi. Mazkur huquq raqamli muhitda ko‘plab boshqa huquq va erkinliklarni ro‘yobga chiqarish imkonini beradi. Ya’ni o‘zining raqamli aksi bo‘lgan har qanday huquqni Internetdan foydalanish huquqi yordamida amalga oshiriladi.”*

Internetning huquqiy tabiati uning alohida huquqiy maydonga aylanib borayotgani bilan bog‘liligi asoslab berildi. Endi insonlarda ikki huquqiy maydon mavjud ekanligi tahlil qilingan. Ya’ni real (haqiqiy) huquqiy maydon (offline) va Internet huquqiy maydoni (online). Mazkur yangi huquqiy maydonda insonlar o‘z huquq va erkinliklaridan foydalanmoqdalar, majburiyatlarini bajarmoqdalar, shuningdek boshqalarni huquq va erkinliklariga ta’sir o‘tkazmoqdalar. Shundan kelib chiqib, Internetning ijtimoiy munosabatlar uchun yangi huquqiy maydonga aylanib borayotganligi tahlil qilingan.

Bundan tashqari, ushbu yangi huquqning yuridik tabiati tadqiq qilindi. Ya’ni konstitutsiyaviy huquq fanida mavjud tasniflar asosida Internetdan foydalanish huquqi tasniflandi (*tabiiy va pozitiv huquqlar bo‘yicha; inson va fuqaro huquqlari bo‘yicha; mutlaq va nisbiy huquqlar bo‘yicha; individual (xususiy) va jamoaviy (ommaviy) huquqlar bo‘yicha; amalga oshirish sohalari bo‘yicha (shaxsiy, siyosiy, ijtimoiy, iqtisodiy); “huquqlarning avlodlari” bo‘yicha*).

Internetdan foydalanish huquqining tarkibiy qismlarini, ya’ni texnik va notexnik omillarni tahlil qilingan.

Texnik omillar o‘z ichiga quyidagilarni qamrab olishi asoslab berilgan:

- *foydalanuvchining Internetda ishlash imkonini beradigan vositalarga egalik qilish huquqi;*

- *foydalanuvchining qurilmasiga Internetda IP-manzil taqdim etish uchun texnik imkoniyatlarga ega bo‘lgan va foydalanuvchi qurilmasidan kelgan so‘rovlarga muvofiq axborotni qabul qilish hamda uzatishni amalga oshiruvchi provayder - aloqa operatori infratuzilmasidan foydalanish huquqi;*

- *global kompyuter tarmog‘ida manzil belgilash huquqi;*

- *axborotni qabul qilish va uzatishda noqonuniy cheklolarni bartaraf etishni talab qilish hamda cheklash faktlari va asoslari haqida xabardor bo‘lish huquqi;*

- *shaxsiy ma’lumotlarni avtomatlashtirilgan tarzda qayta ishlashdan himoyalash huquqi;*

- *sifatli tarmoq ulanishiga ega bo‘lish huquqi.*

Internetdan foydalanishning texnik tarkibiy qismi ontologik jihatdan texnik bo‘lmagan omillar bilan uzviy bog‘liq. Texnik bo‘lmagan (notexnik) omil murakkab bo‘lib, o‘z ichiga quyidagilarni qamrab olishi asoslab berilgan: *subyektiv omil* va *obyektiv omil*.

*Subyektiv omil* tarmoq foydalanuvchisi bilan bog‘liq. Internetning muayyan shaxs hayotidagi o‘rni uning shaxsiy, aqliy, madaniy, iqtisodiy, jismoniy va boshqa imkoniyatlari hamda ehtiyojlari asosida belgilanadi. Foydalanuvchining texnik savodxonligi alohida ahamiyat kasb etadi. Afsuski, har kim ham axborot texnologiyalarini mustaqil o‘zlashtira olmaydi. Bu holat katta yoshli avlod vakillarida ko‘proq kuzatiladi. Subyektiv omil bilan bog‘liq turli masalalar “raqamli tengsizlik”ning murakkab muammosini (Internetdan foydalanishda teng imkoniyatlarning yo‘qligini) tashkil etadi. “Internetga ulangan bo‘lsa-da, tarmoqda

samarali ishlash uchun zarur bo'lgan ko'nikmalar va resurslarga ega bo'lmalik juda yomon. Undan ko'ra, Internetdan umuman foydalanmaslik kerak"<sup>9</sup>.

*Obyektiv omil* davlatning Internetdan foydalanish, Internetning potensial imkoniyatlari, ularni amalga oshirishni ta'minlash, shuningdek Internet orqali turli xizmatlar ko'rsatuvchi kompaniyalar faoliyatiga nisbatan shakllanadigan siyosatidan iborat. Internetning transchegaraviy xususiyati mavjud. Biroq Internetning u yoki bu davlatda istiqomat qiluvchi insonlar hayotiga singib borish darajasi shu davlat hukumati tomonidan belgilanadi va bu masalada yagona o'rnatilgan amaliyot mavjud emas. Internetga ulanish infratuzilmasini rivojlantirishga sarmoya kirituvchi, shuningdek foydalanuvchilarni ushbu tarmoqdan foydalanishga undovchi xizmatlarni taklif etuvchi biznes ham shunga o'xshash ta'sir ko'rsatadi.

*Davlatning salbiy va ijobiy majburiyatlari* bilan namoyon bo'lgan obyektiv omilning quyidagi ko'rinishlarini keltirishimiz mumkin:

Salbiy majburiyatlar quyidagilardan iborat:

- *Internet axborot materiallariga (kontentiga) hududiy yurisdiksiya doirasidan tashqarida kirish imkoniyatini cheklamaslik va trafik uzatilishiga aralashmaslik;*

- *davlatning Internetni tartibga solish masalalarida o'ziga mutlaq vakolatlar yuklashdan o'zini tiyishi.*

Davlatning ijobiy majburiyatlari qatoriga quyidagilar kiradi:

- *Internetda oflayn muhitdagi huquqlarning amal qilishini ta'minlash, ularni onlayn muhitda ham himoya qilish;*

- *qonun bilan himoyalangan qadriyatlarga nisbatan cheklovlarning haddan tashqari va nomutanosib bo'lishiga yo'l qo'yimaslik maqsadida Internetdan foydalanishni cheklash standartlarini ishlab chiqish;*

- *shaxsning axborot xavfsizligini ta'minlash va kiberjinoyatchilikdan himoya qilish masalasi.*

Dissertatsiyaning ikkinchi bobi **“Internetdan foydalanish huquqini ta'minlashning konstitutsiyaviy-huquqiy mexanizmi”** deb nomlangan bo'lib, Internetdan foydalanish huquqining alohida mustaqil huquq sifatida tan olinishi, Internetdan foydalanish huquqi bilan boshqa konstitutsiyaviy huquq va erkinliklarning o'zaro munosabati hamda Internet va Internetdan foydalanish huquqining huquqiy tartibga solishnishi tadqiq qilingan.

Dastlab Internetdan foydalanish huquqining alohida mustaqil huquq sifatida tan olinishi tahlil qilingan.

Internet tufayli konstitutsiyaviy huquqlar o'z tarkibida yangi huquqiy vakolatlarining paydo bo'lishi orqali mazmun-mohiyatini kengaytirmoqda. Ularni amalga oshirishning yangi usullari va kafolatlariga ega bo'lmoqda. Geosiyosiy keskinlik xavflari tobora ortib borayotgan sharoitda, inson va fuqaroning huquq hamda erkinliklarini imkon qadar to'liq amalga oshirish va himoya qilishni ta'minlash uchun Internetdan foydalanish huquqini mustaqil kompleks huquq

---

<sup>9</sup>Иванов А.Ю. Контроль монополизации в условиях цифровой экономики: первая часть дискуссии о пятом антимонопольном пакете // Закон. 2018. № 2. // СПС «КонсультантПлюс».

sifatida yuridik jihatdan rasmiylashtirish zaruriyati vujudga kelayotganligi asoslantirilgan.

Subyektiv huquqning bunday institutsionallashuvi davlat, jamiyat va shaxs manfaatlari o'rtasidagi muvozanatni ta'minlashga hamda hozirgi sharoitda davlatning texnologik suverenitetini ta'minlash jarayonida inson huquqlarining kafolatlarini kuchaytirishga qaratilgan.

Xalqaro va milliy yurisdiksiyalar miqyosida Internetdan foydalanish huquqi inson huquqi sifatida umume'tirof etilgan huquq bo'lib shakllanmoqda. Bu huquq davlatlararo bitimlarda tan olinmoqda, shuningdek xalqaro tashkilotlarning hujjatlarida ham e'tirof etilmoqda. Ushbu hujjatlar inson huquq va erkinliklarini amalga oshirish uchun Internetdan foydalanishning muhimligini ta'kidlaydi hamda davlatlarning har bir inson uchun Internetdan foydalanishni ta'minlash borasida majburiyatlarni o'z zimmasiga olishini takidlaydi.

Milliy yurisdiksiyalar darajasida ushbu huquq ba'zi mamlakatlar (Meksika, Nepal) konstitutsiyalarida to'g'ridan-to'g'ri mustahkamlanganini, boshqa mamlakatlarda (Fransiya, Kosta-Rika) oliy sud organlari tomonidan tan olinganini, shuningdek ayrim davlatlar (Gretsiya, Estoniya, Ispaniya, Misr, Ekvador, Portugaliya, Venesuela, Finlyandiya) o'z zimmalariga Internetdan foydalanish va undan foydalanish imkoniyatlarini ta'minlash bo'yicha majburiyatlar olgani tahlil qilingan.

O'zbekiston huquqiy tizimiga Internetdan foydalanish huquqini shaxsning murakkab subyektiv huquqi sifatida kiritish zarurati, uning fundamental (konstitutsiyaviy) ahamiyati tufayli kelib chiqadi. Bu zarurat Internetning ijtimoiy ahamiyati oshganligi, qonunchilikda foydalanishni cheklash tizimi to'liq shakllanmaganligi va zararli ta'sir natijasida kompyuter tarmog'ining O'zbekiston segmenti faoliyati buzilishi xavfi bilan bog'liq. Bu huquqni kiritish Internetning jamiyat hayotidagi o'rnini tan olish va inson manfaatlarini himoya qilish uchun muhimligi tavsiflangan.

Xalqaro miqyosda va turli davlatlarning me'yoriy tartibga solish tajribasi va huquqni qo'llash amaliyotini o'rganish natijalarini inobatga olgan holda, Internetdan foydalanish huquqini yuridik jihatdan tan olishning mumkin bo'lgan quyidagi usullari tahlil qilingan:

- *Konstitutsiyasida bevosita mustahkamlash;*
- *Internetdan foydalanishning qo'shimcha kafolatlarini joriy etadigan va uni har tomonlama tartibga soladigan, raqamli tengsizlikni kamaytirishga qaratilgan chora-tadbirlarni o'z ichiga olgan, shuningdek ijtimoiy ahamiyatga ega axborot resurslariga kirishni ta'minlash yondashuvini rivojlantiradigan tegishli qonunni qabul qilish.*

Konstitutsiyaviy sudlar tomonidan quyidagicha huquqiy pozitsiyalarni ishlab chiqish mumkin:

- *Internetdan foydalanishni inson huquqlarining umume'tirof etilgan qismi sifatida tan olish;*
- *konstitutsiyaviy huquqni talqin qilish orqali Internetdan foydalanish uchun alohida huquqni belgilash, ya'ni axborotni har qanday qonuniy usul bilan erkin izlash, olish, yaratish va tarqatish huquqi;*

– *inson va fuqarolarning huquq va erkinliklarini amalga oshirishda tenglik prezumpsiyasi (bu tenglik real dunyoda ham, Internetda ham) haqidagi xulosani shakllantirish; ushbu xulosa inson huquq va erkinliklarining ustunligi, ularning bevosita amal qilishi kabi konstitutsiyaviy tamoyillardan kelib chiqadi, agar huquqning mohiyati va uni amalga oshirish xususiyatlari boshqacha holatni taqozo etmasa.*

O‘zbekiston tajribasiga ham to‘xtalib o‘tilgan. 2023-yil 30-apreldagi referendum asosida O‘zbekiston Respublikasining “O‘zbekiston Respublikasi Konstitutsiyasi to‘g‘risida” (2023-yil 1-maydagi O‘RQ–837-son) Konstitutsiyaviy Qonuni qabul qilindi. Unga ko‘ra O‘zbekiston Respublikasi Konstitutsiyasi yangi tahrirda e‘lon qilindi. Yangi tahrirdagi Konstitutsiyaning 33-moddasiga asosan davlat Internetdan foydalanishni axborotni izlash, olish va tarqatish huquqining kafolatlaridan biri sifatida Konstitutsiyasi darajasida tan oldi. Ya‘ni Internet jahon axborot tarmog‘idan foydalanishni ta‘minlash bilan bog‘liq majburiyatlarni (texnik va notexnik omillar) o‘z zimmasiga oldi.

Biroq Konstitutsiyasining 33-moddasi tahlili shuni ko‘rsatadiki, O‘zbekiston Internetdan foydalanish huquqini alohida mustaqil huquq sifatida tan olmagan. Faqatgina axborotni izlash, olish va tarqatish huquqining kafolati sifatida Internet jahon axborot tarmog‘idan foydalanishni ta‘minlash majburiyatini olgan.

Shuningdek, Internetdan foydalanishning texnik va texnik bo‘lmagan omillari bilan bog‘liq davlatning ijobiy majburiyatlari ham qonunchiligimizda mavjud emasligi asoslab berilgan.

Bobning keyingi qismida Internetdan foydalanish huquqi bilan boshqa konstitutsiyaviy huquqlarning o‘zaro munosabati tahlil qilingan. Bunda, asosan, quyidagi konstitutsiyaviy huquqlar misolida ko‘rib chiqilgan:

- *fikrlash, so‘z va e‘tiqod erkinligi (33-moddaning 1-qismi); axborotni izlash, olish va tarqatish huquqi (33-moddaning 2-qismlari);*
- *huquq va erkinliklarni sud orqali himoya qilish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 55-moddasi 2-qismi);*
- *malakali yuridik yordam olish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 29-moddasi 1-qismi);*
- *saylash va saylanish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 36 va 128-moddasi);*
- *murojaat qilish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 40-moddasi);*
- *mehnat qilish, kasb va faoliyat turini erkin tanlash huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 42-moddasi);*
- *sog‘liqni saqlash va malakali tibbiy xizmatdan foydalanish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 48-moddasi);*
- *ta‘lim olish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 50-moddasi);*
- *madaniyat yutuqlaridan foydalanish huquqi (O‘zbekiston Respublikasi Konstitutsiyasining 53-moddasi);*
- *shaxsiy hayot daxlsizligi huquqi. (O‘zbekiston Respublikasi Konstitutsiyasining 31-moddasi).*

Shundan so‘ng, Internet va Internetdan foydalanish huquqining huquqiy tartibga solishnishi tadqiq qilingan.

Tarmoq munosabatlarini me‘yoriy tartibga solish milliy va jahon tajribasida ishlab chiqilgan yondashuvlarga asoslanishi lozim. Bu yondashuvlar inson asosiy huquqlarining mazmuni, ularni amalga oshirish doirasi, cheklash asoslari va himoya shakllari kabi masalalarni qamrab oladi. Bunda axborot-telekommunikatsiya tarmoqlarining ishlash jarayonidagi texnik xususiyatlarini hisobga olish zarurligi asoslantirilgan.

O‘zbekistonda Internetni huquqiy tartibga solish masalasi birorta qonun hujjatlari bilan aniq belgilab berilmagan. Internet bilan bog‘liq qonunchiligimizdagi mavjud normalar Internet bilan bog‘liq munosabatlarni ayrim jihatlarini tartibga soladi xolos. Mazkur munosabatlarni tartibga solishda ayni bir qonun normasiga emas, balki bir nechta normativ-huquqiy hujjatlarga murojaat qilishga to‘g‘ri keladi.

O‘zbekiston Internet sohasiga oid qonun hujjatlari tizimlashtirishi davlat oldidagi eng asosiy vazifalardan biriga aylanib ulgurdi. Har bir mamlakat Internet sohasiga oid qonun hujjatlarini qabul qilish jarayonida jahon hamjamiyati tomonidan umume‘tirof etilgan quyida hujjatlarda aks etgan prinsiplardan imkon qadar keng foydalanishlari lozim:

- *Global axborot jamiyati Okinava xartiyasi, G-8 sammiti (2000);*
- *Axborot jamiyatini rivojlantirish masalalari bo‘yicha oliy darajadagi umumjahon uchrashuvi prinsiplarining Jeneva Deklaratsiyasi (2003);*
- *Axborot jamiyatini rivojlantirish masalalari bo‘yicha oliy darajadagi umumjahon uchrashuvining Jeneva harakatlar rejasi (2003);*
- *Axborot jamiyati masalalari bo‘yicha oliy darajadagi umumjahon uchrashuvining Tunis majburiyati (2005);*
- *Axborot jamiyati masalalari bo‘yicha oliy darajadagi umumjahon uchrashuvining axborot jamiyati uchun Tunis dasturi (2005);*
- *AQSh, Yevropa ittifoqiga a‘zo davlatlar va boshqa 32 mamlakatlar tomonidan qabul qilingan “Internet kelajagi Deklaratsiyasi” (2022);*
- *Internetni boshqarish bo‘yicha Global forum qarorlari va tavsiyalari.*

Yuqorida keltirilgan barcha yondashuvlarni inobatga olgan holda, Internetdan foydalanish huquqini qonun darajasida huquqiy tartibga solish eng maqbul yechimligi asoslab berilgan.

Internetni tartibga soluvchi qonun hujjatlarining yo‘qligi quyidagi oqibatlariga olib kelishini tushuntirilgan:

*Birinchidan*, ayrim mamlakatlarda bunday qonun hujjatlarining yo‘qligi Internet hokimiyat organlari aralashuvisiz rivojlanishi uchun imkoniyat yaratadi;

*Ikkinchidan*, ba‘zi mamlakatlarda Internetni tartibga soladigan qonun hujjatlarining yo‘qligi hokimiyat organlari harakatlari uchun erkinlik beradi, ya‘ni nimani ruxsat etish va nimani taqiqlashni amaldorlar o‘zboshimchalik bilan hal qiladilar;

*Uchinchidan*, ayrim mamlakatlarda Internet hukumat tomonidan me‘yordan ortiq tartibga solinadi. Internet sohasida qonun hujjatlarini yanada uyg‘unlashtirishning maqsadi mazkur cheklashlarni olib tashlashdir. “Tartibga soluvchi” qonun ayrim mamlakatlarga Internetdan foydalanish sohasida yuzaga

keluvchi huquqiy munosabatlarni tartibga solish imkonini beradi;

*To'rtinchidan*, Internetni rivojlantirishning eng ta'sirchan vositasi uning o'zini o'zi tartibga solishidir. Tarmoqda munosabatlarni tartibga solishning mazkur usuli Internet hamjamiyatning barcha a'zolarini qanoatlantiradigan qoidalarni belgilash va davlat aralashuvini oqilona darajada cheklash imkonini beradi<sup>10</sup>.

Dissertatsiyaning uchinchi bobi "**Internetdan foydalanish huquqini ta'minlanishining takomillashtirish istiqbollari**" deb nomlanib, ushbu bobda Internetdan foydalanish huquqining cheklanishi hamda Internetdan foydalanish huquqini ta'minlash bilan bog'liq muammolar va Internetdan foydalanish huquqini ta'minlashni takomillashtirishning ustuvor yo'nalishlari tahlil qilingan.

Bir insonning huquq va erkinligi boshqa insonning huquq va erkinligi, jamiyat va davlatning qonuniy manfaatlarini boshlanadigan joyda tugaydi.

Davlatning Internet orqali insonlar huquq va erkinliklarini amalga oshirishga aralashuvining chegaralari va cheklovlarini aniqlash dolzarb muammo hisoblanadi. Internetning ta'siri tobora ortib borayotganini inobatga olib, "davlat hokimiyati chegaralari shunday belgilanishi kerakki, bunda davlat nafaqat insonning huquq va erkinliklariga daxl qilishdan tiyilishi, balki jamiyatni samarali boshqarish orqali bu huquq va erkinliklarni amalga oshirish uchun sharoit yaratishi ham lozim"<sup>11</sup>. Qonunchilikda Internetdan foydalanish imkoniyatiga aralashish chegaralari bo'yicha maxsus ko'rsatmalar belgilanmagan. Agar Internetdan foydalanish huquqi yangi kompleks huquq sifatida rasmiylashtirilsa, aynan "inson huquqi sifatida tan olinishi" bunday chegara vazifasini o'tashi mumkinligi asoslab berilgan. Chunki O'zbekiston Respublikasi Konstitutsiyasining 21-moddasi 3-qismiga asosan, inson huquq va erkinliklarini amalga oshirishga davlat aralashuvining o'ziga xos xususiyatlarini va chegaralarini belgilaydigan universal konstitutsiyaviy-huquqiy mexanizm mavjud. Ya'ni insonning huquq va erkinliklari faqat qonunga muvofiq va faqat konstitutsiyaviy tuzumni, aholining sog'lig'ini, ijtimoiy axloqni, boshqa shaxslarning huquq va erkinliklarini himoya qilish, jamoat xavfsizligini hamda jamoat tartibini ta'minlash maqsadida zarur bo'lgan doirada cheklanishi mumkin. Bundan tashqari, O'zbekiston Respublikasi Konstitutsiyasining 33-moddasi 4-qismiga asosan, axborotni izlash, olish va tarqatishga bo'lgan huquqni cheklashga faqat qonunga muvofiq hamda faqat konstitutsiyaviy tuzumni, aholining sog'lig'ini, ijtimoiy axloqni, boshqa shaxslarning huquq va erkinliklarini himoya qilish, jamoat xavfsizligini hamda jamoat tartibini ta'minlash, shuningdek davlat sirlari yoki qonun bilan qo'riqlanadigan boshqa sir oshkor etilishining oldini olish maqsadida zarur bo'lgan doirada yo'l qo'yiladi.

Jamiyat manfaatlarini yoki boshqa shaxslarning huquq va erkinliklarini ta'minlash maqsadida huquqlarni cheklash imkoniyati har doim xavf tug'diradi. Bu xavf qo'riqlanadigan jamoat manfaatiga nomutanosib cheklov choralari qo'llashga

---

<sup>10</sup>Рустамбеков И. Интернет тармоғида фуқаролик-ҳуқуқий муносабатларни тартибга солиш муаммолари. Монография. Тошкент - 2017 // Электрон манба: [https://drive.google.com/file/d/1Jji62MkgxygkDsYE36Rx4ITHFk\\_yEjUD/view](https://drive.google.com/file/d/1Jji62MkgxygkDsYE36Rx4ITHFk_yEjUD/view)

<sup>11</sup>Троицкая А.А. Пределы публичной власти: конституционно-правовое осмысление // Вестник Московского университета. Серия 11. Право. 2009. №5. С.47

olib kelishi mumkin. Hatto bunday cheklovlarni belgilashda suiiste'mollik bo'lmasa ham.

Hozirgi kunda inson huquqlarini cheklash chegaralari masalasi juda dolzarb bo'lib turibdi. Shuning uchun ham, Konstitutsiyaviy huquqlarning cheklanishi zaruriyligi va bunday cheklovlar konstitutsiyaviy maqsadlarga mutanosib bo'lishi lozimligi asoslab berilgan.

Cheklov bilan bog'liq norma rasmiy jihatdan aniq belgilangan, to'g'ri, ravshan va tushunarli bo'lishi, o'rnatilgan cheklovlarni kengaytirib talqin qilishga yo'l qo'ymasligi va ularni o'zboshimchalik bilan qo'llashga imkon bermasligi kerakligi asoslab tushuntirilgan.

Internetdan foydalanish huquqi mutlaq emas, balki nisbiydir. Internet taqdim etadigan imkoniyatlarning xilma-xilligi tufayli har bir holat uchun munosib cheklovni tanlash muhim ahamiyat kasb etadi. Bunda Internetdan foydalanish huquqi haddan ziyod cheklanmasligi, ayni paytda cheklovlar ma'lum maqsadga erishish imkonini berishi lozim. Suiiste'molliklarning oldini olish maqsadida cheklov mezonlari ishlab chiqilishi lozim. Mazkur mezonlar Internetdan foydalanish huquqining qo'shimcha kafolati vazifasini o'taydi.

Cheklovlar *individual-muayyan* va *umumiy* xususiyatga ega bo'lishi mumkinligi tahlil qilingan.

Individual xususiyatga ega cheklovlar Internet foydalanuvchisining huquqiy maqomi va uning o'zgarishi sababli yuzaga keladi hamda quyidagi ko'rinishlarda namoyon bo'lishi mumkin:

- *umuman Internetdan foydalanishni cheklashda;*
- *Internet yordamida amalga oshiriladigan ma'lum bir faoliyatni cheklashda.*

Internetni tartibga solish darajasiga ko'ra uch xil model ko'rib chiqildi: *liberal*, *avtoritar* va *avtoritar-totalitar*. Liberal model Internetdagi siyosiy mazmundagi ma'lumotlar ustidan amalda nazorat yo'qligini nazarda tutadi. Avtoritar model Internetning faqat siyosiy qismini nazorat qilishni ko'zda tutadi, xususan, ma'lum tanqidiy materiallar mavjud siyosiy tizimga putur yetkazishi mumkin bo'lgan hollarda. Avtoritar-totalitar model esa, mamlakat rahbariyatining Internetdan foydalanishni butunlay taqiqlash va o'zining milliy tarmog'ini yaratishga bo'lgan intilishlarini aks ettiradi.

Internetdan foydalanish huquqi boshqa huquqlarni amalga oshirish vositasi bo'lganligi uchun ham insonning raqamli aksi mavjud bo'lgan huquqi (Internetdagi) cheklanishi natijasida Internetdan foydalanish huquqi cheklanadi yoki aksincha.

Milliy (davlat) darajasida va xalqaro miqyosda Internet orqali insonlar huquq va erkinliklarini amalga oshirishga aralashuvining chegaralari va cheklovlari hamda cheklovlarning mutanosibligi bilan bog'liq vaziyatlar tahlil qilindi. Internetdan foydalanish huquqini cheklash bilan bog'liq normativ-huquqiy hujjatlar o'rganib chiqildi.

Internetdan foydalanish huquqini Internetdan ayro tasavvur qila olmaymiz. Internet bilan bog'liq barcha muammolar Internetdan foydalanish huquqini ta'minlash bilan bog'liq muammolar bilan chambarchas bog'liq. Bugungi kunda Internet nafaqat alohida "tarmog'" balki "huquqiy maydon" ham sanaladi. Shuning

uchun Internet tarmog‘i va Internet huquqiy maydonini talil qilish asosida Internetdan foydalanish huquqini ta‘minlash bilan bog‘liq muammolar va Internetdan foydalanish huquqini ta‘minlashni takomillashtirishning ustuvor yo‘nalishlarini tahlil qilindi.

Internet tarmog‘idagi asosiy muammolar o‘rganildi. Har bir muammo alohida tahlil qilib oqibatlari tushuntirildi.

Quyidagilar Internet tarmog‘idagi asosiy muammolar hisoblanadi:

- *virtual shaxs: ijtimoiy hodisa va huquqdagi aks etishi;*
- *foydalanuvchilarni aniqlash (identifikatsiyalash);*
- *yurisdiksiyani aniqlash;*
- *Internetda huquqbuzarliklar turlari va ko‘lamining ortib borishi;*
- *axborot vositachilarining javobgarligi;*
- *avtomatlashtirilgan harakatlar.*

Internetdan foydalanish huquqining ta‘minlanishini takomillashtirish davlatlar tomonidan texnik va texnik bo‘lmagan omillarni ta‘minlash bo‘yicha majburiyatlar bilan bog‘liqligi o‘rganildi.

Davlatlar tomonidan Internetdan foydalanishning texnik va texnik bo‘lmagan omillarini ta‘minlash bo‘yicha majburiyatlarga oid qoidalarni ko‘rib chiqish muhim ahamiyatga ega. Shundan kelib chiqib, avval, xalqaro shartnomalar va xalqaro tashkilotlarning hujjatlarida (Internetdan foydalanish) texnik omilning o‘rni, keyin esa xalqaro shartnomalar va xalqaro tashkilotlarning hujjatlarida (Internetdan foydalanish) notexnik omilning o‘rni tahlil qilindi.

Har qanday Internetdan foydalanish huquqini mustaqil huquq sifatida tan olgan davlat Internetdan foydalanish huquqini o‘z yurisdiksiyasi doirasida ta‘minlashi shart. Davlatlar uchun Internetdan foydalanish huquqini ta‘minlash boshqa konstitutsiyaviy huquqlarni ta‘minlashga nisbatan og‘irroq kechadi. Chunki Internetdan foydalanish huquqining mazmuni juda keng.

Davlatlar uchun Internetdan foydalanish huquqini texnologik tomondan ta‘minlash bilan bog‘liq majburiyatlar quyidagilardan iborat:

- *Internet taqdim etadigan texnologik imkoniyatlardan to‘siqsiz foydalanish;*
- *Internetdan foydalanish uchun dasturiy ta‘minot va texnik qurilmalarni tanlash hamda ulardan foydalanish erkinligi;*
- *“tarmoq betarafligi” tamoyillariga rioya qilish;*
- *trafikni kamsitish yoki xizmatlar sifatini pasaytirishni taqiqlash;*
- *qonuniy kontent, ilovalar va xizmatlarni qabul qilish yoki jo‘natishga bo‘lgan cheklovlarni taqiqlash;*
- *axborot yoki xizmatlarni asossiz ravishda to‘siq qo‘yishni man etish;*
- *jamoat joylarida va mobil qurilmalar orqali Internetdan foydalanish imkoniyatining mavjudligi.*

Bundan tashqari, Davlatning sifatli Internet infratuzilmasini ta‘minlash bo‘yicha majburiyatlariga quyidagilar kiradi:

- *narxlarni shakllantirish sxemalari, texnik xizmat ko‘rsatish va litsenziya shartnomalari talablari to‘g‘risidagi qonun hujjatlarini qabul qilish;*

- *Internetdan foydalanishni qo'llab-quvvatlash, jumladan jamoaviy foydalanish nuqtalarini tashkil etish;*
- *aholining, ayniqsa ijtimoiy himoyaga muhtoj qatlamlarning Internetdan foydalanish bo'yicha ko'nikmalarini oshirish;*
- *nogironlar va ehtiyojmand shaxslarning Internetdan teng foydalanish imkoniyatini ta'minlash choralari ko'rish.*

## **XULOSA**

Mazkur tadqiqot ishida Internetdan foydalanish huquqining kontitusiyaviy huquqiy asoslari tahlil etildi. Ushbu masalalarini o'rganish, tahlil qilish, tadqiqot oldiga qo'yilgan vazifalarni hal etish, shuningdek xorijiy mamlakatlarning tajribalarini o'rganish asnosida Internetdan foydalanish huquqining kontitusiyaviy-huquqiy asoslari bilan bog'liq qonunchilikni va tashkiliy mexanizmlarni takomillashtirish yuzasidan bir qator nazariy xulosalarga kelindi hamda amaliy takliflar va tavsiyalar ishlab chiqildi.

### **I. Ilmiy-nazariy xulosalar:**

1. Internetning yaratilish va rivojlanish bosqichlarini quyidagicha bo'lish mumkin:

- *tajriba bosqichi (1960-1984)* - bu bosqichda kompyuter tarmoqlari endigina ishlab chiqila boshlangan bo'lib, ulardan faqat ilmiy-tadqiqot maqsadlarida, shuningdek mudofaa sohasida foydalanilgan;

- *Web 1.0 bosqichi (1984-1990)* - mazkur bosqichda foydalanuvchi hali tarmoqda kontent yaratish va tarqatishda faol ishtirokchi emas edi, asosiy rolni ko'proq veb-sayt egalari va boshqaruvchilari o'ynagan;

- *Web 2.0 bosqichi (1990-2024)* - ushbu bosqichda kontent yaratish hamda tarqatishni, asosan, foydalanuvchilarning o'zi bajarar edi. Shunga ko'ra axborot vositachilarining javobgarligi masalasi ham muhim ahamiyat kasb eta boshladi (biroq bu muammo haligacha mavjud);

- *Web 3.0 bosqichi* - bu bosqich haqida gapirish biroz erta bo'lsa-da, keyingi bosqich aynan Web 3.0 bilan bog'liq bo'ladi. Web 3.0 (Web3 deb ham ataluvchi) - bu yangi avlod Internet texnologiyasi bo'lib, sun'iy intellekt (SI) va blokcheyn texnologiyasiga asoslanadi (bu atamani Polkadot asoschisi va Ethereum hammuassisi Gevin Vud o'ylab topgan). Web 3.0 foydalanuvchilarga o'z ma'lumotlari ustidan tarmoqda to'liq nazorat o'rnatishni va'da qiladi;

2. Ko'plab normativ-huquqiy hujjatlarda, "Internet" atamasi turlicha ta'riflangan: "Internet axborot-kommunikatsiya tarmog'i", "axborot almashinuvining texnik vositasi" va "ommaviy axborot vositasi o'z faoliyatini amalga oshiruvchi virtual makon". Qonunchilikdagi ta'riflar va mazkur sohani tadqiq qilayotgan olimlarning "Internet"ga nisbatan bergan ta'riflariga asoslanib, "Internet" tushunchasining mazmun-mohiyati to'liq ochib beradigan mualliflik ta'rifini ishlab chiqildi ("Internet" tez o'zgaruvchi hodisa bo'lib, unga nisbatan berilgan ta'rif ham tez eskirib, o'z ahamiyatini yo'qotishi mumkin): *"Internet - bu umumiy foydalanishdagi global axborot-telekommunikatsiya tarmog'i bo'lib, ko'plab mahalliy, mintaqaviy va shaxsiy kompyuter tarmoqlarini yagona axborot*

*makoniga bog'lashni ta'minlaydi. Uning ishlashi maxsus dasturiy protokollardan foydalangan holda axborot va texnik resurslarning tizimli integratsiyasi orqali amalga oshiriladi. Bu esa domen manzillari va gipermatn texnologiyalari yordamida turli xil resurslarga kirish, shuningdek elektron pochta, chatlar va boshqa tarmoq xizmatlari orqali ma'lumot almashish imkonini yaratadi. Internet insonlarga axborot almashish, muloqot qilish, ma'lumotlarni izlash va olish, shuningdek turli xil xizmatlar va ilovalardan foydalanish imkonini beradi*".

3. Internet tufayli konstitutsiyaviy huquq va erkinliklarni amalga oshirishning yangi usullari paydo bo'lmoqda va ularning mazmun-mohiyati kengaymoqda. Internet konstitutsiyaviy huquq va erkinliklarni amalga oshirishning kafolatiga aylandi. Inson va fuqaroning huquq hamda erkinliklarini imkon qadar to'liq amalga oshirish va himoya qilishni ta'minlash uchun Internetdan foydalanish huquqini mustaqil kompleks huquq sifatida yuridik jihatdan rasmiylashtirish zamon talabiga aylanib ulgurdi.

4. Internetdan foydalanish huquqining alohida mustaqil huquq sifatida tan olinishi va huquqiy jihatdan rasmiylashtirilishi boshqa inson huquq va erkinliklarini amalga oshirilishining kafolati bo'lib xizmat qiladi. Shuningdek, mazkur huquqning tan olinishi va huquqiy jihatdan rasmiylashtirilishi axborot maydoniga nisbatan davlat suverenitetini ta'minlashdagi dastlabki qadamlardan biri bo'ladi.

5. Amaldagi qonunchilikda "Internetdan foydalanish huquqi" tushunchasiga aniq huquqiy ta'rif yo'qligi hamda olimlar tomonidan ushbu tushunchaning mazmun-mohiyati to'liq ochib berilmaganligi sababli unga nisbatan quyidagi ta'rif ishlab chiqildi: "*Internetdan foydalanish huquqi - insonlarga global Internet tarmog'iga ulanish (texnik va notexnik omillarga bog'liq), uning axborot resurslaridan foydalanish, shuningdek axborot yaratish va tarqatish imkoniyatini beruvchi shaxsiy, pozitiv, individual (xususiy) va nisbiy huquq bo'lib, raqamli muhitda ko'plab boshqa huquq va erkinliklarni ro'yobga chiqarish imkonini beruvchi vosita vazifasini bajaradi. Ya'ni o'zining raqamli aksi bo'lgan har qanday huquqni Internetdan foydalanish huquqi yordamida amalga oshiriladi*".

6. Internetdan foydalanish huquqini alohida mustaqil huquq sifatida tan olish davlatning axborot makoni yoki raqamli muhitga nisbatan davlat suverenitetini ta'minlash nuqtayi nazaridan ham muhim sanaladi. Har bir davlat mazkur huquqni turli normativ huquqiy hujjatlar doirasida mustahkamlashi mumkin. Qaysi normativ huquqiy hujjat darajasida mustahkamlash davlatning axborot makoni yoki raqamli muhitga nisbatan olib borayotgan o'z davlat siyosatiga (Internetdan foydalanishning notexnik obyektiv omiliga) bog'liq. Shunga ko'ra Internetdan foydalanish huquqini quyidagi normativ hujjatlar darajasida tan olish (mustahkamlash) mumkin:

– *Konstitutsiyada to'g'ridan to'g'ri mustahkamlash;*

Odatda davlatlar o'zlarining asosiy qonunlarida Internetdan foydalanish huquqini bilan bog'liq texnik omillarni ta'minlashni o'z zimmlariga oladilar va Internetdan foydalanish huquqini boshqa huquqlarni amalga oshirish kafolati sifatida belgilaydilar, ya'ni axborot va aloqa huquqini ta'minlashning bir sharti sifatida. Shuningdek, bugungi kunda keng tarqalayotgan va biz taklif qilayotgan yo'l bu - Internetdan foydalanish huquqini alohida va mustaqil inson huquqi sifatida mustahkamlash. Bugungi raqamli dunyodagi eng to'g'ri yo'l shu, nazarimizda.

- *qonun doirasida mustahkamlash;*

Bu darajada ham ikki xil yondashuv mavjud. Birinchi yondashuv - Internetdan foydalanish huquqi bilan bog‘liq barcha ijtimoiy munosabatlarni yagona qonun doirasida yoki kodekslashtirish orqali tartibga solish bo‘lsa, ikkinchi yondashuv - mavjud turli qonun hujjatlari doirasida tartibga solish. Internet va Internetdan foydalanish huquqi bilan bog‘liq ijtimoiy munosabatlarning xususiyatlari keskin o‘zgaruvchan. Shu nuqtayi nazardan ikkinchi yo‘nalish ayni sharoitga to‘g‘ri yechim bo‘la oladi.

- *Sudlar (Konstitutsiyaviy sudlar) qarorlari asosida mustahkamlash;*

Bu ko‘proq Pretsedent huquqi (angl. case law yoki common law) tizimi amal qiladigan davlatlarda kuzatiladi. Ya‘ni ingliz huquqi an‘analariga asoslangan mamlakatlarda sud tomonidan ilgari qabul qilingan qaror bo‘lib, keyinchalik shunga o‘xshash holatlar bo‘yicha qaror qabul qilishda asos sifatida ishlatiladi. Natijada bir sud Internetdan foydalanish huquqini alohida inson huquqi sifatida o‘z qarorida tan olsa, boshqa barcha shu masalaga o‘xshash keyingi ishlar bo‘yicha pastroq sudlar o‘sha qarorga amal qilishlari kerak. Bu esa Internetdan foydalanish huquqini alohida inson huquqi sifatida tan olinganini anglatadi.

7. Internetdan foydalanish huquqi o‘z tabiatiga ko‘ra murakkab bo‘lib, Internetdan foydalanishning texnik va texnik bo‘lmagan omillari (subyektiv va obyektiv)ga bog‘liq.

*Texnik omil shaxsning quyidagi huquqiy imkoniyatlarini belgilaydi:*

- Internetda ishlash imkonini beruvchi jihozlarga ega bo‘lish (bu to‘g‘ridan to‘g‘ri foydalanuvchining majburiyatlari sirasiga kiradi);

- foydalanuvchi qurilmasiga IP-manzil taqdim etish uchun texnik imkoniyatlarga ega bo‘lgan hamda foydalanuvchi qurilmasidan kelgan so‘rovlarga muvofiq ma‘lumotlarni qabul qilish va uzatishni amalga oshiradigan provayder - aloqa operatori infratuzilmasidan foydalanish imkoniyatiga ega bo‘lish (mazkur omil bevosita foydalanuvchining tanlovi bilan bog‘liq, ya‘ni foydalanuvchi o‘ziga narx va tezlik jihatidan qulay aloqa operatorini tanlaydi, boshqacha aytganda Internetdan foydalanish huquqi yagona haq evaziga amalga oshiriladigan inson huquqi sanaladi);

- global kompyuter tarmog‘ida manzil olish (mazkur omil ham bevosita foydalanuvchi va uning qurilmasiga bog‘liq, tarmoqni ishlashi esa davlatlarning ijobiy majburiyatlari sirasiga kiradi);

- shaxsiy ma‘lumotlarni avtomatlashtirilgan tarzda qayta ishlashdan himoyalanih (bugungi kunda mazkur omil notexnik obyektiv omilga aylanib bormoqda, ya‘ni mazkur omilni davlatlar o‘zining ijobiy majburiyati sifatida tan olmoqdalar);

- tarmoq bilan sifatli aloqa o‘rnatish (ya‘ni davlatning butun hududiga lozim darajadagi Internet tezligini ta‘minlash bo‘lib, mazkur omilni ham bugungi kunda davlatlar o‘zining ijobiy majburiyati sifatida tan olmoqdalar);

- qabul qilish va uzatish uchun noqonuniy cheklovlarni bartaraf etishni hamda cheklovlar faktlari va asoslari haqida xabardor qilishni talab etish (bu

Internetdan foydalanishni va uni betarafligini ta'minlab beruvchi bir huquq desak bo'ladi, boshqacha aytganda huquq ichidagi vakolat).

*Texnik bo'lmagan omil murakkab hisoblanadi va quyidagilarni o'z ichiga oladi:*

- *subyektiv omil*, ya'ni Internet tarmog'ining potensial imkoniyatlarini ro'yobga chiqarish imkonini beradigan shaxsning bilim va qobiliyatlari yig'indisi (ya'ni har bir foydalanuvchi o'z extiyoji va salohiyatidan kelib chiqib Internetdan foydalanishi kafolatlanadi);

- davlatning Internetdan foydalanish, uning potensial imkoniyatlari va shaxs tomonidan bu imkoniyatlarni amalga oshirishni ta'minlash borasidagi siyosatida mujassamlashgan *obyektiv omil* (ya'ni davlatning mazkur sohadagi ijobiy va salbiy majburiyatlari).

Internetdan foydalanishning texnik bo'lmagan obyektiv omili Internetdan foydalanish huquqini ta'minlash bo'yicha *davlatning ijobiy va salbiy majburiyatlarini* o'z ichiga oladi.

*Davlatning salbiy majburiyatlari qatoriga quyidagilarni kiritish mumkin:*

- Internetdan foydalanish huquqini amalga oshirishga aralashmaslik, telekommunikatsiya tarmog'ining milliy qismini Internet bilan aloqadorligini buzishdan tiyilish, umuman olganda Internetning neytralligini ta'minlab berish;

- qonunchilikda belgilangan tartib va asoslardan tashqarida Internet tarmog'idagi manbalarni va Internetdan foydalanish huquqini cheklashga yo'l qo'yilmasligi.

*Davlatning eng muhim ijobiy majburiyatlariga quyidagilarni kiritish lozim:*

- Internetdan foydalanishning texnik va texnik bo'lmagan omillari tufayli yuzaga kelgan raqamli makondagi turli xil raqamli tengsizlik shakllarini bartaraf etish;

- Internet tarmog'ida haqiqiy dunyodagi kabi huquqlarni ta'minlash va himoya qilish (agar huquqning mohiyati va tabiati boshqacha talab qilmasa).

8. Internetda inson huquqlarining rivojlanishining uch bosqichini ajratib ko'rsatish mumkin:

- Internetni ma'lum inson huquqlarining amalga oshirish vositasi va elementi sifatida ko'rish bosqichi (Internet inson huquqlariga chambarchas bog'liq bo'lib, ularni amalga oshirish vositasi va kafolati hisoblanadi) shuningdek, mazkur bosqichda Internetni yangi inson huquqlari vujudga keltiruvchi "yadro" sifatida qarash mumkin (yangi huquqlar vujudga keladi va mavjudlari o'zgaradi);

- Internetdan foydalanish huquqining alohida inson huquqiga aylanib borish bosqichi (bunda Internetdan foydalanish huquqi milliy (davlat) darajasida va xalqaro miqyosda tan olinadi va tegishli normativ-huquqiy hujjatlarda mustahkamlanadi);

- Internetni raqamli inson huquqlarining amalga oshirish "huquqiy maydoni" sifatida e'tirof etish bosqichi (inson huquqlarini amalga oshirishda ikki huquqiy maydon mavjud: real huquqiy maydon va virtual huquqiy maydon).

9. Internetdan foydalanish huquqini yuridik tabiatini quyidagicha tasniflash mumkin:

– tabiiy huquqlar va pozitiv huquqlar tasnifi bo‘yicha, Internetdan foydalanish huquqi *pozitiv huquq* hisoblanadi, chunki uning amalga oshirilishi texnik infratuzilma va tarmoqqa kirishni ta‘minlaydigan davlat yoki xususiy sektorga bog‘liq;

– inson va fuqaro huquqlari tasnifiga ko‘ra, Internetdan foydalanish huquqini *inson huquqlari* qatoriga kiritish lozim, chunki mazkur huquq fuqaroligidan qat‘i nazar barcha insonlarga taalluqlidir;

– mutlaq huquqlar va nisbiy huquqlar tasnifi bo‘yicha, ushbu Internetdan foydalanish huquqi *nisbiy huquq* hisoblanadi, chunki uning amalga oshirilishi xizmat ko‘rsatuvchilar bilan tuzilgan shartnomalar shartlariga, infratuzilmaning mavjudligiga va Internet sohasidagi faoliyatni tartibga soluvchi qonunchilikka bog‘liq bo‘lishi mumkin;

– individual(xususiy) va jamoaviy(ommaviy) tasnifi bo‘yicha, u har bir shaxsga beriladigan, undan o‘z xohishiga ko‘ra shaxsiy ehtiyojlari uchun foydalanishi mumkin bo‘lgan *individual (xususiy) huquq*dir;

– amalga oshirish sohalari (shaxsiy, siyosiy, ijtimoiy, iqtisodiy va madaniy huquqlar) bo‘yicha, ushbu huquq axborot olish va tarqatishda, muloqotda va o‘z fikrini ifodalashda individual erkinlikni ta‘minlaydigan *shaxsiy huquqlar* toifasiga kiradi;

– “Huquqlar avlodi” bo‘yicha, bu huquq globallashtirish va raqamli texnologiyalar davrida paydo bo‘lgan va yangi raqamli hamda axborot voqeliklarida inson huquqlarini himoya qilishga qaratilgan *“to‘rtinchi avlod” huquqlariga* tegishlidir.

## **II. O‘zbekiston Respublikasi qonunchiligini takomillashtirishga oid takliflar:**

10. Tarmoq munosabatlarini me‘yoriy tartibga solish milliy va jahon tajribasida ishlab chiqilgan yondashuvlarga asoslanishi lozim. Bu yondashuvlar inson asosiy huquqlarining mazmuni, ularni amalga oshirish doirasi, cheklash asoslari va himoya shakllari kabi masalalarni qamrab olishi kerak. Bunda axborot-telekommunikatsiya tarmoqlarining ishlash jarayonidagi texnik xususiyatlarini hisobga olish zarur.

11. O‘zbekiston huquqiy tizimiga Internetdan foydalanish huquqini shaxsning murakkab subyektiv huquqi sifatida kiritish zarurati uning fundamental (konstitutsiyaviy) ahamiyati tufayli kelib chiqadi. Bu zarurat Internetning ijtimoiy ahamiyati oshganligi, qonunchilikda foydalanishni cheklash tizimi shakllanganligi va zararli ta‘sir natijasida kompyuter tarmog‘ining O‘zbekiston segmenti faoliyati buzilishi xavfi bilan bog‘liq. Bu huquqni kiritish Internetning jamiyat hayotidagi o‘rnini tan olish va fuqarolar manfaatlarini himoya qilish uchun muhimdir. Shundan kelib chiqib, O‘zbekiston Respublikasi Konstitutsiyasiga 33<sup>1</sup>-moddasini kiritish va unda Internetdan foydalanish huquqini mustahkamlash zarur. Chunki amaldagi O‘zbekiston Respublikasi Konstitutsiyasi 33-moddasida Internet axborot izlash, olish va tarqatishning bir manbasi sifatida axborot olish huquqining tarkibiy qismi sifatida belgilangan. Bugungi kunda, Internetdan foydalanish huquqi faqat axborot

olish huquqining tarkibiy qismi sifatida emas, alohida mustaqil shaxsiy huquq sifatida shakllanishga ulgurdi.

Yuqoridagilarga asosan, O‘zbekiston Respublikasi Konstitutsiyasining 33-modda 3-qismi olib tashlanib, O‘zbekiston Respublikasi Konstitutsiyasiga 33<sup>1</sup>-moddasi qo‘shilib, quyidagi tahrirda bayon qilinsa maqsadga muvofiq bo‘ladi:

*Har kim Internet jahon axborot tarmog‘idan foydalanish huquqiga ega.*

*Davlat Internet jahon axborot tarmog‘idan foydalanishni ta‘minlash uchun shart-sharoitlar yaratadi.*

12. Internetning imkoniyatlari shunchalik keng qamrovliki, undan iqtisodiyot, ilm-fan va madaniy taraqqiyotga zarar yetkazmagan holda foydalanish kerak. Internetni davlat darajasida tartibga solinishi lozim, biroq bu asosan cheklovlar orqali emas, balki uning rivojlanishini ta‘minlash nuqtayi nazaridan bo‘lishi kerak. Inson, jamiyat va davlat uchun Internetning salohiyatini to‘liq ochib berishga ko‘maklashadigan choralar ko‘rilishi zarur. Shundan kelib chiqib, O‘zbekiston Respublikasi “Axborotlashtirish to‘g‘risida”gi va “Telekommunikatsiyalar to‘g‘risida”gi qonunlarida “Internet” va “Internetdan foydalanish” tushunchalariga rasmiy izoh berilishi hamda mazkur qonunlar bilan Internetdan foydalanishning texnik va notexnik omillarini aniq belgilab qo‘yilishi lozim. Shuningdek, qonunchilikda Internetdan foydalanish huquqining cheklanishi va cheklovlarning mutanosibliigi bilan bog‘liq aniq ko‘rsatmalar rasmiylashtirib qo‘yish kerak (*mazkur taklif bo‘yicha loyiha ishga ilova qilinmoqda*).

### **III. O‘zbekiston Respublikasida Internetdan foydalanish huquqining tashkiliy mexanizmlarini takomillashtirishga oid taklif va tavsiyalar:**

13. O‘zbekistonda joriy etiladigan Internet tarmog‘iga kirish cheklovlari ommaviy va xususiy manfaatlarni himoya qilish maqsadida qo‘llanilishi hamda ular alohida shaxslarga yo‘naltirilgan yoki umumiy xususiyatga ega bo‘lishi kerak. Individual xususiyatga ega cheklovlar Internet foydalanuvchisining huquqiy maqomi va uning o‘zgarishi sababli yuzaga kelishi va Internetga kirishning o‘ziga to‘sqinlik qilish yoki Internet yordamida amalga oshiriladigan faoliyatni cheklash orqali amalga oshirish kerak. Umumiy xarakterdagi cheklovlar esa asosan favqulodda holatlarda joriy qilinishi lozim. Chunki Internetdagi ma‘lumotlar yoki kommunikatsiya ommaviy manfaatlarga, jumladan, mamlakat mudofaasi va davlat xavfsizligiga aloqador bo‘lishi mumkin (*mazkur taklif bo‘yicha loyiha ishga ilova qilinmoqda*).

14. O‘zbekistonda qo‘llaniladigan Internet tarmog‘iga va (yoki) alohida Internet-resurslarga kirishni cheklash qonunlar asosida (“Axborotlashtirish to‘g‘risida”gi yoki “Telekommunikatsiyalar to‘g‘risida”gi) amalga oshirilishi lozim. Umumiy qoidaga ko‘ra, O‘zbekiston Konstitutsiyasining 21-moddasi 3-qismida belgilangan inson va fuqaro huquqlari hamda erkinliklarini cheklashning qonuniy maqsadlariga muvofiq kelishi shart. Ma‘muriy tartibda amalga oshiriladigan blokirovkalariga nisbatan xususiy va ommaviy manfaatlarni yanada yaxshiroq muvozanatlash maqsadida, qonunchilikka yangi qoida kiritish lozim. Ushbu qoidaga ko‘ra, resurs egalari ma‘muriy tartibda qabul qilingan qaror yuzasidan dastlabki sud nazoratini o‘tkazishni talab qilish huquqiga ega bo‘lishi, bunda blokirovka vaqtincha

to'xtatilishi kerak. Shuningdek, cheklash faqat sud qarori asosida amalga oshirilishi lozim (*mazkur taklif bo'yicha loyiha ishga ilova qilinmoqda*).

15. Internetdan foydalanish huquqi masalasida notexnik obyektiv omil davlatning bu huquqni ta'minlashga qaratilgan salbiy va ijobiy majburiyatlari yig'indisidan iborat bo'lib, ushbu majburiyatlar "raqamli uzilishlar"ni bartaraf etishga qaratilgan bo'lishi lozim. Bunday uzilishlar ko'p bo'lib, ular subyektiv, obyektiv va texnik omillarda namoyon bo'ladi. Davlat Internetdan foydalanish bilan bog'liq barcha jihatlar bo'yicha "raqamli tafovut"ni yo'q qilishga, shuningdek real dunyoda amalga oshiriladigan barcha huquqlarni Internet muhitida ham ta'minlashga ijobiy yordam berishi shart. Cheklov standartlarini ishlab chiqish, milliy segmentni yakka boshqarishdan tiyilish hamda huquqiy tartibga solish choralarini ishlab chiqishga tadbirkorlik va fuqarolik jamiyati vakillarini jalb etish - bu kompyuter tarmog'i doirasidagi ijtimoiy munosabatlarga haddan tashqari va nomutanosib aralashuvdan himoya kafolati bo'lib xizmat qiladi. Bularning barchasi ushbu "raqamli tafovut"ni bartaraf etish maqsadiga to'liq muvofiq bo'lishi kerak. Real dunyoda amalga oshirilayotgan (yoki amalga oshirilishi lozim bo'lgan) va inson huquqlari standartlariga mos kelmaydigan barcha huquqlarni ro'yobga chiqarishda shaxsning imkoniyatlarini cheklovchi "raqamli tafovut"ning yangi ko'rinishlari paydo bo'lishiga yo'l qo'ymaslik lozim (*mazkur taklif bo'yicha loyiha ishga ilova qilinmoqda*).

**SCIENTIFIC COUNCIL No. DSc.07/30.12.2019.Yu.22.02  
FOR AWARDING SCIENTIFIC DEGREES  
AT TASHKENT STATE UNIVERSITY OF LAW**

---

**TASHKENT STATE UNIVERSITY OF LAW**

**KUDRATILLAYEV JAKHONGIR ZOKIRJON UGLI**

**CONSTITUTIONAL AND LEGAL FOUNDATIONS OF THE RIGHT  
TO USE THE INTERNET**

12.00.02. – Constitutional law. Administrative law.  
Finance and customs law

**Doctoral (PhD) dissertation abstract on legal sciences**

**Tashkent – 2025**

**Theme of the doctoral dissertation (PhD) was registered at the Supreme Attestation Commission under the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan under number No. B2023.2.PhD/Yu1032.**

The dissertation has been prepared at Tashkent State University of Law.

The abstract of the dissertation is posted in three languages (Uzbek, English, Russian (resume)) on the website of the Scientific Council ([www.tsul.uz](http://www.tsul.uz)) and on the Information and Education portal “ZiyoNet” ([www.ziynet.uz](http://www.ziynet.uz)).

<b>Scientific Supervisor:</b>	<b>Bekov Ixtiyor Rustamovich,</b> Doctor of Science in law, Professor
<b>Official opponents:</b>	<b>Muxitdinova Firyuza Abdurashidovna</b> Doctor of Science in law, Professor <b>Xakimov G’ulomjon Turg’unpulatovich</b> Candidate of Legal Science, Associate professor
<b>Leading organization:</b>	<b>Academy of the Ministry of internal affairs of the Republic of Uzbekistan</b>

The defense of the dissertation will take place on december 17, 2025 at 10<sup>00</sup> at the meeting of the Scientific Council No. DSc.07/30.12.2019.Yu.22.02 at Tashkent State University of Law (Adress: 100047, Tashkent sity, Sayilgoh Street 35, Phone: (99871) 233-66-36; Fax: (99871) 233-37-48; e-mail: info@tsul.uz).

The doctoral dissertation (PhD) can be reviewed at the Information resource center of Tashkent State University of Law (registered under № 1449). (Adress: 100047, Tashkent sity, Sayilgoh Street 35, Phone: (99871) 233-66-36; Fax: (99871) 233-37-48; e-mail: info@tsul.uz).

The abstract of dissertation sent out on 3 December 2025

(mailing report No 31 on 3 December 2025).

**R.R. Khakimov**

Chairman of the Scientific Council for  
awarding scientific degrees, Doctor of  
Science in Law, Professor

**F.B. Makhmudov**

Secretary of the Scientific Council for  
awarding scientific degrees, Doctor of  
Science in Law, Associate professor

**SH.G’.Asadov**

Chairman of the Scientific Seminar under  
the Scientific Council for awarding  
scientific degrees, Doctor of Science in Law,  
Professor

## INTRODUCTION

**Relevance and necessity of the dissertation topic.** The Internet is exerting its influence on the processes of searching, obtaining, collecting, storing, processing, and disseminating information worldwide, as well as on the implementation of human rights and freedoms. The Internet has fundamentally changed the way of life for civilization and society. This network is a complex of global information highways, enabling the instant delivery of data to any point on our planet. The Internet emerged in the 1970s and, in a relatively short time, rapidly penetrated all aspects of our lives, radically transforming them. Today, there are 5.35 billion Internet users in the world. In other words, 66 percent of the world's population uses the Internet<sup>1</sup>. As of March 1, 2024, social networks are being used by 5.04 billion users, which constitutes almost 60 percent of the world's population<sup>2</sup>. These trends, in turn, prompted the UN to adopt a resolution aimed at equating the right to use the Internet with fundamental human rights.

The international human rights organization Freedom House has released its annual "Freedom on the Net" report<sup>3</sup>. The study covers the period from June 2023 to May 2024. The report analyzes 72 countries and categorizes them into 3 groups: countries with free, partially free, and not free Internet. According to the report, Uzbekistan scored 27 out of 100 points and was placed among the countries where the Internet is not free. Overall, as the authors of the report note, the level of Internet freedom worldwide has continued to decline steadily over the past 14 years. Among the main factors affecting Internet freedom are election interference and increased repression against free expression of opinions online. Additionally, in 2023, people in at least 43 countries were attacked or killed for expressing their opinions and being active on the Internet<sup>4</sup>.

Scientific research is being conducted on important areas of study, including the impact of information technologies on human rights and freedoms worldwide, digital constitutionalism, recognition of the right to Internet access as a fundamental right, new interpretations of human rights in the digital environment, mechanisms for legal regulation of the Internet, guarantees of the right to search for, receive, and disseminate information on the Internet, and the implementation of international standards in Internet governance.

In recent years, systematic work has been carried out in our country to ensure freedom of speech, press, and opinion. The number of Internet users in 2016 was 12.1 million, and by the beginning of 2024, it has doubled, i.e., it exceeded 33 million. The provision of Internet access in residential areas increased from 28 percent in 2016 to 98 percent in 2024<sup>5</sup>. Part 3 of Article 33 of the Constitution of the Republic of Uzbekistan, adopted in a new edition on May 1, 2023, stipulates that the state assumes the obligation to ensure access to the global Internet network. As a result of these reforms, the right to use the Internet

---

<sup>1</sup> <https://www.forbes.com/home-improvement/Internet/Internet-statistics/>

<sup>2</sup> <https://www.statista.com/statistics/272014/global-social-networks-ranked-by-number-of-users/>

<sup>3</sup> <https://freedomhouse.org/report/freedom-net/2024/struggle-trust-online>

<sup>4</sup> <https://kun.uz/33966394>

<sup>5</sup> <https://datareportal.com/reports/digital-2024-uzbekistan>

in Uzbekistan has been enshrined at the constitutional level as a form of the right to access information.

Since the right to use the Internet is relatively new for our jurisdiction, regulatory legal acts related to the Internet are relatively scattered and aimed at regulating various aspects of the Internet. This necessitates the improvement of legislation in this area.

The proposals put forward in this dissertation serve to some extent to improve the Constitution of the Republic of Uzbekistan, the Laws “On guarantees and freedom of access to information”, “On the principles and guarantees of freedom of information”, “On informatization”, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 707 dated September 5, 2018 “On measures for further improvement of information security on the world wide web” and other legislative acts related to this field.

**Alignment of the research with the priority directions of scientific and technological development in the republic.** This research was prepared within the framework of the priority direction of the republic’s science and technology development: “Spiritual, moral and cultural development of a democratic and legal society, formation of an innovative economy”. The dissertation corresponds to the direction 12.00.02 - Constitutional Law. Administrative Law. Financial and Customs Law.

**Degree of study of the problem.** In our country, the constitutional and legal foundations of the right to use the Internet have not been studied as a subject of special monographic research within the field of legal sciences. However, certain aspects of this research topic have been examined in the scientific works of I. Rustambekov, B. Khodjaev, J. Ilkhombekov, J. Abdullaev, N. Nugmanov, A. Amanov, and other scholars<sup>6</sup>.

Scientific research on the constitutional and legal foundations of the right to use the Internet in the member countries of the Commonwealth of Independent States has been conducted by A. Sherbovich, A. Pazyuk, M. Sereda, E. Talapina, N. Baranova, A. Ishina, A. Krotov, T. Izzatov, T. Timerbaev, A. Prokhorov, Y. Lotman, S. Petrovsky, S. Simonovich, G. Evseev, O. Dudko, T. Balzhirova, A. Sheremet, S. Malakhov, L. Kupriyanov, N. Kulicheva, B. Kristalniy, Y. Nesterov, A. Chernov, V. Shalak, A. Kochetov, L. Lapo, M. Pogorelova, A. Tedeev, I. Rassolov, A. Lukyanov, S. Mikhailov, Y. Altovsky, A. Malkevich, Y. Zasursky, A. Skvortsov, and other scholars<sup>7</sup>.

In other foreign countries, issues related to the right to use the Internet have been examined and interpreted by scholars such as A. Mellakauls, L. Lessig, D. Rutzen, Y. Zenn, Y. Kurbaliyya, E. Gelbstein, S. Baldi, V. Radunovich, K. Møller, A. Amuru, Y. Akdeniz, and others<sup>8</sup>.

However, the analysis of the aforementioned studies indicates that the theoretical and practical issues of the right to use the Internet have not been separately examined as a comprehensive research work based on the legislation

---

<sup>6</sup> The full titles of these scholarly works are provided in the list of references

<sup>7</sup> The full titles of these scholarly works are provided in the list of references

<sup>8</sup> The full titles of these scholarly works are provided in the list of references

of the Republic of Uzbekistan, as well as international documents and other regulatory legal acts in this field.

**Connection of the dissertation research with the research work plans of the higher educational institution where the dissertation was conducted.**

The dissertation topic was carried out in accordance with the research work plan of Tashkent State University of Law within the framework of “Implementation of results obtained from theoretical research of legislative practices in developed countries and positive achievements of foreign countries into national legislation”.

**The aim of the research** is to develop scientific and practical conclusions, scientifically grounded proposals and recommendations on the constitutional and legal foundations of the right to use the Internet in the Republic of Uzbekistan. Specifically, to develop a concept of the right to use the Internet as a subjective human right within the system of constitutional rights and freedoms, as well as to identify trends related to the formation of the right to use the Internet as an independent and universally recognized human right.

**Research objectives:**

study the history of the development of Internet and Internet use concepts from a legal perspective;

analyze the legal nature of the Internet and the right to use the Internet;

identify the specific characteristics of the Internet and the right to use the Internet, characterizing them as objects of human rights;

identify and analyze the components of the right to use the Internet (technical and non-technical factors);

study and analyze the experience of recognizing (or reinforcing) the right to use the Internet as a separate independent right at the national (state) level and international scale;

examine the legal regulation of the right to use the Internet;

determine the relationship between the right to use the Internet and other constitutional rights and freedoms, and how it affects these rights and freedoms;

identify problems related to ensuring the right to use the Internet;

define the positive and negative obligations of states related to ensuring the right to use the Internet;

analyze and assess the constitutionality of the right to use the Internet and Internet-related restrictions, as well as the proportionality of these restrictions;

develop proposals regarding problems related to ensuring the right to use the Internet.

**The object of the research** is the system of social relations associated with the formation of the right to use the Internet as a new human right in the information society of Uzbekistan.

**The subject of the research** comprises theoretical and legal views on the recognition and provision of the right to use the Internet as a separate independent right, legislative acts in this field, the practice of their application, the legislation and experience of foreign countries, the existing conceptual approach in legal

science, scientific and theoretical views, legal categories, and issues related to improving legislative acts regulating these relations.

**Research methods.** The study employed methods of cognition such as formal-logical, analytical, historical-legal, comparative, analysis, generalization, comparative-legal, logical, statistical, systemic-structural, questionnaire, and formal-legal approaches.

**The scientific novelty of the research** is as follows:

the necessity of establishing the state's obligation to create conditions for ensuring access to the Internet as a guarantee of freedom of thought, speech and belief, as well as the right to seek, receive and disseminate information is substantiated;

the necessity of establishing clear boundaries and grounds for restricting the right to seek, receive, and disseminate information is justified;

the necessity of establishing clear boundaries and grounds for restricting human rights and freedoms is substantiated in order to prevent unjustified and disproportionate restrictions on the right to use the Internet;

it is substantiated which commissions in this field should be included as authorized organizations in the system of bodies and organizations that protect children from information harmful to their health.

**The practical results of the study** are as follows:

the author's definitions of concepts such as "Internet" and "the right to use the Internet" have been developed, and the necessity of incorporating them into the legislation of the Republic of Uzbekistan, as well as which regulatory legal acts they should be enshrined in, has been substantiated;

it has been substantiated that the fundamental condition for the realization of constitutional rights and freedoms of individuals and citizens is the right to use the Internet, and the necessity of enshrining the right to use the Internet at the constitutional level has been justified;

the issue of regulating technical and non-technical factors related to ensuring the right to use the Internet through the legislation of the Republic of Uzbekistan (primarily within the framework of the Law "On Informatization") has been substantiated;

it has been substantiated how issues related to the restriction of the Internet and the right to use the Internet, as well as the proportionality of such restrictions, should be regulated and in which regulatory legal acts they should be enshrined.

**Reliability of the research results.** The research results are summarized based on the norms of international law and national legislation, the experience of developed countries, law enforcement practices, and the analysis of statistical data, and are formalized through relevant documents. Based on the experience of developed countries and a comparative analysis of national legislation norms, conclusions, proposals, and recommendations were tested, and their results were published in leading national and foreign publications. The obtained results have been approved by authorized state bodies and implemented in practice.

**Scientific and practical significance of the research results.** The scientific significance of the research results is determined by the conclusions and

proposals presented, as well as the factual material on which they are based. The conclusions formulated in the work enrich and supplement the theoretical foundations of constitutional law in the direction of developing the concept of human rights. They also define the directions and prospects for the development of human rights in Uzbekistan, taking into account trends in the development of social relations and information technologies. Additionally, the significance is determined by the potential use of these findings in courses on constitutional and legal issues that may arise on the Internet, in the development of methodological materials for special courses, in the preparation of curricula, teaching aids, and in scientific activities.

**The practical significance of the research results** is determined by their aim to implement the constitutional principle of the priority of human rights and freedoms in the context of the information society. The conclusions and proposals presented in the work have the potential for wide application in practice. They can be used in the legislative process, in the law enforcement activities of courts and other state bodies, in research work and the educational process, particularly in training seminars and workshops, and in the preparation of educational and methodological manuals.

**Implementation of research results.** Based on the scientific results obtained from research in the field of improving the provision of the right to use the Internet:

the proposal regarding the state's obligations related to ensuring the right to search for, receive, and disseminate information on the Internet is reflected in the Constitutional Law of the Republic of Uzbekistan "On the Constitution of the Republic of Uzbekistan" (Article 33, part 3) dated May 1, 2023 (No. ZRU-837) (Certificate No. 02/6-09-67 of the Deputy Speaker of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated October 7, 2024). The implementation of this proposal served to enshrine the state's obligations related to ensuring the right to use the Internet at the constitutional level;

proposals on restrictions related to the right to seek, receive, and disseminate information are reflected in the Constitutional Law of the Republic of Uzbekistan "On the Constitution of the Republic of Uzbekistan" dated May 1, 2023 (No. ZRU-837) (Article 33, part 4) (Certificate No. 02/6-09-67 of the Deputy Speaker of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated October 7, 2024). According to it, restriction of the right to seek, receive, and disseminate information is permitted only in accordance with the law and only to the extent necessary to protect the constitutional order, public health, social morality, the rights and freedoms of other persons, ensure public safety and public order, as well as prevent the disclosure of state secrets or other secrets protected by law. By establishing these restrictions in the Constitution, the general nature and principle of information that can be searched for, received, and disseminated has been formed. This has served to determine the precise limits of information that can be restricted on the Internet;

proposals stipulating that human rights and freedoms may be restricted only in accordance with the law and only to the extent necessary to protect the

constitutional order, public health, social morality, the rights and freedoms of other persons, ensure public safety and public order, that is, in which cases human rights and freedoms may be restricted, are reflected in the Constitutional Law of the Republic of Uzbekistan “On the Constitution of the Republic of Uzbekistan” (Article 21, part 3) dated May 1, 2023 (No. ZRU-837) (Certificate No. 02/6-09-67 of the Deputy Speaker of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated October 7, 2024). This has served to define the scope of restrictions on the right to use the Internet and the proportionality of restrictions at the constitutional level;

proposals regarding the system of bodies and organizations that protect children from information harmful to their health were reflected in the Law of the Republic of Uzbekistan “On amendments and additions to certain Legislative acts of the Republic of Uzbekistan in connection with the further improvement of the system of reliable protection of the rights, freedoms and legitimate interests of women and children” dated April 11, 2023 (No. ZRU-829), which amended the law of the Republic of Uzbekistan “On the protection of children from information harmful to their health” dated September 8, 2017 (No. ZRU-444) (Article 7, part 1, paragraph 3; Article 9 title; Article 9, part 1, paragraph 1; and Article 9, part 2) (Certificate No.02/6-09-67 of the Deputy Speaker of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan dated October 7, 2024). As a result, the commissions on children’s issues of the Republic of Karakalpakstan, regions and the city of Tashkent, districts (cities) have also become authorized organizations in the field of protecting children from information harmful to their health.

**Approbation of the research results.** The results of this study were presented at 6 scientific conferences, including 3 international and 3 national scientific and practical conferences, round tables, and seminars.

**Publication of research results.** A total of 11 scientific works have been published based on the research results, including 5 scientific articles in academic journals (2 in a foreign publication) and 6 scientific articles in collections.

**Structure and volume of the dissertation.** The dissertation consists of an introduction, three chapters, a conclusion, a list of references, and appendices. The volume of the dissertation is 150 pages.

## **THE MAIN CONTENT OF THE DISSERTATION**

**The introduction of the dissertation** provides information on the relevance and necessity of the research topic, its connection with the main priorities of the republic’s science and technology development, the degree to which the problem has been studied, the relationship of the topic to the research work of the higher education institution where the dissertation is being conducted, its goals and objectives, object and subject, methods, scientific novelty and practical results, reliability of research findings, scientific and practical significance, implementation, approbation, publication of results, and the volume and structure of the dissertation.

The first chapter of the dissertation is entitled “**Scientific and theoretical foundations of the right to use the Internet**”. Initially, attention is focused on the history of the Internet’s creation and development. The history of Internet development is analyzed in 4 stages (*experimental stage, Web 1.0 stage, Web 2.0 stage and Web 3.0 stage*). The impact of each stage on the right to use the Internet is examined.

The concepts of the Internet and Internet use are analyzed from the perspective of constitutional law. The following characteristics of the Internet are studied: *transboundary (global), communicative (connection) and a separate “legal field”*.

The concept of “Internet” is also discussed in detail. For a broader understanding of the Internet, scientists’ views on the Internet and definitions in normative legal documents are thoroughly analyzed. Specifically, the views of several scholars including V.I. Shalak, I. Rustambekov, Y. Kurbaliyya, M. A. Pogorelova, and L. Lessig on the “Internet” are examined. Based on these analyses, the author concludes: “*The Internet is a global public information and telecommunications network that ensures the integration of many local, regional, and personal computer networks into a single information space. Its operation is carried out through the systematic integration of information and technical resources using special software protocols. This allows access to various resources using domain addresses and hypertext technologies, as well as the exchange of information through email, chats, and other network services. The Internet enables people to search for, receive and distribute information, communicate, exchange data, as well as use various services and applications*”.

Internet use can be understood as the ability to connect to and work on the global Internet computer network. Working on the Internet involves using Internet information resources, independently and actively disseminating information, creating information resources and providing others access to them, as well as interacting with other users.

The right to use the Internet is a means of exercising most rights, and any right that has its digital equivalent can be realized through the right to use the Internet. Based on this, it is substantiated that the right to use the Internet is a means of realizing most rights.

Based on the above analysis of the right to use the Internet and a comprehensive examination of the views of E.V. Talapina, A.A. Sherbovich, A.V. Pazyuk, P. Hert, M. Salikov, I. Ostapovich, V. Rudenko, and L. Lessig, the following author’s definition of the concept “right to use the Internet” was developed: “*The right to use the Internet is a personal, positive, individual (private), and relative right that allows people to access and work on the global Internet (depending on technical and non-technical factors), use Internet information resources, as well as create and distribute information. This right enables the realization of many other rights and freedoms in the digital environment. That is, any right that has its digital counterpart is realized through the right to use the Internet.*”

The legal nature of the Internet was substantiated as being connected with its transformation into a separate legal field. It has been analyzed that people now exist in two legal fields: the real (actual) legal field (offline) and the Internet legal field (online). In this new legal space, people exercise their rights and freedoms, fulfill their obligations, and also influence the rights and freedoms of others. Based on this, the transformation of the Internet into a new legal space for social relations was analyzed.

In addition, the legal nature of this new right was investigated. Based on existing classifications in constitutional law, the right to use the Internet was categorized (*by natural and positive rights; by human and civil rights; by absolute and relative rights; by individual (private) and collective (public) rights; by spheres of implementation (personal, political, social, economic); by “generations of rights”*).

The components of the right to use the Internet, namely technical and non-technical factors, were analyzed.

It was substantiated that technical factors include:

- *the right of the user to own means that allow them to work on the Internet;*
- *the right to use the infrastructure of a provider - a telecom operator, which has the technical capabilities to provide an IP address to the user's device on the Internet and carries out the reception and transmission of information in accordance with requests from the user's device;*
- *the right to have an address on the global computer network;*
- *the right to demand the removal of unlawful restrictions on the receipt and transmission of information and to be informed of the facts and grounds for such restrictions;*
- *the right to protection from automated processing of personal data;*
- *the right to a high-quality network connection.*

The technical component of Internet use is closely related to ontologically non-technical factors. It was substantiated that the non-technical factor is complex and includes the following: *a subjective factor and an objective factor.*

*The subjective factor* is related to the network user. The role of the Internet in the life of a particular person is determined based on their personal, intellectual, cultural, economic, physical, and other capabilities and needs. The user's technical literacy is of particular importance. Unfortunately, not everyone can independently master information technologies. This is more often observed in the older generation. Various issues related to the subjective factor constitute the complex problem of “digital inequality” (lack of equal opportunities in Internet use). “It is very bad to be connected to the Internet but not have the skills and resources necessary for effective network use. It's better not to use the Internet at all.”<sup>9</sup>

*The objective factor* consists of the state's policy regarding Internet use, the potential capabilities of the Internet, ensuring their implementation, as well as the

---

<sup>9</sup>Иванов А.Ю. Контроль монополизации в условиях цифровой экономики: первая часть дискуссии о пятом антимонопольном пакете // Закон. 2018. № 2. // СПС «КонсультантПлюс».

activities of companies providing various services via the Internet. The Internet has a transboundary characteristic. However, the degree of Internet penetration into the lives of people living in a particular country is determined by the government of that country, and there is no single established practice in this matter. Businesses that invest in the development of Internet access infrastructure, as well as those that offer services that encourage users to use this network, have a similar impact.

We can cite the following manifestations of the objective factor, expressed in *the negative and positive obligations of the state*:

Negative obligations include:

- *not restricting access to Internet information materials (content) outside the territorial jurisdiction and not interfering with the transmission of traffic;*
- *the state's refraining from assuming exclusive powers in matters of Internet regulation.*

Positive obligations of the state include:

- *ensuring the implementation of offline rights on the Internet, protecting them in the online environment as well;*
- *developing Internet access restriction standards to prevent excessive and disproportionate restrictions on legally protected values;*
- *addressing the issue of ensuring individual information security and protection from cybercrime.*

The second chapter of the dissertation, entitled “**Constitutional and legal mechanism for ensuring the right to use the Internet**” examines the recognition of the right to use the Internet as a separate independent right, the relationship between the right to use the Internet and other constitutional rights and freedoms, as well as the legal regulation of the Internet and the right to use it.

Initially, the recognition of the right to use the Internet as a separate independent right was analyzed.

Thanks to the Internet, constitutional rights are expanding their essence and content through the emergence of new legal powers within their structure. They are acquiring new methods and guarantees for their implementation. In the context of increasing risks of geopolitical tension, the need to legally formalize the right to use the Internet as an independent comprehensive right to ensure the fullest possible implementation and protection of human and civil rights and freedoms is substantiated.

Such institutionalization of subjective law is aimed at ensuring a balance between the interests of the state, society, and the individual, as well as strengthening the guarantees of human rights in the process of ensuring the technological sovereignty of the state in modern conditions.

At the level of international and national jurisdictions, the right to use the Internet is becoming a universally recognized human right. This right is recognized in interstate agreements, as well as in the documents of international organizations. These documents emphasize the importance of Internet use for the realization of human rights and freedoms and stress the obligation of states to ensure Internet access for every person.

At the level of national jurisdictions, it was analyzed that this right is directly enshrined in the constitutions of some countries (Mexico, Nepal), in other countries (France, Costa Rica) it is recognized by the highest judicial bodies, and some countries (Greece, Estonia, Spain, Egypt, Ecuador, Portugal, Venezuela, Finland) have taken on obligations to ensure Internet access and its availability.

The need to include the right to use the Internet in the legal system of Uzbekistan as a complex subjective right of the individual arises due to its fundamental (constitutional) significance. This necessity is due to the increased social significance of the Internet, the incomplete formation of a system for restricting access in legislation, and the risk of disruption to the functioning of the Uzbek segment of the computer network as a result of harmful influence. The introduction of this right is described as important for recognizing the role of the Internet in the life of society and protecting human interests.

Taking into account the results of studying regulatory experience and law enforcement practice at the international level and in various countries, the following possible ways of legally recognizing the right to use the Internet were analyzed:

- *direct enshrinement in the Constitution;*
- *adoption of a relevant law introducing additional guarantees and comprehensive regulation of Internet access, including measures aimed at reducing digital inequality, as well as developing an approach to providing access to socially significant information resources.*

Constitutional courts can develop the following legal positions:

- *recognition of Internet access as a universally recognized part of human rights;*
- *establishing a separate right to use the Internet through the interpretation of constitutional law, that is, the right to freely seek, receive, create, and disseminate information by any legal means;*
- *formulation of a conclusion about the presumption of equality in the exercise of human and civil rights and freedoms (this equality exists both in the real world and on the Internet); this conclusion is based on such constitutional principles as the supremacy of human rights and freedoms and their direct effect, unless the essence of the law and the specifics of its implementation require otherwise.*

The experience of Uzbekistan was also discussed. Based on the referendum of April 30, 2023, the Constitutional Law of the Republic of Uzbekistan “On the Constitution of the Republic of Uzbekistan” (No. ZRU-837 of May 1, 2023) was adopted. Accordingly, the Constitution of the Republic of Uzbekistan was promulgated in a new edition. According to Article 33 of the new Constitution, the state recognized the use of the Internet at the constitutional level as one of the guarantees of the right to seek, receive, and disseminate information. In other words, the state assumed obligations (both technical and non-technical) related to ensuring access to the global information network.

However, analysis of Article 33 of the Constitution reveals that Uzbekistan does not recognize the right to use the Internet as a separate independent right. It has only undertaken to ensure access to the global information network as a guarantee of the right to seek, receive, and disseminate information.

It is also argued that our legislation lacks positive state obligations related to technical and non-technical factors of Internet use.

The next part of the chapter analyzes the relationship between the right to use the Internet and other constitutional rights. This analysis primarily focuses on the following constitutional rights:

- *freedom of thought, speech, and belief (part 1 of Article 33); the right to seek, receive, and disseminate information (part 2 of Article 33);*
- *the right to judicial protection of rights and freedoms (part 2 of Article 55 of the Constitution of the Republic of Uzbekistan);*
- *the right to receive qualified legal assistance (part 1 of Article 29 of the Constitution of the Republic of Uzbekistan);*
- *the right to elect and be elected (Articles 36 and 128 of the Constitution of the Republic of Uzbekistan);*
- *the right to appeal (Article 40 of the Constitution of the Republic of Uzbekistan);*
- *the right to work, freely choose a profession and type of activity (Article 42 of the Constitution of the Republic of Uzbekistan);*
- *the right to healthcare and qualified medical services (Article 48 of the Constitution of the Republic of Uzbekistan);*
- *the right to education (Article 50 of the Constitution of the Republic of Uzbekistan);*
- *the right to enjoy cultural achievements (Article 53 of the Constitution of the Republic of Uzbekistan);*
- *the right to privacy (Article 31 of the Constitution of the Republic of Uzbekistan).*

Subsequently, the legal regulation of the Internet and the right to use the Internet was examined.

The normative regulation of network relations should be based on approaches developed through national and international experience. These approaches encompass issues such as the content of fundamental human rights, the scope of their implementation, grounds for their restriction, and forms of protection. The need to consider the technical characteristics of information and telecommunication networks in their operation is substantiated.

The issue of legal regulation of the Internet in Uzbekistan is not clearly defined by any specific legislative acts. The existing norms in our legislation related to the Internet regulate only certain aspects of Internet-related relations. When regulating these relations, it is necessary to refer not to a single legal norm, but to several regulatory legal acts.

The systematization of Internet-related legislation in Uzbekistan has become one of the most crucial tasks facing the state. In the process of adopting

Internet-related legislation, each country should make the widest possible use of the principles reflected in the following documents, generally recognized by the international community:

- *Okinawa charter on global information society, G-8 Summit (2000);*
- *Geneva Declaration of principles of the world summit on the information society (2003);*
- *Geneva plan of action of the world summit on the information society (2003);*
- *Tunis commitment of the world summit on the information society (2005);*
- *Tunis agenda for the information society of the world summit on the information society (2005);*
- *“Declaration for the future of the Internet” (2022), adopted by the USA, EU member states, and 32 other countries;*
- *Decisions and recommendations of the Internet governance forum.*

Taking into account all the above approaches, it has been substantiated that legal regulation of the right to use the Internet at the legislative level is the most optimal solution.

It is explained that the lack of legislation regulating the Internet leads to the following consequences:

*Firstly*, the absence of such legislation in some countries allows the Internet to develop without interference from government bodies;

*Secondly*, the lack of Internet-regulating legislation in some countries gives freedom to the actions of authorities, meaning officials arbitrarily decide what to permit and what to prohibit;

*Thirdly*, in some countries, the Internet is subject to excessive government regulation. The goal of further harmonization of Internet-related legislation is the removal of these restrictions. The “regulatory” law allows some countries to govern legal relations arising in the field of Internet use;

*Fourthly*, the most effective means of developing the Internet is its self-regulation. This method of regulating relationships in the network allows for the establishment of rules that satisfy all members of the Internet community and reasonably limit state intervention<sup>10</sup>.

The third chapter of the dissertation, titled **“Prospects for improving the provision of the right to Use the Internet”**, analyzes the limitations on the right to use the Internet, problems related to ensuring this right, and priority areas for improving the provision of the right to use the Internet.

The rights and freedoms of one person end where the rights and freedoms of another person, and the legitimate interests of society and the state begin.

Defining the boundaries and limitations of state intervention in the exercise of human rights and freedoms through the Internet is a pressing issue. Considering

---

<sup>10</sup>Рустамбеков И. Интернет тармоғида фуқаролик-хуқуқий муносабатларни тартибга солиш муаммолари. Монография. Тошкент - 2017 // Электрон манба:  
[https://drive.google.com/file/d/1JJi62MkgxygkDsYE36Rx4ITHFK\\_yEjUD/view](https://drive.google.com/file/d/1JJi62MkgxygkDsYE36Rx4ITHFK_yEjUD/view)

the growing influence of the Internet, “the boundaries of state power should be defined so that the state not only refrains from interfering with human rights and freedoms but also creates conditions for the exercise of these rights and freedoms through effective governance of society”. The legislation does not specify the limits of interference with Internet access. If the right to use the Internet is formalized as a new comprehensive right, it is argued that its “recognition as a human right” can serve as such a boundary. This is because, according to part 3 of Article 21 of the Constitution of the Republic of Uzbekistan, there exists a universal constitutional and legal mechanism that defines the specifics and limits of state intervention in the exercise of human rights and freedoms. Namely, human rights and freedoms may be limited only in accordance with the law and only to the extent necessary to protect the constitutional order, public health, social morality, the rights and freedoms of others, and to ensure public safety and public order.

In addition, according to Part 4 of Article 33 of the Constitution of the Republic of Uzbekistan, restrictions on the right to seek, receive, and disseminate information are permitted only in accordance with the law and only to the extent necessary to protect the constitutional order, public health, social morality, the rights and freedoms of other persons, ensure public safety and public order, as well as to prevent the disclosure of state secrets or other secrets protected by law.

The possibility of restricting rights in order to ensure the interests of society or the rights and freedoms of other persons always poses a risk. This risk can lead to the application of restrictive measures disproportionate to the protected public interest, even if there is no abuse in establishing such restrictions.

Currently, the issue of boundaries for restricting human rights is very relevant. Therefore, the necessity of limiting constitutional rights and the proportionality of such limitations to constitutional goals have been substantiated.

It has been explained that the norm related to restrictions should be officially defined, accurate, clear, and understandable. It should not allow for broad interpretation of the established restrictions and should not permit their arbitrary application.

The right to use the Internet is not absolute, but relative. Due to the diversity of opportunities offered by the Internet, it is important to choose appropriate restrictions for each case. The right to use the Internet should not be excessively limited, while at the same time, restrictions should allow for achieving specific goals. To prevent misuse, it is necessary to develop criteria for restrictions. These criteria serve as an additional safeguard for the right to use the Internet.

It has been analyzed that restrictions can be *individual-specific* and *general* in nature.

Restrictions of an individual nature arise due to the legal status of the Internet user and changes to it, and may manifest in the following forms:

- *restricting Internet access in general;*
- *limiting certain activities carried out using the Internet.*

Three models were examined based on the level of Internet regulation: *liberal*, *authoritarian*, and *authoritarian-totalitarian*. The liberal model assumes

that there is virtually no control over political content on the Internet. The authoritarian model involves controlling only the political aspect of the Internet, particularly in cases where certain critical materials could undermine the existing political system. The authoritarian-totalitarian model reflects the efforts of a country's leadership to completely ban Internet use and create its own national network.

Since the right to use the Internet is a means of exercising other rights, restricting a person's digital presence (on the Internet) results in limiting their right to use the Internet, or vice versa.

Situations related to the boundaries and limitations of interference with the exercise of human rights and freedoms through the Internet at the national (state) and international levels, as well as the proportionality of restrictions, were analyzed. Regulatory legal acts concerning the restriction of the right to use the Internet were studied.

We cannot conceive of the right to use the Internet separately from the Internet itself. All Internet-related issues are closely tied to problems associated with ensuring the right to use the Internet. Today, the Internet is not only a distinct "network" but also a "legal field". Therefore, based on the analysis of the Internet network and the Internet's legal space, problems related to ensuring the right to use the Internet and priority areas for improving the provision of this right were examined.

The main problems on the Internet network were studied. Each problem was analyzed separately, and its consequences were explained.

The following are considered the main problems on the Internet:

- *virtual identity: its reflection in social phenomena and law;*
- *identification of users;*
- *determination of jurisdiction;*
- *increasing types and scale of offenses on the Internet;*
- *responsibility of information intermediaries;*
- *automated actions.*

The study examined the relationship between improving the provision of the right to Internet access and the obligations of states to ensure technical and non-technical factors.

It is important to consider provisions regarding states' obligations to ensure technical and non-technical factors of Internet use. Based on this, first, the role of technical factors in international treaties and documents of international organizations (regarding Internet use) was analyzed, followed by an analysis of the role of non-technical factors in international treaties and documents of international organizations (regarding Internet use).

Any state that recognizes the right to Internet access as an independent right is obliged to ensure this right within its jurisdiction. For states, ensuring the right to Internet access is more challenging than ensuring other constitutional rights, as the scope of the right to Internet access is very broad.

The obligations of states related to the technological provision of the right to Internet access are:

- *unimpeded access to the technological capabilities provided by the Internet;*
- *freedom to choose and use software and hardware for Internet access;*
- *adherence to the principles of “network neutrality”;*
- *prohibiting traffic discrimination or degradation of service quality;*
- *prohibiting restrictions on receiving or transmitting legitimate content, applications, and services;*
- *prohibiting unjustified blocking of information or services;*
- *availability of Internet access in public places and via mobile devices.*

In addition, the State’s obligations to ensure high-quality Internet infrastructure include:

- *adopting legislation on pricing schemes, technical maintenance requirements, and licensing agreement terms;*
- *supporting Internet access, including the establishment of public access points;*
- *improving Internet skills of the population, especially socially vulnerable groups;*
  - *taking measures to ensure equal Internet access for persons with disabilities and those in need.*

## **CONCLUSION**

This research work analyzed the constitutional and legal foundations of the right to use the Internet. By studying and analyzing these issues, addressing the research objectives, and examining the experiences of foreign countries, a number of theoretical conclusions were drawn on improving legislation and organizational mechanisms related to the constitutional and legal basis of the right to use the Internet, and practical proposals and recommendations were developed.

### **I. Scientific and theoretical conclusions:**

1. The stages of creation and development of the Internet can be divided as follows:
  - *experimental stage (1960-1984)* - at this stage, computer networks were just beginning to be developed and were used only for scientific research purposes, as well as in the defense sector;
  - *Web 1.0 stage (1984-1990)* - at this stage, users were not yet active participants in creating and distributing content on the network; the main role was played primarily by website owners and administrators;
  - *Web 2.0 stage (1990-2024)* - At this stage, content creation and distribution were mainly performed by the users themselves. Consequently, the issue of the responsibility of information intermediaries also became important (however, this problem still exists);

– *Web 3.0 stage* - Although it's somewhat premature to talk about this stage, the next phase will be specifically related to Web 3.0. Web 3.0 (also known as Web3) is a new-generation Internet technology based on artificial intelligence (AI) and blockchain technology (this term was coined by Gavin Wood, founder of Polkadot and co-founder of Ethereum). Web 3.0 promises users complete control over their data on the network;

2. In numerous regulatory legal documents, the term “Internet” is defined in various ways: “Internet information and communication network”, “technical means of information exchange” and “virtual space in which mass media carries out its activities”. Based on the definitions in legislation and those provided by scholars researching this field, an author’s definition has been developed that fully reveals the essence of the concept “Internet” (noting that “Internet” is a rapidly evolving phenomenon, and any definition given to it may quickly become obsolete and lose its relevance): *“The Internet is a global information and telecommunications network for public use that enables the connection of numerous local, regional, and personal computer networks into a unified information space. Its operation is facilitated through the systematic integration of information and technical resources using specialized software protocols. This allows access to various resources through domain addresses and hypertext technologies, as well as the exchange of information via email, chat rooms, and other network services. The Internet enables people to exchange information, communicate, search for and retrieve data, as well as utilize various services and applications.”*

3. Due to the Internet, new methods of exercising constitutional rights and freedoms are emerging, and their scope is expanding. The Internet has become a guarantee for the realization of constitutional rights and freedoms. To ensure the fullest possible implementation and protection of human and civil rights and freedoms, the legal formalization of the right to use the Internet as an independent comprehensive right has become a necessity of our time.

4. The recognition and legal formalization of the right to use the Internet as a separate independent right serves as a guarantee for the implementation of other human rights and freedoms. Moreover, the recognition and legal formalization of this right will be one of the initial steps in ensuring state sovereignty over the information space.

5. Due to the absence of a clear legal definition of the concept “right to use the Internet” in current legislation, as well as the incomplete elucidation of this concept’s essence by scholars, the following definition has been developed: *“The right to use the Internet is a personal, positive, individual (private) and relative right that enables people to connect to the global Internet network (subject to technical and non-technical factors), utilize its information resources, as well as create and disseminate information. It serves as a means to realize numerous other rights and freedoms in the digital environment. In other words, any right that has a digital counterpart is exercised through the right to use the Internet”*.

6. Recognizing the right to use the Internet as a separate independent right is also important from the perspective of ensuring state sovereignty over the information space or digital environment. Each state can enshrine this right within various normative legal documents. The level of regulatory legal document used for this consolidation depends on the state's policy regarding the information space or digital environment (the non-technical objective factor of Internet use). Accordingly, the right to use the Internet can be recognized (reinforced) at the level of the following normative documents:

– *direct enshrinement in the Constitution;*

Typically, states commit to ensuring technical factors related to the right to use the Internet in their fundamental laws and define the right to use the Internet as a guarantee for exercising other rights, i.e., as a condition for ensuring the right to information and communication. Additionally, the approach that is becoming widespread today and that we propose is to establish the right to use the Internet as a separate and independent human right. In our view, this is the most appropriate path in today's digital world.

– *strengthening within the framework of the law;*

At this level, there are also two approaches. The first approach is to regulate all social relations related to the right to use the Internet within the framework of a single law or through codification, while the second approach is regulation within the framework of various existing legislative acts. The characteristics of social relations associated with the Internet and the right to use the Internet are highly dynamic. From this perspective, the second approach can be the correct solution for the current situation.

– *strengthening on the basis of court decisions (Constitutional Courts);*

This phenomenon is more commonly observed in countries where the system of case law (Eng. case law or common law) operates. In countries based on English legal traditions, a decision previously made by a court is subsequently used as a basis for making decisions on similar cases. As a result, if one court recognizes the right to use the Internet as a separate human right in its decision, then all lower courts should adhere to that decision in subsequent similar cases. This means that the right to use the Internet is recognized as a separate human right.

7. The right to use the Internet is complex in nature and depends on both technical and non-technical factors (subjective and objective) of Internet use.

*The technical factor determines the following legal capabilities of an individual:*

– possessing equipment that enables work on the Internet (this falls directly under the user's responsibilities);

– having the technical capabilities to provide an IP address to the user's device and to receive and transmit data in accordance with requests from the user's device access to the infrastructure of a provider - a telecommunications operator (this factor is directly related to the user's choice, that is, the user selects a telecommunications operator that is convenient in terms of price and speed; in

other words, the right to use the Internet is considered a human right that is exercised for a single fee);

- obtaining an address on a global computer network (this factor also directly depends on the user and their device, while the operation of the network falls under the positive obligations of states);

- protection against automated processing of personal data (today this factor is becoming a non-technical objective factor, meaning that states are recognizing this factor as their positive obligation);

- establishing a high-quality connection with the network (i.e., ensuring the necessary level of Internet speed throughout the entire territory of the state, which is also recognized by states today as their positive obligation);

- demanding the removal of illegal restrictions on reception and transmission, as well as notification of the facts and grounds for restrictions (this can be considered a right that ensures the use of the Internet and its neutrality; in other words, it is an authority within the law).

*The non-technical factor is complex and includes the following:*

- *subjective factor*, which is the sum of an individual's knowledge and abilities that allow them to realize the potential capabilities of the Internet (i.e., each user is guaranteed to use the Internet based on their needs and potential);

- *objective factor* embodied in the state's policy regarding Internet usage, its potential capabilities, and ensuring the realization of these capabilities by individuals (i.e., the state's positive and negative obligations in this field).

The objective non-technical factor of Internet usage includes *the state's positive and negative obligations* to ensure the right to use the Internet.

*The negative obligations of the state include the following:*

- non-interference in the exercise of the right to use the Internet, refraining from disrupting the connection of the national part of the telecommunications network with the Internet, and ensuring the neutrality of the Internet as a whole;

- not allowing restrictions on Internet resources and the right to use the Internet outside the procedures and grounds established by law.

*The most important positive obligations of the state should include:*

- elimination of various forms of digital inequality in the digital space caused by technical and non-technical factors of Internet usage;

- ensuring and protecting rights on the Internet as in the real world (unless the essence and nature of the law dictate otherwise).

8. Three stages of human rights development on the Internet can be distinguished:

- The stage of viewing the Internet as a means and element for implementing certain human rights (the Internet is closely linked to human rights and serves as a means and guarantee of their implementation). At this stage, the Internet can also be considered as a “core” that generates new human rights (new rights emerge and existing ones evolve);

– The stage where the right to use the Internet is transforming into a distinct human right (in which the right to use the Internet is recognized at the national (state) and international levels and is enshrined in relevant legal and regulatory documents);

– The stage of recognizing the Internet as a “legal field” for the implementation of digital human rights (there are two legal fields in the realization of human rights: a real legal field and a virtual legal field).

9. The legal nature of the right to use the Internet can be classified as follows:

– according to the classification of natural rights and positive rights, the right to use the Internet is a *positive right*, as its implementation depends on the technical infrastructure and the public or private sector that provides access to the network;

– according to the classification of human and civil rights, the right to use the Internet should be included among *human rights*, since this right applies to all people, regardless of their citizenship;

– according to the classification of absolute rights and relative rights, this right to use the Internet is a *relative right*, as its implementation may depend on the terms of contracts with service providers, the availability of infrastructure, and the legislation regulating activities in the Internet sphere;

– based on the individual (private) and collective (public) classification, it is *an individual (private) right* granted to each person, who can use it for personal needs at their own discretion;

– according to the spheres of implementation (personal, political, social, economic, and cultural rights), this right belongs to the category of *personal rights* that ensure individual freedom in obtaining and disseminating information, communication, and expression of opinion;

– according to the “Generation of Rights”, this right belongs to *the “fourth generation” rights*, which emerged in the era of globalization and digital technologies and are aimed at protecting human rights in new digital and information realities.

## **II. Proposals for improving the legislation of the Republic of Uzbekistan:**

10. The normative regulation of network relations should be based on approaches developed through national and international experience. These approaches should address issues such as the content of fundamental human rights, the scope of their implementation, grounds for restrictions, and forms of protection. It is necessary to consider the technical characteristics of information and telecommunication networks during their operation.

11. The need to incorporate the right to use the Internet into Uzbekistan’s legal system as a complex subjective right of individuals stems from its fundamental (constitutional) importance. This necessity arises from the increased social significance of the Internet, the formation of a system for restricting usage in legislation, and the risk of disruption to the Uzbek segment of the computer

network due to harmful influences. Including this right is crucial for recognizing the Internet's role in society and protecting citizens' interests. Consequently, it is necessary to introduce Article 33<sup>1</sup> into the Constitution of the Republic of Uzbekistan and enshrine the right to use the Internet within it. This is because Article 33 of the current Constitution of the Republic of Uzbekistan defines the Internet as an integral part of the right to receive information, serving as a source for searching, receiving, and disseminating information. Today, the right to use the Internet has evolved not only as a component of the right to access information but also as a distinct, independent personal right.

Based on the above, it is advisable to remove part 3 of Article 33 of the Constitution of the Republic of Uzbekistan and add Article 33<sup>1</sup> to the Constitution of the Republic of Uzbekistan in the following wording:

*Everyone has the right to use the World Wide Web.*

*The State creates conditions to ensure access to the World Wide Web.*

12. The Internet's capabilities are so extensive that it should be used without causing harm to the economy, science, and cultural development. The Internet should be regulated at the state level, but primarily not through restrictions, rather from the perspective of ensuring its development. It is necessary to take measures that contribute to fully realizing the Internet's potential for individuals, society, and the state. Based on this, the Laws of the Republic of Uzbekistan "On informatization" and "On telecommunications" should provide an official interpretation of the concepts of "Internet" and "Internet Use" and these laws should clearly define the technical and non-technical factors of Internet use. It is also necessary to formalize clear instructions in the legislation related to the restriction of the right to use the Internet and the proportionality of such restrictions (*a draft proposal on this matter is attached*).

### **III. Proposals and recommendations for improving the organizational mechanisms of the right to use the Internet in the Republic of Uzbekistan:**

13. Internet access restrictions implemented in Uzbekistan should be applied to protect public and private interests and should be either targeted at individuals or general in nature. Individual restrictions should arise due to the legal status of the Internet user and changes therein, and should be implemented by either obstructing access to the Internet itself or limiting activities carried out using the Internet. General restrictions should be introduced primarily in emergency situations. This is because information or communication on the Internet may be related to public interests, including national defense and state security (*a draft project regarding this proposal is attached*).

14. Restrictions on access to the Internet network and (or) specific Internet resources used in Uzbekistan should be implemented based on laws ("On informatization" or "On telecommunications"). As a general rule, such restrictions must comply with the legitimate purposes of limiting human and civil rights and freedoms as defined in part 3 of Article 21 of the Constitution of Uzbekistan. In order to better balance private and public interests in relation to

administrative blockings, it is necessary to introduce a new provision into the legislation. According to this rule, resource owners should have the right to demand preliminary judicial review of a decision made through administrative procedure, during which the blocking must be temporarily suspended. Furthermore, restrictions should be implemented only on the basis of a court decision (*a draft proposal on this matter is attached to the case*) .

15. A non-technical objective factor in the issue of the right to use the Internet consists of a combination of the state's negative and positive obligations aimed at ensuring this right, which should be directed at eliminating "digital divides". Such divides are numerous and manifest themselves in subjective, objective, and technical factors. The state is obliged to positively contribute to the elimination of the "digital divide" in all aspects related to Internet use, as well as to ensure all rights exercised in the real world are also guaranteed in the Internet environment. The development of restrictive standards, refraining from sole control over the national segment, and involving representatives of entrepreneurship and civil society in developing legal regulatory measures serve as a safeguard against excessive and disproportionate interference in social relations within the computer network. All of this should fully align with the goal of eliminating this "digital divide". It is necessary to prevent the emergence of new forms of "digital divide" that limit an individual's ability to exercise all rights that are (or should be) realized in the real world and do not comply with human rights standards (*a draft proposal on this matter is attached to the work*) .

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО  
ПРИСУЖДЕНИЮ УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ  
ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

---

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ  
УНИВЕРСИТЕТ**

**КУДРАТИЛЛАЕВ ЖАХОНГИР ЗОКИРЖОН УГЛИ**

**КОНСТИТУЦИОННО-ПРАВОВЫЕ ОСНОВЫ ПРАВА  
ПОЛЬЗОВАНИЯ ИНТЕРНЕТА**

12.00.02. – Конституционное право. Административное право.  
Финансовое право и таможенное право

**АВТОРЕФЕРАТ**  
диссертации доктора философии (PhD) по юридическим наукам

**Ташкент – 2025**

**Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций под номером B2023.2.PhD/Yu1032.**

Диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещён на трёх языках (узбекском, английском, русском, (резюме)) на веб-странице Научного совета (<https://tsul.uz/uz/fan/avtoreferatlar>) и Информационно-образовательном портале “ZiyoNet” ([www.ziyonet.uz](http://www.ziyonet.uz)).

<b>Научный руководитель:</b>	<b>Беков Ихтиёр Рустамович</b> доктор юридических наук, профессор
<b>Официальные оппоненты:</b>	<b>Мухитдинова Феруза Абдурашидовна</b> доктор юридических наук, профессор <b>Хакимов Гуломжон Тургунпулатович</b> кандидат юридических наук, доцент
<b>Ведущая организация:</b>	<b>Академия Министерства внутренних дел Республики</b>

Защита диссертации состоится на заседании Ученого совета за номером DSc.07/30.12.2019.Yu.22.02 в Ташкентском государственном юридическом университете 17 декабря 2025 года в 10<sup>00</sup> (Адрес: 100047, г.Ташкент) , улица Сайилгох, 35.: (99871) 233-66-36, факс: (99871) 233-37-48, e-mail: [info@tsul.uz](mailto:info@tsul.uz)).

С диссертацией можно ознакомиться в Центре информационных ресурсов Ташкентского государственного юридического университета (зарегистрированный под номером 1449) (Адрес: 100047, г. Ташкент, улица Амира Темура, 13. Тел.: (99871) 233-66-36).

Автореферат диссертации разослан 3 декабря 2025 года.

(Протокол реестра № 31 от 3 декабря 2025 года).

**Р.Р.Хакимов**

Председатель Научного совета по присуждению учёных степеней, доктор юридических наук, профессор

**Ф.Б.Махмудов**

Секретарь Научного совета по присуждению учёных степеней, доктор юридических наук, доцент

**Ш.Г.Асадов**

Председатель научного семинара при Научном совете по присуждению учёных степеней, доктор юридических наук, профессор

## ВВЕДЕНИЕ

**Цель исследования** заключается в разработке научно-практических выводов, научно обоснованных предложений и рекомендаций по конституционно-правовым основам права пользования Интернетом в Республике Узбекистан. А именно, в разработке концепции права пользования Интернетом как субъективного права человека в системе конституционных прав и свобод, а также в выявлении тенденций, связанных с формированием права пользования Интернетом как самостоятельного и общепризнанного права человека.

**Объектом исследования** является система общественных отношений, связанных с формированием права пользования Интернетом как нового права человека в информационном обществе Узбекистана.

**Научная новизна исследования** заключается в следующем:

обоснована необходимость установления обязательства государства по созданию условий для обеспечения доступа к всемирной информационной сети Интернет в качестве гарантии реализации свободы мысли, слова и убеждений, а также права на поиск, получение и распространение информации;

обоснована необходимость определения четких границ и оснований ограничения права на поиск, получение и распространение информации;

обоснована необходимость установления четких границ и оснований ограничения прав и свобод человека для предотвращения необоснованного и непропорционального ограничения права пользования Интернетом;

обосновано, какие комиссии в данном направлении должны быть включены в систему органов и организаций, осуществляющих защиту детей от информации, наносящей вред их здоровью, в качестве уполномоченной организации.

**Внедрение результатов исследования.** На основе научных результатов, полученных в ходе исследования в области совершенствования обеспечения права на использование Интернета:

предложение об обязательствах государства, связанных с обеспечением права на поиск, получение и распространение информации в Интернете, нашло отражение в Конституционном Законе Республики Узбекистан “О Конституции Республики Узбекистан” от 1 мая 2023 года (№ ЗРУ-837) (часть 3 статьи 33) (справка заместителя Спикера Законодательной палаты Олий Мажлиса Республики Узбекистан от 7 октября 2024 года № 02/6-09-67). Внедрение данного предложения послужило закреплению на конституционном уровне обязательств государства, связанных с обеспечением права пользования Интернетом;

предложения об ограничениях, связанных с правом искать, получать и распространять информацию, нашли отражение в Конституционном Законе Республики Узбекистан “О Конституции Республики Узбекистан” от 1 мая 2023 года (№ ЗРУ-837) (часть 4 статьи 33) (справка заместителя Спикера Законодательной палаты Олий Мажлиса Республики Узбекистан

от 7 октября 2024 года 02/6-09-67). Согласно ему, ограничение права на поиск, получение и распространение информации допускается только в соответствии с законом и только в пределах, необходимых для защиты конституционного строя, здоровья населения, общественной нравственности, прав и свобод других лиц, обеспечения общественной безопасности и общественного порядка, а также предотвращения разглашения государственных секретов или иной охраняемой законом тайны. Закрепление этих ограничений в Конституции сформировало общий характер и принцип информации, которую можно искать, получать и распространять. Это послужило основой для определения точных границ информации, которая может быть ограничена в Интернете.

Предложения о том, что права и свободы человека могут быть ограничены только в соответствии с законом и только в пределах, необходимых для защиты конституционного строя, здоровья населения, общественной нравственности, прав и свобод других лиц, обеспечения общественной безопасности и общественного порядка, то есть в каких случаях могут быть ограничены права и свободы человека, нашли свое отражение в Конституционном Законе Республики Узбекистан “О Конституции Республики Узбекистан” от 1 мая 2023 года (№ ЗРУ-837) (часть 3 статьи 21) (Акт заместителя Спикера Законодательной палаты Олий Мажлиса Республики Узбекистан от 7 октября 2024 года № 02/6-09-67). Это послужило закреплению на конституционном уровне сферы ограничения права пользования Интернетом и соразмерности такого ограничения.

Предложения по системе органов и организаций, осуществляющих защиту детей от информации, наносящей вред их здоровью, нашли свое отражение в Законе “О защите детей от информации, наносящей вред их здоровью” от 8 сентября 2017 года (№ ЗРУ-444) (абзац 3 части 1 статьи 7, название статьи 9, абзац 1 части 1 статьи 9 и часть 2 статьи 9) в соответствии с Законом “О внесении изменений и дополнений в некоторые законодательные акты Республики Узбекистан в связи с дальнейшим совершенствованием системы надежной защиты прав, свобод и законных интересов женщин и детей” от 11 апреля 2023 года (№ ЗРУ-829) (Акт заместителя Спикера Законодательной палаты Олий Мажлиса Республики Узбекистан № 02/6-09-67 от 7 октября 2024 года). В результате уполномоченными организациями в сфере защиты детей от информации, наносящей вред их здоровью, стали также комиссии по вопросам детей Республики Каракалпакстан, областей и города Ташкента, районов (городов).

**Структура и объем** диссертации. Диссертация состоит из введения, трех глав, заключения, списка использованной литературы и приложений. Объем диссертации составляет 150 страниц.

## E'LON QILINGAN ILMIY ISHLAR RO'YXATI

### LIST OF PUBLISHED WORKS

### СПИСОК ОПУБЛИКОВАННЫХ РАБОТ

#### I bo'lim (I part; I часть)

1. Quدراتillayev J.Z. Интернет и право пользования Интернетом // Jamiyat va innovatsiyalar – Общество и инновации– Society and innovation. 2024 - Special Issue –07(2024) / ISSN 2181-1415 – 201-205 b. (12.00.00);

2. Quدراتillayev J.Z. Internetdan foydalanish huquqining konstitutsiyaviy huquqiy asoslari // Scienceproblems.uz. Ijtimoiy-gumanitar fanlarning dolzarb muammolari 5-jild, 2-son (Fevral, 2025). – 479-485 b. (12.00.00);

3. Quدراتillayev J.Z. Legal guarantees of the use of the internet by individuals // World Bulletin of Management and Law (WBML).Volume-18, January-2023. 33-37 p.;

4. Quدراتillayev J.Z. Internetdan foydalanish huquqining konstitutsiyaviy huquqiy asoslari // Siyosatshunoslik, huquq va xalqaro munosabatlar jurnali. Vol. 1 No. 7 (2022) - 26-30 b.;

5. Quدراتillayev J.Z. Конституционно-правовые основы функционирования средств массовой информации // Herald pedagogiki Nauka i Praktyka (wydanie specjalne) Volume-2, <sup>1</sup> 4. ;

#### II bo'lim (II part; II часть)

6. Quدراتillayev J.Z. Internet jahon axborot tarmog'iga kirish va undan foydalanish huquqining konstitutsiyaviy huquqiy asoslari // O'zbekistonda ta'lim-tarbiya jarayoniga innovatsion yondashuvlar: muammo va yechimlar mavzusida Respublika ilmiy online konferensiyasi 2023-yil sentabr. 84–86 b.;

7. Quدراتillayev J.Z. Ommaviy axborot vositalari faoliyatining erkinligi va qonunga muvofiq faoliyat yuritishi // “Ilm fan va innovatsiya” Respublika ilmiy amaliy konferensiyasining 2024 yil 10-soni. 11–15 b.;

8. Quدراتillayev J.Z. Internetdan foydalanish huquqining konstitutsiyaviy huquqiy asoslari // “Инновационные исследования в современном мире: теория и практика”, 3(11), 152–158 b.;

9. Quدراتillayev J.Z. Internetdan foydalanishning konstitutsiyaviy huquqiy asoslari: Internetning muqobillari // Models and methods in modern science 3(14), 162–166 p. ;

10. Quدراتillayev J.Z. Internetdan foydalanish huquqining texnik bo'lmagan omillari // Academic research in modern science 4(12), (T. 4, Выпуск 12, сс. 139–144 p. ;

11. Quدراتillayev J.Z. Internetdan foydalanish huquqining o'ziga xos xususiyatlari va tarkibiy qismi // International Conference on Advance Research in Humanities, Sciences and Education. Hosted from Rome, Italy. January 30th, 2025. 291–395 p.;

Avtoreferat TDYU “Yuridik fanlar axborotnomasi” jurnali  
tahririyatida tahrirdan o‘tkazilib, o‘zbek, ingliz va rus tillaridagi matnlar  
o‘zaro muvofiqlashtirildi.

Bosishga ruxsat etildi: **02.12.2025**  
Bichimi: 60x84 1/8 “Times New Roman”  
garniturada raqamli bosma usulda bosildi.  
Shartli bosma tabog‘i 3,5. Adadi: 100. Buyurtma: № 54

100060, Toshkent, Y. G‘ulomov ko‘chasi, 74.  
Tel.: +998 90 9722279, [www.tiraj.uz](http://www.tiraj.uz)

“TOP IMAGE MEDIA”  
bosmaxonasida chop etildi.