
Ensuring the Safety of Objects of National Interests of The Republic of Uzbekistan In the Information Sphere

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Abstract: Becoming the object of obligations, information can be included in civil circulation. But relations with respect to information in the public law sphere are no less significant. At any stage in the development of society, information was present as a necessary element in the decision-making process, in the organization of managing individual objects, structures, and the state. However, until recently, the information function has not stood out as an independent function.

In the conditions of the formation of the information society, when the role of information is growing immeasurably, when it becomes the main value, the information function is no longer considered only as a real one, but as the main function of the state. Moreover, the state's information function is aimed at providing information not only to state bodies, but also to citizens, legal entities, and various structures of civil society. It was then that when the orientation of the information function ceased to be limited only by state authorities, it acquired new content, directly affecting the rights and freedoms of the individual, and became fundamental to the state.

The constitutional rights and freedoms of man and citizen in the information sphere, their provision are one of the components of the national interests of the Republic of Uzbekistan in accordance with the Law of the Republic of Uzbekistan "On the Concept of National Security of the Republic of Uzbekistan", approved by the President of the Republic of Uzbekistan on August 29, 1997. According to the law, it is precisely in the realization of the constitutional rights of a person and a citizen to access information, to use information in the interests of carrying out activities not prohibited by law that comprise the interests of the individual in the information sphere. With such an active inclusion of information in social relations, their legal regulation is clearly lagging behind, is characterized by unsystematicity and inconsistency.

Keywords: Analysis, legal support, security, information security, information sphere, information threats, principles of ensuring information security of the country.

INTRODUCTION

In ensuring information security, the most important role is played by law as a means of social regulation supported by state coercion. In this area, the state acts as an active subject of the formation of law and the organizer of law enforcement.

In connection with the above, at the present stage of the formation of the state, the legal regulation of relations in the field of countering threats is being intensively developed, priority interests in the information sphere are recognized and consolidated. So, the laws "On Mass Media", "On Archives", "On Librarianship", "On Culture", "On Principles and Guarantees of Freedom of Information", "On Communications", "On State Secrets", "On telecommunications", "On guarantees and freedom of access to information", "On electronic commerce", "On electronic document management", "On electronic digital signature", "On informatization", Civil Code of the Republic of Uzbekistan, Criminal and Criminal Procedure Codes of the Republic of Uzbekistan, Code of the Republic of Uzbekistan on the administrator offenses, the Labor Code of the Republic of Uzbekistan, a number

of other laws governing relations in the field of realization of human and civil rights and freedoms, implemented in the information sphere.

Law enforcement practice in the field of combating unlawful acts against freedom, honor and dignity of a person, constitutional rights and freedoms of a person and a citizen, realized in the information sphere, public morality, legal interests of a person, society and state in the field of computer information is being activated.

All this creates the prerequisites for the formation of the most important doctrinal ideas of the legal support of information security as an important means of protecting the interests of the country in the information sphere from threats. The accumulated experience in the formation of the information security system of the Republic of Uzbekistan reveals a significant number of gaps and contradictions in the regulatory regulation of relations arising in the information sphere as a whole. This is what determines the definition in the Law "On Principles and Guarantees of Freedom of Information" of the Republic of Uzbekistan[2], approved by the President of the Republic of Uzbekistan on December 12, 2002, as the priority direction of the state policy in the field of ensuring information security, improving the legal mechanisms for regulating public relations arising in the information sphere.

A generalization of the practice of creating a system of legal regulation of information security and a scientific and practical study of the problems arising in this area showed numerous shortcomings associated with the lack of sufficient theoretical foundations for the legal support of information security in the Republic of Uzbekistan, which determines the scientific and practical relevance of this issue.

Comprehensive scientific research in the field of the theory of legal regulation of relations related to ensuring information security in the Republic of Uzbekistan has not been previously conducted. Leading domestic and foreign legal scholars have addressed this issue in the study of related or particular issues of the development of information legal relations. For example, the works of researchers R.M. Alimov[13], M.Boydadayev[14], S.M.Gofurov[15], G.I. Karimova[16], A.K.Rasulev[17,18], M.H.Rustambaev, A.R.Rakhmonov[19], Sh.I.Pakhrudinov[20], S.T.Saidolimov [21], M.S.Yakubov, E.P.Levchenko[22], H.Nigmatov[23], T.K.Iminov, F.R.Khasanov, L.N.Akchurin[24], O.R.Djuraev[25], O.T.Husanov[26], etc.

Nevertheless, an analysis of the experience of legal regulation of relations in the field of countering threats to the security of national interests in the information sphere shows that a correct understanding of the nature of these relations and the laws governing the use of methods of legal influence on them is possible only on the basis of a theoretical understanding of the entire problem area and all legislation governing actions through which threats are manifested.

MATERIAL AND METHODOLOGY

The methodological basis is the methodology of scientific knowledge, as well as the approaches traditionally used in legal science. The work uses the dialectic method, the deduction method, system analysis, as well as the formal legal, methods of interpretation of law, structural and logical analysis of legislation. The study examined the complex of problems of legal regulation of relations and the implementation of legal activities in the field of countering threats to the security of interests of the Republic of Uzbekistan in the information sphere, taking into account the most important provisions of the theory of state and law, constitutional, administrative, information and criminal law, legal informatics.

In forming the author of a number of conclusions in them were based on the results of studies leading lawyers H.B. Boboev, Z.M. Islomova, U. Choriyorov, H.T. Odilqoriev, I. B. Zokirov, M.H. Rustambaev, A.R. Rakhmonov, B.N. Toshev, A.H. Saidov, O.T. Husanov and others.

RESULTS AND DISCUSSION

The main goal of improving the regulatory legal framework for information security is to create conditions for the elimination, prevention and suppression of the occurrence of threats to the security of the main objects of national interest in the information sphere and to minimize the consequences of these threats.

There are two main directions for improving the regulatory legal security of objects of national interest in the information sphere.

The first direction is associated with an increase in the structural ordering of normative legal acts that enshrine the legal norms of the legal support under consideration. T.A. Polyakova drew attention to the need to systematize legislation in this area, substantiating this proposal with a large array of these acts and the dispersion of legal norms across the branches of legislation[12]. As she rightly believes, in modern conditions, systematization should be aimed at solving two main problems: general or partial incorporation of regulatory legal acts regulating relations in the field of information security, into a single collection and streamlining of legal terms used in these acts.

The second direction of improving the regulatory legal framework for information security is to fill in legislative gaps that impede the organization of an effective response to threats to the national interests of the Republic of Uzbekistan in the information sphere.

According to the author, the solution to this problem should be carried out within the framework of the coordinated activity of all subjects of the law of legislative initiative, which can be achieved only on the basis of a political document that defines, in the manner established by law, the main priorities of legislative work in this area.

In preparing such a document, it is necessary to proceed from the following main points.

The document should contain a set of official views on the goals, objectives and directions of state policy in the field of improving legislation governing public relations in the field of countering threats to the national interests of the Republic of Uzbekistan in the information sphere.

The legal basis of this document is the Constitution of the Republic of Uzbekistan [1], the Law of the Republic of Uzbekistan “On Security”, other state laws that determine the powers of the President of the Republic of Uzbekistan in the field of security, as well as the coordinated functioning and interaction of public authorities.

The provisions of the document should develop the provisions of the Concept of National Security of the Republic of Uzbekistan[3] and the Doctrine of Information Security of the Republic of Uzbekistan related to improving the legal support of information security and serve as the basis for the development of legislative plans for the President of the Republic of Uzbekistan, the Government of the Republic of Uzbekistan, interested deputies of the Oliy Majlis and the Council of the State Assembly of the Republic of Uzbekistan as well as regulatory development plans evidence in the field of international relations of the Republic of Uzbekistan aimed at strengthening information security.

The basis of improving the regulatory legal framework for information security should be based on the following principles:

- The formation and application of international law as an integral part of the legal system of the Republic of Uzbekistan;
- ensuring a balance of interests of the individual, society and the state;
- coordination of the activities of state authorities and state authorities of the subjects of the Republic of Uzbekistan to improve the regulatory legal framework for information security.

The principle of formation and application of international law as an integral part of the legal system of the Republic of Uzbekistan presupposes the direct application of universally recognized principles and norms of international law, international treaties throughout the country, as well as the active and coordinated participation of state executive authorities of the Republic of Uzbekistan in the development of international documents that address issues achievement of national interests of the Republic of Uzbekistan in the information sphere and ensuring their security.

The principle of balancing the interests of individuals, society and the state provides for the establishment and observance of the priorities of these interests in the regulation of public relations in the information sphere. When determining the balance of interests of individuals, society and the state, it is necessary to proceed from the fact that the Republic of Uzbekistan is a social state whose policy is aimed at creating conditions ensuring a decent life and free development of a person, implements guarantees for observing human and civil rights and freedoms, and organizes counteraction to threats to the national Security of the Republic of Uzbekistan with the participation of citizens and public organizations.

The principle of coordination of the activities of state authorities and state authorities of the subjects of the Republic of Uzbekistan on the regulatory legal support of information security involves the organization of these activities on the basis of the priority of the competence of the Republic of Uzbekistan in the field of security and completeness of state power of the subjects of the Republic of Uzbekistan in the development and use of regional information and telecommunication systems, communication networks, regional information resources .

An analysis of the normative legal support for the security of the main objects of national interests in the information sphere allows us to formulate the following proposals for priority measures aimed at developing a system of legislation in the field of ensuring the safety of objects of national interests in the information sphere.

In the field of improving the regulatory legal framework for ensuring the security of information in the form of information, the development of bills should be referred to such measures:

“On Amendments and Amendments to the State Law “On Advertising” [4], as well as “On Amendments and Amendments to the Fundamentals of the Legislation of the Republic of Uzbekistan on the Protection of Citizens' Health”” in terms of clarifying the content of prohibitions imposed in the field of advertising to prevent infringement of human and civil rights to freedom of thought;

“On Amendments to the State Law “On Political Parties”” [5] in terms of clarifying the content of prohibitions imposed in the field of political activity in order to prevent discrediting of the most important national cultural values.

In the field of improving the regulatory legal framework for ensuring the security of information in the form of messages, such measures should include the development of a draft law “On Amendments and Changes to the Code of the Republic of Uzbekistan on Administrative Offenses” [9] regarding the consolidation of legal

responsibility for violation of the accounting for documents of cultural value.

In the field of improving the regulatory legal framework for the security of information infrastructure, the development of bills should be considered as priority measures:

“On amendments to the Criminal Code of the Republic of Uzbekistan”[10] regarding harmonization of the list of socially dangerous acts against the information infrastructure related to crimes with the legislation of international organizations;

“On Amendments and Changes to the Code of Criminal Procedure of the Republic of Uzbekistan”[11] regarding the consolidation of procedural issues of conducting an inquiry and preliminary investigation of crimes against information infrastructure.

Among the priority measures to improve the regulatory legal security of the legal status of the subjects of the information sphere should include the development of the following bills:

“On Personal Data”, fixing the signs of this type of information, the content of the personal data regime, ensuring the accumulation and safe use of this information, as well as the responsibility of authorized officials and other persons for violation of the established personal data regime;

“On the right to information”, which enshrines the main subjects of this right, the substantive and procedural rules governing relations in the field of the exercise of subjective rights and their corresponding duties, establishing the competence of subjects of information activities, as well as the liability of burdened persons for the performance of these duties;

“On trade secrets” [6], which enshrines the material and procedural rules for the interaction between participants in relations in the field of establishing and maintaining a trade secret regime;

“On the inviolability of private life, personal and family secrets”, specifying the content of the relevant constitutional rights of a person and a citizen, the regime of information constituting personal and family secrets and the regime of privacy, the procedure for the exercise by a person and a citizen of subjective rights in this area, the duties of state bodies in areas of compliance with the requirements of these information regimes, the responsibility of officials of state bodies and other persons for violation of the established regime;

“On amendments and additions to the Law of the Republic of Uzbekistan “On official secrets””, which clarifies the content of this definition, the signs of information constituting official secrets, and the content of the corresponding information regime, its relationship with information regimes established in accordance with legislation by private individuals and non-state organizations (commercial, personal, official secrets, privacy and others), responsibility of officials for fulfilling the requirements of the official confidentiality regime;

“On Amendments to the Law of the Republic of Uzbekistan “On the Mass Media””[7] in terms of strengthening public control over their activities, regulating the dissemination of mass media using global information networks, and clarifying the content of restrictions related to abuse of freedom of speech;

“On Amendments and Changes to the Law of the Republic of Uzbekistan “On Copyright and Related Rights”” [8], in terms of securing the state exclusive rights to intellectual property created from the state budget;

“On Amendments to the State Law “On Principles and Guarantees of Freedom of Information””[2], in terms of clarifying the disclosure of the definition of “information”, the content of ownership of information resources, and the development of a system of open state resources;

“On Cryptographic Means of Information Protection” in terms of resolving relations related to the production, circulation and use of means of cryptographic information protection;

“On introducing additions and amendments to the Code of Criminal Procedure of the Republic of Uzbekistan” in terms of securing the procedure for conducting inquiries and investigations in cases involving the use of modern information technologies for committing criminal acts;

“On Amendments to the State Law “On Principles and Guarantees of Freedom of Information””[2] regarding specification of signs of classifying information and telecommunication systems, communication networks, information resources as state objects, as well as fixing the mechanism for classifying information infrastructure objects as critical and ensuring their information security;

“On the regulation in the field of ensuring the security of the operation of information and telecommunication systems and networks” in terms of securing requirements for communication equipment, hardware and software for information systems that create the conditions for the implementation of statutory procedural actions for conducting inquiries and investigations in cases involving the use of modern information technologies for committing criminal acts.

CONCLUSION

These suggestions were used by the authors in the preparation of the draft “Guidelines for normative legal support of information security of the Republic of Uzbekistan”.

The draft guidelines were reviewed and approved by the Committee on Defense and Security of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan (January 29, 2018, № 1, 06 / 02-06) and sent for use in the legislative activities of the Legislation, Judicial and Legal Committees and on information and

communication technologies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan. Thus, it is advisable to improve the normative legal support for the security of objects of national interests in the information sphere, primarily on the basis of the development of laws of the Republic of Uzbekistan, because to one degree or another, they are connected with the conflict of interests of subjects of information activity. The main problem of the study is to resolve the contradiction between the increasing needs of the state in using the potential of law to counter threats to the security of national interests in the information sphere and the limited capabilities of legal science to substantiate the directions, principles and methods of implementing this activity.

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