



YURISPRUDENSIYA

HUQUQIY ILMIY-AMALIY JURNALI

2021/6



MUNDARIJA

12.00.01 – DAVLAT VA HUQUQ
NAZARIYASI VA TARIXI.
HUQUQIY TA'LIMOTLAR TARIXI

- 6 **АХМЕДШАЕВА МАВЛЮДА АХАТОВНА**
Некоторые теоретико-правовые вопросы
рецепции публичного права в
национальную правовую систему
- 12 **YOUNAS AMMAR**
SADIKOV MAKSUDBOY
ABDULAJONOVICH
Tech law in central asia: approach to technological
progress of the 4th industrial revolution
- 17 **UMAROV BEKZOD AZAMATOVICH**
Davlat boshqaruvini nomarkazlashtirish
konsepsiyasida prinsiplarning tutgan o'рни
- 24 **МУКУМОВ БОБУР МЕЛИБОЙ УГЛИ**
Проблемы нормативного регулирования
предпринимательской деятельности
в Республике Узбекистан

12.00.02 – KONSTITUTSIYAVIY HUQUQ.
MA'MURIY HUQUQ.
MOLIYA VA BOJXONA HUQUQI

- 32 **HOSHIMXONOV AHROR MO'MINOVICH**
Hukumat faoliyatini pandemiya sharoitida
tashkil qilish va huquqiy tartibga solish
masalalariga oid mulohazalar
- 39 **MUHAMMADIYEV ULUG'BEK ISLOMOVICH**
XAYITOV XUSHVAQT SAPARBAYEVICH
Qonun ustuvorligini ta'minlashda zamonaviy
mexanizmlarning yaratilishi

12.00.03 – FUQAROLIK HUQUQI.
TADBIRKORLIK HUQUQI. OILA
HUQUQI. XALQARO XUSUSIY HUQUQ

- 47 **IMOMOV NURILLO FAYZULLAYEVICH**
O'zbekiston Respublikasi Fuqarolik kodeksining
yangi tahriri loyihasida "fuqarolik qonunchiligi"ga
oid yangiliklarning ilmiy-nazariy tahlili
- 57 **SAIDOV MAQSUDBEK NORBOYEVICH**
Mas'uliyati cheklangan jamiyati ishtirokchilarining
umumiy yig'ilishini chaqirish va bu toifadagi
nizolarni hal qilishning ayrim masalalari

12.00.06 – TABIIY RESURLAR HUQUQI.
AGRAR HUQUQ. EKOLOGIK HUQUQ

12.00.07 – SUD HOKIMIYATI.
PROKUROR NAZORATI. HUQUQNI
MUHOFAZA QILISH FAOLIYATINI
TASHKIL ETISH. ADVOKATURA

- 66 **YAKUBOVA IRODA BAHRAMOVNA**
O'zbekistonda mualliflik huquqi bo'yicha
mulkiy huquqlarni jamoaviy boshqaruv
tashkilotlarining vujudga kelishi va rivojlanishi
- 74 **QUTLIMURATOV FARXAD QALBAYEVICH**
Qayta tashkil etilayotgan yuridik shaxs
kreditorlarining huquqlarini himoya qilish
mexanizmlarining umumiy tavsifi
- 81 **BAKHRAMOVA MOKHINUR
BAKHRAMOVNA**
Absence of jurisdiction and consequences
in arbitral proceedings
- 88 **IBROHIMOV AZIMJON ABDUMO'MIN O'G'LI**
Korporativ niqoblarni olib tashlash
konsepsiyasi va uni O'zbekiston korporativ
huquqida takomillashtirish masalalari
- 96 **ФАЙЗИЕВ ШУХРАТ ХАСАНОВИЧ**
Правовые основы экологической политики
государства: система, классификация и
проблемы кодификации законодательства
- 107 **MAXKAMOV DURBEK NEMATOVICH**
O'simlik dunyosini muhofaza qilishda
jamoatchilik nazoratini huquqiy ta'minlash
masalalari
- 114 **RAJABOV NARIMAN SHARIFBAEVICH**
The role of social partnership in setting
standards for the protection of the natural
environment (legal aspect)
- 124 **MAMAYEVA MAKBAL NURJANOVNA**
Организационные аспекты обеспечения
независимости института адвокатуры
в Узбекистане: проблемные аспекты
- 131 **URALOV SARBON SARDOROVICH**
Sud qarorlarining preyditsial ahamiyati
- 137 **MALLAYEV NORMAMAT RAMAZANOVICH
ERGASHEV BAHODIR ABDURASULOVICH**
Advokatlik faoliyatini tashkil etishning
nazariy-huquqiy asoslari

12.00.08 – JINOYAT HUQUQI.
HUQUQBUZARLIKLARNING OLDINI
OLISH. KRIMINOLOGIYA.
JINOYAT-IJROIYA HUQUQI

- 143 **XUDAYKULOV FERUZBEK XURRAMOVICH**
Ekologiya sohasidagi jinoyatlar obyektiv belgilari
va o'ziga xos xususiyatlari: tahlil va taklif
- 153 **SALOXOVA SARVINOZ SADRIDDIN QIZI**
Ozodlikdan mahrum qilish jazosini o'tab
chiqqan voyaga yetmaganlarning post-
penitensiar adaptatsiyasini ta'minlashni
takomillashtirish
- 162 **MAMAJANOV ABRORBEK
MIRABDULLAYEVICH**
Ayrim xorijiy mamlakatlar jinoyat qonunlarida
o'zboshimchalik uchun javobgarlik
- 170 **ANORBOYEV MURODJON
RAXMANQUL O'G'LI**
Tergov qilishga yoki sud ishlarini hal etishga
aralashish jinoyatining umumiy tavsifi

12.00.09 – JINOYAT PROTSESSI.
KRIMINALISTIKA, TEZKOR-QIDIRUV
HUQUQ VA SUD EKSPERTIZASI

- 176 **БАЗАРОВА ДИЛДОРА БАХАДИРОВНА**
Соглашение о признании вины как
гарантия обеспечения прав личности
в уголовном процессе
- 184 **PRIMOV BAXTIYOR OLIM O'G'LI**
Dastlabki tergovda qo'llanilayotgan axborot-
kommunikatsiya texnologiyalari tushunchasi
va umumiy tavsifi

12.00.10 – XALQARO HUQUQ

- 192 **EGAMBERDIYEV DILSHOD ALISHEROVICH**
Xalqaro nizolarni tinch yo'l bilan hal etish
vositasi sifatida xalqaro tergov komissiyalari
ahamiyati va tushunchasi
- 200 **КОЗАКОВ БЕКЗОД АБДУЛБОКИЕВИЧ**
Принцип добрососедства между
государствами в современном междуна-
родном праве
- 209 **SUVANOV SARDOR BAXADIROVICH**
Inson huquqlari umumjahon deklaratsiyasida
inson huquqlariga oid ayrim masalalar

UDC: 34(042)(575.1)

TECH LAW IN CENTRAL ASIA: APPROACH TO TECHNOLOGICAL PROGRESS OF THE 4TH INDUSTRIAL REVOLUTION

Younas Ammar,

ANSO Scholar, School of Humanities,
University of Chinese Academy of Sciences,
Visiting Professor, Tashkent State University of Law,
e-mail: doctorammaryounas@gmail.com,
ORCID: 0000-0002-0340-2609

Sadikov Maksudboy Abdulajonovich,

Lecturer, Tashkent State University of Law,
e-mail: m.sadikov@tsul.uz,
ORCID: 0000-0003-4735-217X

Abstract. Scholars in Central Asia have long started exploring the nexus between law and technology. Contemporary Central Asian legal academia is producing research which stands at the junction of law, philosophy, and technology. Central Asia is comparatively not advanced in technology production and imports most the technologies from neighboring tech giants. These technologies are imported as a package along with the laws and regulations proposed by the technology manufacturing country. It has been observed that these regulations don't correlate with the existing local and regional legal systems. To meet these demands, this article proposes a new discipline / branch of legal sciences named as "Central Asia Tech Law" to accommodate the technological progression of the 4th industrial revolution. This branch of law strives to promote globalized legal mechanisms to treat technology as per the demands of the Central Asian region and in line with the international norms and standardization. Another purpose of Central Asia Tech Law is to increase the interaction with regional social and applied scientists to set regional technological standards and preferences for Central Asia.

Keyword: CAT Law, Central Asia, Technology Law, Central Asia Tech Law.

MARKAZIY OSIYODA TEXNOLOGIK HUQUQ: 4-SANOAT INQILOBINING TEXNOLOGIK TARAQQIYOTIGA YONDASHUV

Younas Ammar,

Xitoy fanlar akademiyasi ilmiy xodimi,
Toshkent davlat yuridik universiteti xorijlik professori

Sadikov Maksudboy Abdulajonovich,

Toshkent davlat yuridik universiteti o'qituvchisi

Annotatsiya. Markaziy Osiyo olimlari birmuncha vaqtdan beri huquq va texnologiya o'rtasidagi bog'liqlikni o'rganib kelmoqda. Zamonaviy Markaziy Osiyoning yuridik soha vakillari huquq, falsafa va texnologiya chorrahasida joylashgan tadqiqot ishlarini olib bormoqdalar. Markaziy Osiyo davlatlarida texnologiya ishlab chiqarishga nisbatan texnologiyalarni boshqa davlatlarning texnologik gigantlaridan import qilish yuqori. Ushbu texnologiyalar ishlab chiqaruvchi mamlakat tomonidan taklif qilingan qonunlar va qoidalar bilan birga kompleks sifatida import qilinadi. Natijada ushbu qoidalarining mavjud mahalliy va mintaqaviy huquqiy tizimlarga mos kelmaslik holatlari ham kuzatilmoqda. Ushbu talablarni qondirish maqsadida mazkur maqolada to'rtinchi sanoat inqilobining texnologik taraqqiyotiga moslashish uchun "Markaziy Osiyo texnologik huquqi" deb nomlangan yuridik fanlar tarmog'iga kiruvchi yangi fan taklif qilindi. Huquqning ushbu sohasi texnologiyani Markaziy Osiyo mintaqasi talablariga muvofiq, xalqaro me'yorlar va standartlashtirishga mos ravishda ko'rib chiqishning globallashtirish huquqiy mexanizmlarini

ilgari suradi. Markaziy Osiyo texnologik huquqining yana bir maqsadi Markaziy Osiyo uchun mintaqaviy texnologik standartlar va imtiyozlarni belgilash uchun mintaqaviy nazariy va amaliy olimlar bilan o'zaro hamkorlikni oshirishdan iborat.

Kalit so'zlar: Markaziy Osiyo, Texnologik huquq, Markaziy Osiyo raqamli huquqi.

ТЕХНОЛОГИЧЕСКОЕ ПРАВО В ЦЕНТРАЛЬНОЙ АЗИИ: ПОДХОД К ТЕХНОЛОГИЧЕСКОМУ ПРОГРЕССУ 4-Й ПРОМЫШЛЕННОЙ РЕВОЛЮЦИИ

Юнас Аммар,

докторант школы гуманитарных наук
Университета Китайской академии наук,
приглашенный профессор Ташкентского
государственного юридического университета

Sadikov Maksudboy Abdulajonovich,

преподаватель Ташкентского государственного
юридического университета

Аннотация. Ученые из Центральной Азии давно начали исследовать связь между правом и технологиями. Современное центральноазиатское юридическое научное сообщество проводит исследования, которые находятся на стыке права, философии и технологий. Центральная Азия сравнительно не развита в области производства технологий и импортирует большую часть технологий из соседних технологических гигантов. Эти технологии импортируются вместе с законами и правилами, предлагаемыми страной-производителем технологий. Следует отметить, что эти правила не соответствуют существующим местным и региональным правовым системам. Чтобы удовлетворить эти требования, в данной статье предлагается новая дисциплина/отрасль юридических наук, названная «Центральноазиатское технологическое право» (Central Asia Tech Law), чтобы приспособиться к технологическому прогрессу четвертой промышленной революции. Эта отрасль права стремится продвигать глобализированные правовые механизмы для обращения с технологиями в соответствии с требованиями региона Центральной Азии и международными нормами и стандартами. Другой целью Central Asia Tech Law является расширение взаимодействия с региональными учеными, занимающимися социальными и прикладными науками, с целью установления региональных технологических стандартов и предпочтений для Центральной Азии.

Ключевые слова: цифровое право, Центральная Азия, технологическое право, технологическое право Центральной Азии.

Introduction

It is well known that modern technology does not stand still, especially in the 21st century they are evolving rapidly. IT development in today's globalization has a drastic impact on the economic growth rates of countries. At the moment "Digital Economy", "Blockchain", "Internet of things" (automated internet system) "Artificial intelligence", "Big Data" as many expressions are an integral part of modern human life became. IT covers all areas of our daily lives [1].

During the last decade, an exponential growth has been observed in installation of new innovation technologies in public administration institutions in Central Asia. All the Central Asia countries have initiated projects related to digitalization, e-government, cyber security,

smart cities, e-commerce, and artificial intelligent management. Post-Communist Central Asia has observed a second paradigm shift from pure socialism to liberty driven economy and now from liberal economy to constitutionalism [2]. This change of heart has resulted primarily from the rise of the information society which has created not only new opportunities but also challenges to fundamental rights and democratic values. Even more importantly, this technological framework driven by liberal ideas has empowered transnational corporations operating in the digital environment to perform quasi-public functions on a global scale.

Materials and methods

The disruptive impact of the coronavirus pandemic is reverberating throughout the

Central Asian economy. Due to the pandemic, the world-wide legal services industry, like nearly all sectors of the economy, is currently engulfed in a time of immense change. Enormous pressures to control cost, increase efficiencies, and continue to deliver quality legal services are mounting, while, at the same time, lawyers and alternative service providers are confronted with the difficult realities of (often) working remotely, managing home responsibilities, and remaining vigilant about physical and emotional health. It is arguably a transformative time for the many industries.

Central Asia as a whole was suffering from two types of challenges with regard to technological progression in pre-COVID19 era. Citizen oriented challenges included inadequate capacity building and challenges related to the privacy of individuals. The institution-oriented challenges included the vulnerability of data, giving “right to internet” to citizens and cross-border data security compromise. During the COVID 19 period, whole Central Asia has worked on developing procedural laws only. Contrary to this, a very rich substance matter of legal importance was introduced but none of the Central Asian countries worked on developing substantial laws related to them. COVID 19 related technological inventions demanded from legal scholars to work on enacting new substantial laws but it is unfortunate that none of the countries in Central Asia has introduced anything of a great legal importance.

At present, there is no mechanism through which it could be demonstrated that how much a public institute has met the demands of digitalization during COVID period and the to check the impact of newly formed laws during COVID-19 period. There is no institute which can cross and compare the digital progression of different public institutes in empirical terms. We proposed earlier that the immediate and first step for Central Asia is to draft laws which are substantial in nature. This should be done by involving stakeholders from all the domains. It should be kept on the highest strategic priority of the political and legal strategy of the country. Secondly, there is a need to monitor the impact of these laws. To achieve these goals, we propose the concept of “Central Asia Tech Law”.

The subject matter of “Central Asia Tech Law” includes Technology Law and related fields such as Internet Law, IT Law, Digital Law, LegalTech, FinTech, GovTech in all five countries of the region – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan [3].

Research results

The prepared draft of the concept in the field of the development of artificial intelligence is the result of a scientific research of the group of researchers of the Cyber Law scientific school named after S.Gulyamov at the Tashkent State University of Law and is suggested for adoption in the Republic of Uzbekistan. The concept defines the fundamental principles and new legal constructions that will model the foundations and vectors of the targeted development of the public administration system in the field of artificial intelligence, instead of a belated response to patching up gaps and eliminating contradictions, chaotically developing new and transforming various relationships with artificial intelligence [3].

Analysis of research results

The Central Asia Tech Law aims at reinforcing the legal principles and rule of law in the countries of Central Asia in accordance with applicable international standards of technology regulations and by correlating with existing laws without compromising the legal sovereignty of Central Asian Law. Central Asia Tech Law has following goals:

1. Facilitating the creation of a common techno- legal space between Central Asian states and increasing the understanding of technology regulations and ethics.
2. Promoting Tech Law as a reputable field of Legal Sciences in Central Asia
3. Promote efficient digitization of state institutions and public administration services
4. Techno-Legal Capacity building of all the stakeholders [5].

Central Asia Tech Law or CAT Law is a branch of jurisprudence which seeks to analyze and contextualize the growing impact of technology such as AI, 5G, Cloud Computing, Big Data, Medical Technologies, VR/AR and subsidiary issues such as Privacy and Data protection on the national laws of the Central Asian countries, especially in relation to the technology ethics, regulations, and policy [6].

Central Asia Tech Law is expected to promote academic debate and discussion related to the ethical, legal, regulatory and policy dimensions of the new innovation technologies in Central Asia. It will focus on how new innovation technologies, techniques and tools are developing in Central Asia, including consideration of where these developments may lead in the future [7].

Conclusions

Central Asia Tech Law as a new branch of legal sciences will provide opportunities for academics, scientists, practitioners, policy makers, and the public to consider how new innovation technologies might affect lives of Central Asian populates in the future, and what implications, benefits, and risks might emerge. Central Asia Tech Law will aim to decrease the communication gap between Social and Applied Scientists in Central Asia.

In order to increase the academic discourse among regional and international scholars this paper also calls for starting a new journal with

the title “Central Asia Tech Law Journal”. Central Asia Tech Law Journal will be the first journal in Central Asian region dedicated to providing an open-access platform for academic dialogue on law, regulations and policies related to new innovation technologies in Central Asia. This journal will operate at the intersection of a uniquely interdisciplinary and burgeoning field. By integrating knowledge across fields such as Law, Computer Science, Philosophy, and Technology, the Central Asia Tech Law Journal aims to elevate and synthesize discourse about AI Ethics, Social Impact of New Innovation Technologies, Philosophy of Science and Policy discourse around technology.

It can be concluded that the Central Asia Tech Law as a branch of legal sciences will not only investigate techno-legal questions related to Central Asia but will also provide immediate guidelines to industry and other actors directly interacting with the Central Asian economy.

REFERENCES

1. Sadikov M.A. Place and role of legal tech in modern legal practice. Journal of Law Research, 2020, 6 vol., issue 5, pp. 11-15.
2. Younas A. Legality of Rule of Law with Chinese Characteristics: A Case of “Ultra-Sinoism”. Russian Law Journal. 2020, no. 8 (4), pp. 53-91. DOI: doi.org/10.17589/2309-8678-2020-8-4-53-91 /.
3. Younas A. Sustaining Innovative Economy in Fourth Industrial Revolution: A Whitepaper of Uzbek Centered Artificial Intelligence Policy, February 01, 2020. Available at: <http://dx.doi.org/10.2139/ssrn.3533410/>.
4. Draft concept of the Republic of Uzbekistan in the field of development artificial intelligence for 2021-2030. S.A. Gulyamov, I.R. Rustambekov, O.S. Narziev, A.Sh. Khudayberganov. Jurisprudence, legal scientific-practical journal. TSUL, 2021, no. 1, p. 106.
5. Younas A. Recent Policies, Regulations and Laws Related to Artificial Intelligence Across the Central Asia (August 1, 2020). Ai Mo Innovation Consultants, 2020. Available at: <https://ssrn.com/abstract=3664983/>.
6. Younas A., Umarova A., Hassan A., Zoraiz U. Overview of Big Data and Cloud Computing Laws, Regulations and Policies in Central Asia, August 12, 2020. Available at: <https://ssrn.com/abstract=3672779>. DOI: <http://dx.doi.org/10.2139/ssrn.3672779/>.
7. Younas A. The Rise of 5G in Central Asia: Latest News and Updates about the Next Generation Network, August 27, 2020. Ai Mo Innovation Consultants (Smc-Pvt) Ltd., 2020. Available at: <https://ssrn.com/abstract=3681696/>.
8. Digital Kazakhstan: Current State of Affairs and Prospects for Future, Prime Minister of Kazakhstan. Mar. 10, 2018. Available at: <https://primeminister.kz/en/news/all/tsifrovoy-kazahstan-realii-i-perspektivi-16155>, archived at: <https://perma.cc/Z89U-2UWU/>.

9. Regulation of Artificial Intelligence: Europe and Central Asia, Library of Congress. Available at: https://www.loc.gov/law/help/artificial-intelligence/europe-asia.php#_ftnref206/.
10. Digital Kazakhstan. Available at: <https://digital.kz/en/about-the-program/>.
11. Mamin A. Artificial intelligence has potential in Kazakhstan. Available at: https://forbes.kz/process/technologies/askar_mamin_ekonomicheskij_effekt_ot_primeneniya_ii_mojet_sostavit_okolo_25_mld/.
12. Kazakhstan to create a national cluster of artificial intelligence – prime minister. Available at: <https://ru.sputniknews.kz/economy/20200131/12705994/kazakhstan-klaster-iskusstvennyi-intellekt.html/>.
13. Artificial intelligence will be used to combat COVID-19 in Kazakhstan. Available at: <https://profit.kz/news/57294/Iskusstvennij-intellekt-budet-primenyatsya-dlya-borbi-s-COVID-19-v-RK/>.
14. In Khujand, a local hub for social mobility creates better future for lower-income youth, CAAN. Available at: <https://caa-network.org/archives/15965>
15. WIPO. https://www.wipo.int/members/en/details.jsp?country_id=170 <https://www.mfa.gov.tm/en/news/1688/>.
16. Bilytica. Available at: <https://www.bilytica.com/pk/tableau-qlikview-microstrategy-power-bi-cognos-blockchain-turkmenistan-ashgaba-turkmenabat/>.
17. Brletich S. Kyrgyzstan's Taza Koom Project Highlights Development Challenges – Analysis. Available at: <https://www.eurasiareview.com/24022018-kyrgyzstans-taza-koom-project-highlights-development-challenges-analysis/>.
18. UCA, President Highlights Digital Transformation Goals for Kyrgyzstan. Available at: <https://ucentralasia.org/Resources/Item/2368/EN/>.
19. Soltobaev A. Expert Report, Digital skills and entrepreneurship in Kyrgyzstan, UNDP Project: Digital skills and opportunities for youth employment towards digital economy in the Kyrgyz Republic. Available at: <https://www.kg.undp.org/content/kyrgyzstan/en/home/library/poverty/digital-skills-and-opportunities-for-youth-employment-towards-di.html/>.
20. Expansion of information technology cooperation in SCO discussed in Bishkek. Available at: <http://eng.sectesco.org/news/20191018/590011.html/>.
21. DECREE OF THE PRESIDENT OF THE REPUBLIC OF UZBEKISTAN, Strategy for the development of artificial intelligence in the Republic of Uzbekistan in 2021-2022 ID-19838/.
22. Younas, Ammar, Sustaining Innovative Economy in Fourth Industrial Revolution: A Whitepaper of Uzbek Centered Artificial Intelligence Policy (February 01, 2020). Available at: <https://ssrn.com/abstract=3533410> or <http://dx.doi.org/10.2139/ssrn.3533410/>.