

## ENHANCING THE EFFECTIVENESS OF CIVIL-LEGAL REMEDIES FOR PROTECTING AN INDIVIDUAL'S HONOR, DIGNITY, AND BUSINESS REPUTATION ON SOCIAL NETWORKS

**Sarsenbaeva Ellada Tengelbaevna**

Student of the Faculty of Law, Karakalpak State University

<https://doi.org/10.5281/zenodo.15286882>

### Introduction

Nowadays, the use of social networks in Uzbekistan is rapidly increasing, becoming an integral part of both public and personal life. This process is bringing about new challenges related to the spread of false and offensive information that harms an individual's honor, dignity, and business reputation [1]. The unique characteristics of social networks—such as the rapid dissemination of information, broad coverage, the possibility of anonymity, and the difficulty of deleting content—set new tasks for legal protection mechanisms, unlike traditional mass media. The Constitution of the Republic of Uzbekistan guarantees the inviolability of a person's honor and dignity [2], yet ensuring the effective protection of these guarantees in the digital space remains a pressing issue.

### Existing civil-legal remedies and their analysis in the context of social networks

Uzbekistan's legislation establishes the main civil-law remedies for protecting an individual's honor, dignity, and business reputation. According to Article 100 of the Civil Code, a citizen has the right to demand a retraction through the court of information that damages their honor, dignity, or business reputation, regardless of the fault of the person who disseminated such information. The citizen also has the right to publish a response and to claim compensation for both material and moral damages. Articles 1021 and 1022 of the Civil Code define the grounds and procedure for compensating moral damage (physical or emotional suffering). Notably, moral damage caused by the dissemination of defamatory information is to be compensated in monetary form, irrespective of the fault of the offender. General rules regarding the dissemination of information are also reflected in laws such as the "Law on Informatization" and the "Law on Principles and Guarantees of Information Freedom."

However, the unique nature of social networks creates a number of difficulties in applying these legal remedies:

- **Anonymity:** The difficulty of identifying the offender (the original disseminator of the information) complicates the imposition of liability under Articles 985, 100, and 1021 of the Civil Code. Although the legislation is designed

to establish liability for the guilty party [3], in practice it faces the barrier of online anonymity.

•**Rapid and widespread dissemination of information:** The viral nature of content distribution reduces the effectiveness of the retraction mechanism provided under Article 100 of the Civil Code and complicates the assessment of damages (Articles 14 and 1022).

•**Difficulty in deleting content:** Once information is spread, it becomes nearly impossible to completely remove it from all platforms.

•**Transboundary nature:** When information is disseminated by platforms or users located abroad, enforcing decisions of Uzbek courts becomes problematic.

•**Platform liability:** The issue of whether social media platforms bear legal responsibility for user-generated content remains unclear.

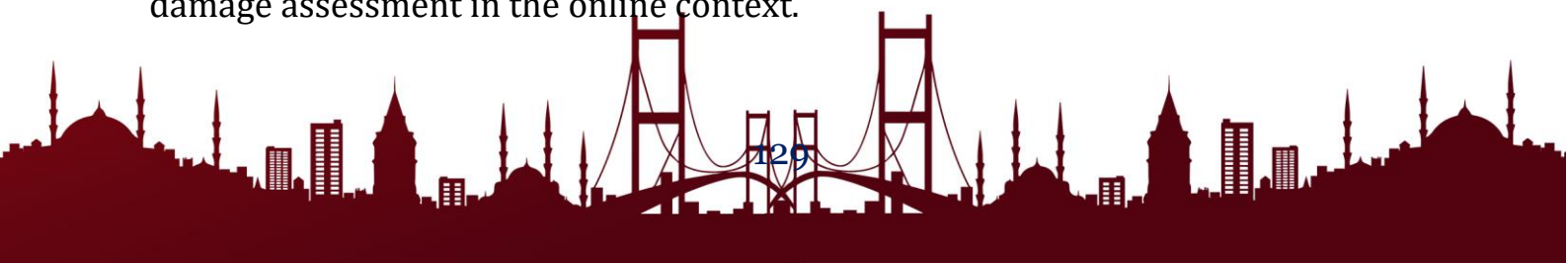
### **Challenges and Proposals for Improving the Effectiveness of Legal Remedies**

In the context of social networks, several challenges hinder the effectiveness of existing legal remedies. These include the difficulty of identifying the offender, collecting digital evidence and ensuring its admissibility (such as the need for linguistic expertise), objectively assessing the material and moral damages inflicted [3], difficulties in enforcing court decisions (especially regarding foreign platforms), and the ambiguity surrounding the liability of platforms.

Although national legal scholarship addresses issues such as tort obligations and compensation for moral damages, there is still a lack of research and specific proposals dedicated to protection mechanisms in the context of social networks. A brief overview of foreign experiences shows that different approaches exist, such as intermediary (platform) liability regimes and the concept of the “right to be forgotten.”

To address these issues and enhance the effectiveness of legal protection, the following proposals are put forward:

1. **Improving judicial practice:** Adoption of new explanatory decisions by the Plenum of the Supreme Court specifically focused on protecting honor, dignity, and business reputation in the context of social networks. Enhancing judges’ specialization or qualifications in dealing with digital evidence and online defamation cases. Developing a unified methodology for damage assessment in the online context.



2. **Technical and organizational measures:** Establishing cooperation between law enforcement bodies, courts, and platforms to identify users (while ensuring privacy protection).

3. **Enhancing platform responsibility:** Encouraging platforms to implement clear and efficient internal mechanisms for removing defamatory content in accordance with Uzbek legislation. Creating legal grounds to incentivize or compel platforms to assist in identifying users upon lawful request.

### Conclusion

The Civil Code of the Republic of Uzbekistan provides the main legal remedies (Articles 100, 1021, and 1022) for protecting an individual's honor, dignity, and business reputation. However, features of social networks such as anonymity and the rapid spread of information hinder the effective application of these remedies in practice.

To improve the effectiveness of protection, it is necessary to introduce specific legislative amendments, adopt special explanatory resolutions by the Plenum of the Supreme Court concerning social networks, strengthen cooperation with platforms and define their responsibilities, as well as improve procedures for handling digital evidence and assessing damages. In the digital age, adapting the legal framework to the demands of the time is essential to ensure the full protection of fundamental human rights.

### References:

1. O'zbekiston Respublikasining qonuni. (2003). Axborotlashtirish to'g'risidagi Qonun, 560-II-son (11-dekabr). <https://lex.uz/ru/docs/-83472>
2. Oqqulov, O., Egamberdiyev, E., Baratov, M. X., Kuldashev, N. A., va boshq. (2022). Fuqarolik va oila huquqi: Darslik.
3. <https://yurkitob.uz/uploads/pdf/adv/83.pdf>
4. O'zbekiston Respublikasining Fuqarolik kodeksi. Lex.uz., <https://lex.uz/mact/111189>
5. Mustafayev, B. U. (2022, aprel). Fuqaroning hayoti va sog'ligiga yetkazilgan zarar o'rnini qoplash tartibi va usullari, qonunchilikni takomillashtirish muammolari.
6. [https://www.oriens.uz/media/journalarticles/20\\_Mustafayev\\_Baxtiyor\\_Ulashevich\\_179-199.pdf](https://www.oriens.uz/media/journalarticles/20_Mustafayev_Baxtiyor_Ulashevich_179-199.pdf)

