

PROVIDING PROTECTION OF CONSUMER RIGHTS IN VIRTUAL SPACE

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Abstract

The relevance of the chosen topic is due to the fact that on the issues of electronic commerce there is a search for a single mechanism related to the protection of consumer rights in the Internet space. This fact indicates that the rights of consumers remain without proper protection. The author highlights the problems of relations between the seller and the buyer (consumer) on the Internet, which are the most relevant for the world community.

Key words: e-commerce, distance selling, consumer rights, online store, legislation.

ОБЕСПЕЧЕНИЕ ЗАЩИТЫ ПОТРЕБИТЕЛЬСКИХ ПРАВ В ВИРТУАЛЬНОМ ПРОСТРАНСТВЕ

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Аннотация

актуальность выбранной темы обусловлена тем, что по вопросам электронной торговли идет поиск единого механизма, связанных с защитой прав потребителей в Интернет пространстве. Данный факт указывает на то, что права потребителей остаются без должной защиты. Автор выделяет проблемы отношений между продавцом и покупателем (потребителем) в сети Интернет, которые являются наиболее актуальной для мирового сообщества.

Ключевые слова: электронная коммерция, дистанционная торговля, права потребителей, интернет-магазин, законодательство.

Solving problems related to the protection of consumer rights in general and within the framework of e-commerce is the most urgent task, which has not yet found its unified solution. The rapid progress in the field of information and telecommunication technologies and, in particular, the Internet, has made itself felt. In today's world, it is impossible to imagine life without the Internet, it has become an integral part of our lives, without which we cannot do at present. Over time, more and more people in the world began to use the Internet, through

which certain goods are purchased for personal use. In this regard, the concept of e-commerce has appeared in the world.

The international legal regulation of e-commerce remains and is in a trend of constant improvement. To date, many international organizations are engaged in the improvement of electronic commerce. It should be noted that a set of rules for electronic commerce "E-Terms" was developed by the International Chamber of Commerce¹, with the improvement in the field of e-commerce, sections on e-commerce, etc. have been included in the United Nations Guidelines for Consumer Protection.

The problem of relations between the seller and the buyer (consumer) on the Internet is the most relevant for the world community. If we consider the relevance of the chosen topic from the theoretical and practical side, then in the process of globalization, it provides a new social sphere that does not have a complete legal regulation.

The main legislative act regulating relations related to the consumer is the Civil Code of the Republic of Uzbekistan². The first chapter of the Civil Code specifies the legal basis for civil circulation involving organizations and citizens (consumers). Legislative acts relating to the protection of consumer rights also include regulatory legal acts that have different legal levels, such as: the Law of Ukraine "On Protection of Consumer Rights" and the Code of Administrative Offenses of the Republic of Uzbekistan, the Criminal Code of the Republic of Uzbekistan³. In case of significant violations of consumer rights, protection is provided by the norms of administrative and criminal legislation.

National legislation distinguishes two groups of normative legal acts regulating the protection of consumer rights on the Internet. The first group includes legislative acts that secure the rights of the consumer, such as: the Civil Code of the Republic of Uzbekistan, the Law "On Protection of Consumer Rights"⁴. In these listed legislative acts, the basic rights of consumers to receive quality goods (works, services), their safety for life and health are fixed, and they also regulate relations related to the contract of sale, transportation, contract and the consequences of their failure or improper performance, establish responsibility of the seller or producer of goods (works, services).

The second group includes regulations aimed at regulating relations arising in the field of electronic commerce. The legislation of the Republic of Uzbekistan has adopted a number of regulatory legal acts, such as: LRU "On e-commerce", LRU "On electronic document management, LRU "On electronic digital signature", LRU "On communication", LRU "On advertising", LRU "Telecommunications"⁵. In addition, in 2018, the Decree of the President

¹ UNCTAD, 2015, Information Economy Report, op. doc.

² Civil Code of the Republic of Uzbekistan.

³ Code of Administrative Responsibility of the Republic of Uzbekistan, Criminal Code of the Republic of Uzbekistan

⁴ Consumer Law: Textbook / Tordia I.V., Ostretsova N.A.; Tyumen State University; Inst. And right; Institute of Distance Education; Editor N.P. Dementieva. - Tyumen: Publishing House of Tyumen University, 2004. – 212 p.

⁵ LRU "On Electronic Commerce", LRU "On Electronic Document Management", LRU "On Electronic Digital Signature", LRU "On Communications", LRU "On Advertising", LRU "On Telecommunications".

of the Republic of Uzbekistan “On measures to accelerate the development of e-commerce” was adopted⁶.

One of the main requirements for these acts is that they do not contradict the norms of the Law of Ukraine "On Protection of Consumer Rights" and do not reduce the guarantees of consumer rights provided for by this legislation.

In international private law, there are a number of problems related to the legal regulation of the circulation of goods on the Internet carried out remotely. There are several commonly encountered problems in practice. Let's note some of them.

1. The problem of determining the applicable law of private law relations arising on the Internet.

The problem of this issue is that in order to determine the applicable law, it is necessary to establish the territorial and legal connection of these emerging relations, as well as to determine the law of the country that should be followed in resolving the dispute. In relationships that arise on the Internet, a foreign element is always present, and it manifests itself in a variety of forms. These relations require the development and consolidation of special rules in the legislation that will regulate issues related to applicable law.

2. The problem of determining jurisdiction.

This fact can contribute to the main source of confidence-building consumer consciousness. The relevance of the problem of jurisdiction appeared in the first half of the 1990s. during the formation of the World Wide Web. Given the complexity of the network infrastructure, the classical rules for determining jurisdiction do not apply to Internet relations. This problem creates a lot of discussions about the possible application of the national legislation "On the protection of consumer rights" or the application of its individual provisions related to the remote type of sales from abroad. To date, there is no effective mechanism for consumer protection in the world.

3. The problem of fraud.

Due to the fact that recently online stores have gained great popularity, they have become of interest not only to buyers, but also to scammers. Today, there are a lot of “one-day” online stores that take an advance payment for goods and subsequently disappear. In this connection, the buyer is left without money and without goods. The problem is that any individual can create a website for the sale of goods.

Based on the foregoing, it can be concluded that it is very difficult to achieve the ideal quality of goods produced, work performed or services provided by entrepreneurs operating in

⁶ Decree of the President of the Republic of Uzbekistan "On measures for the accelerated development of electronic commerce".

electronic commerce. The citizen (consumer) today remains insufficiently protected from the consequences associated with the risks of electronic commerce.

To ensure that consumer rights are properly protected.

Firstly, we need to create an effective system that will ensure the necessary compliance with these standards, adequate compensation to consumers for the damage caused.

Secondly, it is advisable for consumers to create a separate mechanism that provides for the possibility of a fair settlement of disputes with enterprises, which will save the buyer time and money.

Thirdly, there is a need for increased scrutiny of online dispute resolution by government enforcement agencies, as consumers are increasingly being misled about their procedural and substantive rights.