



VIOLATION OF PRIVACY AS CRIMES AGAINST CONSTITUTIONAL RIGHTS AND FREEDOMS OF CITIZENS

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Abstract: This article discusses personal inviolability, which is one of a person's personal rights. The right to personal inviolability is protected by law enforcement agencies not only in Uzbekistan, but also throughout the world. Violation of privacy entails administrative and criminal liability. The article thoroughly examines international experiences, particularly the French experience.

Keywords: personal rights, personal inviolability, administrative responsibility, criminal responsibility, crime.

FUQAROLARNING KONSTITUTSIYAVIY HUQUQ VA ERKINLIKLARIGA QARSHI JINOYATLAR SIFATIDA SHAXSIY HAYOT DAXLSIZLIGINI BUZISH

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Annotatsiya: Mazkur maqolada shaxsning shaxsiy huquqlaridan biri bo'lgan shaxsiy daxlsizlik haqida keltirib o'tilgan. Shaxsiy daxlsizlik huquqi nafaqat O'zbekistonda, balki butun jahonda huquqni muhofaza qiluvchi organlar tomonidan himoya qilinadi. Shaxsiy hayot daxlsizligini buzish ma'muriy va jinoiy javobgarliklarni keltirib chiqaradi. Maqolada xaqqlar tajribalar, xususan Fransiya tajribasi chuqur o'rganilgan.

Kalit so'zlar: shaxsiy huquqlar, shaxsiy daxlsizlik, ma'muriy javobgarlik, jinoiy javobgarlik, jinoyat.

НАРУШЕНИЕ НЕПРИКОСНОВЕННОСТИ ЛИЧНОЙ ЖИЗНИ КАК ПРЕСТУПЛЕНИЯ ПРОТИВ КОНСТИТУЦИОННЫХ ПРАВ И СВОБОД ГРАЖДАН

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Аннотация: В данной статье рассматривается личная неприкосновенность, которая является одним из личных прав человека. Право на личную неприкосновенность защищается правоохранительными органами не только в Узбекистане, но и во всем мире. Нарушение неприкосновенности частной жизни влечет за собой административную и уголовную ответственность. В статье глубоко изучен международный опыт, в частности, опыт Франции.



Ключевые слова: личные права, личная неприкосновенность, административная ответственность, уголовная ответственность, преступление.

Every person has the rights and obligations enshrined in the Constitution of the Republic of Uzbekistan throughout their life. These rights are divided into several groups. For example, there are such types as personal rights, political rights, social, economic, environmental rights. Among them, personal rights directly belong to the individual. For example, the right to life, the right to personal inviolability, freedom of speech, the presumption of innocence. From the above, we will dwell on personal inviolability. Personal inviolability is a supreme personal right on a global scale. No person can violate the personal boundaries of another person. Article 3 of the Universal Declaration of Human Rights, signed by the United Nations (UN), states that "Everyone has the right to life, liberty and security of person." From this, we can understand that the right to personal inviolability is recognized and protected at the international level. The Republic of Uzbekistan also ratifies this declaration and develops its regulatory legal acts in accordance with international standards.

An example of this is the Constitution of the Republic of Uzbekistan. Article 26 of the Constitution of the Republic of Uzbekistan states: "Human honor and dignity are inviolable. Nothing can be grounds for their discrimination." Article 27 also states that "Everyone has the right to freedom and personal inviolability." Based on the foregoing, we can see that the Constitution of the Republic of Uzbekistan meets international requirements.

Violation of privacy entails administrative liability. Article 461 of the Code of Administrative Responsibility is called "Violation of the inviolability of private life." According to it, "Illegal collection or dissemination of information about a person's private life that constitutes a personal or family secret without their consent - shall entail the imposition of a fine from ten to forty times the basic calculation amount" [3]. Illegal collection or distribution, committed for the first time, entails administrative liability. Illegal collection or distribution should be understood as surveillance, photography, and investigation.

If the aforementioned actions are repeated within one year after the application of administrative liability, they constitute grounds for criminal liability. Article 141¹ of the Criminal Code of the Republic of Uzbekistan is called "Violation of privacy." Illegal collection or dissemination of information about a person's private life, constituting a personal or family secret, without their consent, committed after the application of administrative penalties for the same actions, - is punishable by a fine from fifty to one hundred times the base calculation amount or compulsory community service for up to three hundred hours or correctional labor for up to two years [4]. A necessary element of this crime must be the personal or family secret of a person without the consent of the victim. Secondly, the accused must have been previously held administratively liable. Personal or family secrets may include information discrediting the victim's identity or family, romantic relationships, medical history, or inappropriate behavior.

The collection of personal or family secrets of a person can be carried out through various actions. For example, observing a person, watching them, taking pictures, asking people who know them. Dissemination of a personal or family secret is recognized as the disclosure of information constituting a personal or family secret by the person who collected or became aware of it, as well as the dissemination of this information on the Internet, social networks.

The actions listed in accordance with part two of this article are carried out:

- a) entailed grave consequences;
- b) committed with malicious intent;
- c) committed by a dangerous recidivist, - is punishable by a fine from one hundred to two hundred times the base calculation amount or compulsory community service from three hundred to three hundred and sixty hours or restriction of liberty from one year to three years or imprisonment for up to three years.

According to legal scholar M.H. Rustambayev, severe consequences include causing serious moral harm to the victim, family separation, and health deterioration [5]. Malicious intent is the intention expressed in obtaining material or other property benefits from a committed crime or avoiding material expenses [6]. If these acts are committed by a dangerous recidivist, they are liable under clause "v" of part two of this article.

All over the world, these actions are recognized as criminal acts. For example, Article 226¹ of the French Criminal Code provides for liability for violation of privacy. These crimes include actions such as collecting, storing, disseminating, or secretly observing a person's personal information without their consent. In particular, obtaining an image or secretly recording, photographing, or distributing the sound of someone without their consent is grounds for criminal liability. Also, installing a hidden camera to observe another person or reading someone else's messages without permission is also recognized as a crime. Such actions are punishable by imprisonment from 1 to 5 years or a large fine [7]. If these actions are committed in public, online, or repeatedly, they are considered aggravating circumstances. Also, a person who has suffered damage from this crime will have the right to initiate a lawsuit in civil proceedings. Our national legislation and the legal norms of France are practically identical. But there are also differences between them. The main difference can be seen in their sanctions. Part one of Article 141¹ of the Criminal Code of the Republic of Uzbekistan does not apply the punishment of imprisonment. The second part provides for a sentence of up to 3 years of imprisonment. This period is indicated in the French Criminal Code as 5 years.

Based on the foregoing, we can conclude that personal inviolability is a type of law recognized and protected at the international level. Violation of a person's privacy, that is, the collection or dissemination of their personal or family secrets without their permission, initially entails administrative liability, and if repeated within a year, criminal liability.

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