

CIVIL LAW STATUS OF THE PARTICIPANTS IN THE PROCESSING OF PERSONAL DATA

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Abstract: *this article analyzes the civil law status of participants involved in the processing of personal data, focusing on the data subject, data controller (operator), and third parties. The study is based on the legal framework of the Republic of Uzbekistan and draws comparisons with international standards and practices. As personal data becomes a core element of legal and economic relationships, the legal regulation of its processing must prioritize the protection of individual rights, especially for vulnerable populations such as minors and incapacitated persons. The article identifies existing gaps in national legislation and proposes practical solutions aimed at improving the legal framework and ensuring the effectiveness of data protection mechanisms.*

Keywords: *personal data, civil law status, data subject, data controller, data processing, legal regulation, digital rights, Uzbekistan.*

Introduction

The digitalization of public and private life has transformed personal data into a crucial component of civil circulation. Individuals' data are now routinely collected, processed, and shared by both public institutions and private entities. Consequently, the legal status of those involved in this process—especially data subjects, data controllers, and third parties—requires careful examination within the framework of civil law.

In Uzbekistan, the importance of regulating data processing has grown in response to increasing cyber activity, e-government initiatives, and private sector digital transformation. Yet, the existing legal instruments still face challenges in

defining and protecting the civil rights of individuals, especially in complex multi-party data transactions. This article aims to contribute to the understanding and development of civil law rules applicable to personal data and its participants.

The growing significance of personal data in both private and public sectors raises fundamental legal questions concerning ownership, control, and accountability. In a society driven by digital communication and algorithmic decision-making, individuals often have little visibility or control over how their personal data is collected, stored, and used. While international instruments like the GDPR offer comprehensive safeguards, many developing legal systems are still in the process of shaping their own national data protection regimes.

Uzbekistan, being an active participant in the global digital economy, is now undergoing an important legal transition. The civil law system must adapt to recognize personal data not only as a subject of public regulation, but also as a civil object – tied to personal identity, privacy, and property interests. This dual nature of personal data demands nuanced regulation, which includes not only administrative and criminal frameworks, but also fully developed civil law principles.

This paper argues that legal certainty in civil relations involving personal data can only be achieved by clearly defining the roles, rights, and responsibilities of each participant involved in its processing. Legal clarity in this area will facilitate dispute resolution, contractual enforcement, and broader public trust in digital systems.

Legal Basis for Personal Data Processing in Uzbekistan

The Law of the Republic of Uzbekistan "On Personal Data" provides the main legal foundation for regulating data processing activities. According to the

law, personal data refers to any information related to an identified or identifiable natural person. The law sets out the rights and obligations of both data subjects and data processors, including operators and authorized third parties.

However, the civil law implications of data processing are not sufficiently developed. Unlike administrative or criminal perspectives, civil law focuses on the private interests, liabilities, and responsibilities arising in legal relations between individuals and organizations. Personal data, in this context, becomes an object of civil rights and therefore must be governed under civil law norms, including property, contract, and tort law.

Comparative analysis with international legal instruments—such as the General Data Protection Regulation (GDPR) of the European Union—shows that Uzbekistan's legal system still lacks clarity in key areas: lawful bases for processing, consent mechanisms, liability for data breaches, and enforceability of data-related contracts.

Although the Law “On Personal Data” of the Republic of Uzbekistan establishes the general principles of data protection, it lacks detailed provisions on civil remedies and responsibilities between private parties. There is a clear gap in how the law integrates with broader civil codes, especially regarding liability in cases of unauthorized processing, misuse, or data leaks.

For example, the law does not clearly define:

- Whether personal data can be considered a form of intangible property,
- What legal consequences arise from breach of data contracts,
- How compensation should be calculated in civil lawsuits over data misuse,

- What constitutes a legitimate interest of a data processor or third party.

Additionally, court practice related to personal data in Uzbekistan remains limited. Civil law precedents are still being formed, and the absence of clear interpretive guidelines from higher courts creates uncertainty for legal practitioners.

There is an urgent need for secondary legislation or civil code amendments that would define personal data within property and contract law, and regulate its circulation within private transactions, including through inheritance, sale, licensing, or data partnerships.

Civil Law Status of the Data Subject

The data subject, or the person to whom the personal data relates, holds a central position in any data processing activity. Under civil law principles, the data subject should be considered as the holder of personal rights, including the right to access, rectify, restrict, or delete personal data.

In practice, however, the level of protection often depends on the subject's awareness and capacity. Special legal attention must be paid to vulnerable groups—such as minors, incapacitated persons, or those under guardianship—who may not be able to independently defend their rights or understand the consequences of data processing. For these categories, civil law mechanisms must ensure that rights are exercised by legal representatives or authorized bodies.

Furthermore, the lack of effective remedies in cases where personal data is processed unlawfully undermines the status of the data subject. A civil law-based approach should introduce mechanisms for compensation, restitution, and even the exclusion of wrongfully processed data from civil circulation.

From a civil law perspective, the data subject is not merely a passive object of data processing but an active rights-holder. However, in practice, many data subjects are unaware of their rights or lack the resources to exercise them. The legal system must ensure that rights to access, correction, deletion, and compensation are enforceable through user-friendly mechanisms.

Furthermore, data subjects should have standing in civil court to initiate claims for:

- Emotional distress caused by misuse of personal data,
- Financial loss due to unauthorized data transfer,
- Breach of data-related contractual agreements.

Another important aspect is consent. Civil law should regard consent as a legal transaction, which can be voidable if obtained through deception or under coercion. In this respect, consent should meet the same standards as other civil agreements: voluntary, informed, and unambiguous.

The recognition of digital vulnerability (e.g., digital illiteracy, lack of legal support) should also lead to a more proactive role of civil law institutions in protecting data subjects, particularly when dealing with minors, the elderly, or persons with disabilities.

Legal Position of Data Controllers and Third Parties

The operator (data controller) is the party responsible for organizing the processing of personal data. Civil law assigns this participant specific duties: to process data lawfully, to respect contractual obligations, and to refrain from infringing upon the rights of others.

In legal terms, the operator acts either as a contracting party or as a liable actor in tort cases, depending on the relationship with the data subject. In both cases, the breach of obligations can result in civil liability, including damages.

Third parties who are granted access to personal data must also comply with legal obligations. Their status depends on their legal role—whether as subcontractors, joint controllers, or independent data users. The current legal framework in Uzbekistan does not clearly define the obligations and responsibilities of such third parties, creating uncertainty in civil disputes.

Therefore, a detailed classification of participant roles is needed, with appropriate civil sanctions for violations, including injunctions and monetary compensation.

The legal responsibilities of data controllers and third parties should not be limited to compliance with regulatory requirements. They must also assume contractual and tortious liability in civil law terms. This means that:

- Data processing agreements must include liability clauses,
- Courts should recognize damage to data subjects as a civil wrong (delict),
- Controllers can be held jointly liable with third parties if they fail to ensure proper safeguards.

In addition, civil law should address situations where data is transferred to external entities (e.g., cloud providers, marketing agencies) without adequate contractual guarantees. Cross-border transfers of personal data raise further issues of jurisdiction, applicable law, and enforceability of judgments — all of which fall within the realm of private international law and civil procedure.

To improve legal certainty, the following civil law tools should be used:

- Model contracts for data sharing between private entities,
- Liability insurance schemes for data breaches,
- Binding arbitration clauses for data-related disputes.

By embedding data protection responsibilities into civil law instruments, Uzbekistan can build a system where legal remedies are predictable, effective, and aligned with global best practices.

Challenges and Proposals for Improvement

Despite progress in legal development, several problems remain unresolved:

The theoretical civil law literature insufficiently addresses the differentiation of legal statuses among participants in data processing.

There is a lack of mechanisms to withdraw unlawfully processed data from civil circulation.

The rights of data subjects are often abstract and difficult to enforce in private legal relationships.

Contractual and tort liability in data processing scenarios is poorly defined.

Proposed solutions include:

Developing a comprehensive civil doctrine of digital rights and data ownership.

Codifying rules on the contractual nature of data processing agreements.

Enhancing procedural guarantees for the protection of data subjects in civil courts.

Introducing mechanisms for invalidating or removing unlawfully processed data from legal effect.

These steps would ensure better alignment with international standards and improve the efficiency of legal remedies in Uzbekistan's civil justice system.

Despite positive legislative developments, the legal regulation of personal data processing in Uzbekistan still faces several fundamental challenges from the perspective of civil law.

5.1. Theoretical and Doctrinal Gaps

There is currently a lack of in-depth theoretical civil law literature that explores the legal nature of personal data as an object of private rights. Scholars and practitioners have not yet reached a consensus on whether personal data should be treated as a form of intangible property, a sui generis right, or a personal non-property right. This uncertainty complicates the development of civil remedies and limits the judiciary's ability to resolve data-related disputes effectively.

5.2. Absence of Mechanisms for Civil Redress

The existing legislation does not clearly establish mechanisms for compensating data subjects when their rights are violated in the civil domain. Unlike administrative fines imposed by supervisory authorities, civil remedies such as restitution, moral damages, or specific performance are not well-developed in data-related cases. Furthermore, many individuals are unaware of their right to bring civil actions against data controllers or third parties for unlawful processing.

5.3. Undefined Roles in Multi-party Processing

In many cases, personal data is shared among multiple entities: public institutions, private companies, foreign partners, etc. However, Uzbekistan's legal system does not clearly differentiate the legal obligations and liabilities of each participant. Joint controllers, data processors, and independent recipients are not

treated distinctly, which leads to legal uncertainty and weakens accountability mechanisms.

5.4. Enforcement Difficulties and Lack of Judicial Practice

Uzbek courts have limited experience in resolving personal data disputes, particularly in the civil context. Judges may lack training in this rapidly evolving field, and procedural rules are not always adapted to digital evidence, cross-border data flows, or intangible damages.

Proposals for Legal Improvement

To address the above challenges, the following legal and institutional reforms are recommended:

1. Develop a Civil Law Doctrine of Personal Data
 - o Clearly define the status of personal data as an object of civil rights.
 - o Establish guidelines for treating personal data in contracts, torts, inheritance, and property law.
2. Enhance Civil Remedies and Access to Justice
 - o Codify specific remedies such as compensation for material and non-material harm, invalidation of contracts based on unlawful data use, and injunctions against ongoing violations.
 - o Introduce simplified legal procedures for data protection claims, including small claims mechanisms.
3. Clarify the Legal Status of Controllers and Third Parties
 - o Create legal definitions and standards for joint controllership, delegation of processing functions, and subcontracting.
 - o Impose proportionate liability among multiple actors involved in the same data processing operation.

4. Strengthen Legal Infrastructure and Judicial Capacity
 - o Provide specialized training for civil judges and lawyers in the field of data law.
 - o Develop model contracts, checklists, and practical guidelines for private entities.
5. Encourage Alternative Dispute Resolution (ADR)
 - o Promote the use of arbitration and mediation in personal data disputes to ensure faster and less adversarial resolution.
 - o Include data protection clauses in ADR agreements.
6. Integrate International Best Practices
 - o Align national legislation with international standards such as the GDPR and the Convention 108+.
 - o Participate in regional cooperation on cross-border enforcement of civil judgments related to data protection.

By implementing these proposals, Uzbekistan can build a resilient, fair, and coherent legal system for civil protection in the digital era — one that balances innovation and individual rights.

Conclusion

The civil law status of participants in the processing of personal data represents a critical dimension of modern legal systems. As personal data becomes a central asset in social, economic, and legal interactions, the protection of rights associated with it cannot be left solely to administrative or technical safeguards. A robust civil law framework is essential for ensuring that the relationships formed around data processing are balanced, fair, and legally enforceable.

This article has shown that the current legal system of Uzbekistan, while evolving, still lacks clarity in the distribution of rights and obligations among key participants: the data subject, the operator (data controller), and third parties. In particular, the data subject — as the holder of personal rights — requires strong legal protections not only in theory but also through enforceable mechanisms that reflect civil law principles, such as compensation, restitution, and injunctive relief.

Moreover, the roles and liabilities of operators and third parties must be clearly defined within contracts and regulatory provisions. Without such definitions, civil disputes over unauthorized use or misuse of personal data will remain difficult to resolve effectively. There is also a need to address how unlawfully processed data can be removed or neutralized from civil circulation — a matter that has yet to be developed in national legislation.

To improve this situation, the following measures are recommended:

- Establishing a civil law doctrine that explicitly incorporates personal data as a protected legal interest;
- Differentiating the legal statuses of all participants in data processing through civil codes or special legislation;
- Enhancing judicial capacity to address civil data disputes, including training for judges and lawyers;
- Promoting public awareness to strengthen data subjects' ability to exercise their rights;
- Learning from international best practices while adapting them to local socio-legal realities.

Ultimately, data protection is not just a matter of technology or compliance — it is a matter of civil justice. The successful protection of personal data in

Uzbekistan will depend on how effectively the legal system can integrate civil law tools to defend the dignity, autonomy, and private life of each individual. This research lays the groundwork for that process and invites further academic and legislative engagement with this urgent and evolving issue.

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