

In The System of Personal Non-Property Rights the Expression of Private Inviolability Comparative Analyses of the Legislation of Uzbekistan, Japan and Other Foreign Countries

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Annotation: in this scientific article carried out the basis comparative legal analysis of civil legislation of Uzbekistan, Japan and other countries in the area of origin and protection the institute of private life inviolability, as well as researched the opinions of scientists of civil law on these issues.

Key words: non-property rights, private life, privacy, personal data.

The level of individual personal life *persona non grata* in the development of socio-economic relations, science, technology, culture, and are directly related to the development of religion. It is limited in this area, away from the others, for others, the pursuit of the area of

certain inalienable feature. According to I.I. Nasriev, the freedom, the right to the same freedom, the possibility of any action under the law. The rights of other people, and especially the people on the basis of the actions of the officials able to use compulsory lies in the existence of the limits to the movement. The right to inviolability of personal freedom and human rights are closely related, and that the rights of man to life, health, honour and dignity, to direct citizens. No one man through violence or the threat of any attempt to commit coercion, torture, and search or may not bring harm to her health. People to solve their own destiny, have the right to choose their own way of life [1, 37, p.].

In fact, the pursuit of which is to guarantee the inviolability of private life and protection of all times, is also available. However, this law has always been remarkably recognized.

The development of society, the importance of personal life has changed: he began to analyze the meaning of individuality, any of which may occur in addition to the lives of people in their mass actions began to realize they do not apply to anyone else [2, 48, p.].

Some authors believe that the development of the Institute of the inviolability of private life turning position in Europe and North America led to democratic changes [3, 5, p.]. Renaissance's advanced transition countries, equality, justice, individual rights and freedoms recognized. This is strengthened by the Constitution of the main laws.

For his part, recognized that the privacy law and the historical

emergence and development of all countries are very difficult.

Society, with the development of economic relations among the people who formed a cross section of life on the availability of space on a regular basis, and this place is not open to others as a private area. The concept of the inviolability of private life will occur at different times in different regions, however, these concepts often lead to the need for the same reason, that is, people who want to share their own individuality, inner world to be able to separate the data storage and disclosure of information that can be based on the desire to define itself [4, 6, p.].

I.V. Balashkina that the right of privacy and the development of Western civilization and the XVII-XVIII centuries in many ways linked with the bourgeois-democratic revolution. Formed long before the personal life of the positive right moral and ethical norms and regulations. In particular, personal

life, religious norms and regulations. Christianity of ten compulsory and valued prayers, the mysteries of the life of the Muslim personal law "rules of the Koran are interpreted as God's blessing on suspicion, for suspicion nearer the yard. Do not follow others to do the work of spying and gossip rules "in the Qur'an. However, based on the right to the inviolability of private life and acts as a category of positive rights enshrined in the newly formed [5, 4 concrete.].

In turn, N.G. Belyaev "personal life is regulated by the norms of morality and Culture, the law only defines the limits of his immunity, and, in turn, refers to the cases involve" [6, page 15.] Think.

It should be noted that the right to inviolability of private life in the field of protection of human rights and freedoms, the international standard two levels: at the level of international law and the domestic law of the state regulations.

However, national legislation and international legal instruments of modern legal and regulatory realities, "personal life" there is no clear definition of the concept, but he has a unique understanding of the necessity to have a clear and very important.

International Institute enshrined in the 1948 Universal Declaration of Human Rights, Article 12: no one to interfere with the enjoyment of personal and family life, home, and his privacy, correspondence or mystery can not be, nor to attacks upon his honour and reputation. Everyone has the same right to protection by the law against such interference or attacks.

The 1948 Universal Declaration of Human Rights has focused on the legal and human rights, including the right to private life mystery foundation for the beginning of the standardization. Later this law, international law, and shall be governed by the internal laws of the state.

In addition, the limitation of human rights in the Universal Declaration of Human Rights based and is characterized by the following text: human rights and freedoms of any other legal (laws) based on the document, but may be restricted by law.

The right to privacy of the Universal Declaration of Human Rights was reflected in the following documents.

1966 Article 17 of the International Covenant on Civil and Political Rights, according to his personal and family life and no one shall be subjected to arbitrary or unlawful interference with their home or correspondence secret of immunity shall be subjected to arbitrary or unlawful attacks on his or her honour and reputation of illegal aggression can not be subjected to disqualify. Everyone has the same right to be protected by the law against such interference or encroachments.

November 4, 1950, "the protection of human rights and fundamental freedoms", as indicated in Article 8 of the Convention, every one of his personal and family life, his home and his right to respect for correspondence. Interference by the public authorities in the realization of this right is not permitted, such interference was prescribed by law and the national security and public order in a democratic society in the interest of the economic well-being, the prevention of disorder or crime, the protection of public health or morals or the protection of the rights and freedoms of other persons except where necessary.

The same rules of the CIS in 1995 by Article 9 of the Convention on human rights and fundamental freedoms [7, 15 p.], The 1969 American Convention on Human Rights [8, page 723]. Article 17 of the 1994 Human Rights charter 9, page 71]. Envisaged.

In addition, this issue should also be noted that the role of the judiciary. The analysis of the practice of their activities and to protect the right to privacy in the international legal regulation is an important element. In particular, the Committee for Human Rights, human rights, the European Commission and a special place in the decisions of the European Court of Human Rights [10, 28, p.].

Today, more than 20 European countries adopted laws aimed at protecting personal data and on the protection of personal data, as well as Representatives independent. In addition, on October 24, 1998 in all countries of the European Union has been the introduction of a uniform system for the protection of personal data, and at the same time it is also covered in the telecommunications sector, this sector is indicative of how need for legal protection [11, p 82-83.].

In turn, starting from the second half of the twentieth century to protect

human rights and fundamental freedoms in the sphere of international legal regulation of states also began to affect domestic law.

However, given the experience of foreign law to define the constitutional different. The right to privacy in the Constitution of Germany without any defined rule. Article 10 of the Constitution, "the secret of correspondence, post and explore the secret son".

France "expressed in any form, known information relating to the person, directly or indirectly, due to the physical person it identifies the thought of data processed by the physical and legal persons" [12, p 24.].

In some countries, such as Spain and focus on importing material information is recognized in the financial media have no legal effect.

Relating to the law of Canada, aimed at the protection of the person concerned shall be the availability of information about data protection and

access to the real mechanisms for the implementation of the right. This is according to the law, a person shall mean any form, including the specific information to correct individual, nationality, race, colour, religion, age, education, health, financial status, Understanding the information on personal views, etc. [13 223 p.].

In 1989, Japan kept by the authorities adopted a law on personal data processed [14, 69, p.].

The right to privacy of the Republic of Uzbekistan was originally provided for in Article 13 of the Constitution of the Republic of Uzbekistan, which according to him, the Republic of Uzbekistan is based on universal principles of democracy, human life, freedom, honour, dignity and other inalienable rights. Democratic rights and freedoms are protected by the Constitution and laws.

A.A. Azizxo'jaev believes that a person's honour, dignity and honour are inviolable. No one can interfere

with the enjoyment of a person's personal or family life, reveal family secrets, attacks upon a person's home is inviolable. Man discredits discrimination, harassment, abuse, illegal behaviour and the responsibility of the relevant law for such actions. Human life is the most serious crime of rape [15, p 63-64.].

According to Article 25 of the Constitution, everyone has the right to liberty and security of person. No one shall be arrested or taken into custody by law can not be.

According to Sh. Sadullaev, the right to liberty and security of person - every person who obtained the birth of a free and voluntary act of personal freedom and privacy will not change behaviour, allowing you to choose the right.

Out of scope of the individual's freedom of moral standards in society and should be subject to the law, that person in any activity not prohibited by law, and the law and the case law

is not contrary to the instructions, can be made.

Liberty and security of the person guaranteed by law and only the law can be restricted by the competent government bodies [16, 137 p.].

Expressed directly to the right of the inviolability of private life under Article 27 of the Constitution. According to the norms of this and other encroachments on his honour, dignity, and interference in his private life and the inviolability of the right to defence. No one except for cases prescribed by law and in accordance with the procedure to enter a home, carry out a search or an examination, might reveal the secret of correspondence and telephone conversations.

According to I.I.Nasriev, indeed, never come from relatives or business reputation, intimate relations, family status and other information relating to the sources of financing is not possible. Each of correspondence,

telephone conversations, postal, telegraph and other messages has the right to confidentiality. Therefore, the opening of postal mail messages and other correspondence is forbidden to listen to phone conversations [17, 82-83, p.].

Some experts claim that the quality of their spiritual and moral evaluation is always personal, subjective in nature. Therefore, it may not be appropriate or comply with public opinion. However, a person's dignity, individual self-assessment criteria and the criteria for giving him the value of an interconnected society. Therefore, a person's honour and dignity of great social importance, and shall be protected by law [18, 146 p.].

The provisions of section 2 of Article 27 of the Constitution is closely linked with the Institute of habeas corpus. For legal reasons the search is always prohibited. As you know, Heber corps plays a special role

in ensuring the privacy of the Institute.

According to B.Abdullaev requiring consideration by the courts of the legality of a citizen's arrest, the right to "Habeas Corpus Act" adopted in the UK for the first time on May 26, 1679, the appeal against the arrest and immediate release of illegally detained persons had the initial appearance. He is the first in human history to limit the arbitrary arrest document. "In a civil court orders the release of detained, arrested, imprisoned, deprived of his property to be declared outside the law, can not be persecuted," says [19, 19, p.].

The right to inviolability of private life of the legislation includes the Civil Code of the Republic of Uzbekistan. Article 99 of the Civil Code and a series of personal non-property rights, including the right to personal privacy. Material blessings, including life, health and security of the person, the person's physical condition, the moment of birth. All

rights to the rest of life as the most important intangible [20, 281 p.].

Article 144 of the Criminal Code of the Republic of Uzbekistan "disclosure of information about the private lives of citizens" is prosecuted by the law, the Code of Criminal Procedure, a number of articles (17-19, Article 88) norms on personal life integrity. For example, according to part 3 of Article 17 of the trial, humiliating the human honour and dignity of his personal life that lead to the disclosure of information, health-threatening, unduly detrimental to the physical and moral suffering, actions or decisions prohibited.

Privacy, and there are a range of views on the current norms stipulated by the law, which include the Republic of Uzbekistan "On guarantees and freedom of access to the information", "On mass media" laws and other laws and by-laws.

It should be noted that the right to privacy wide array of regulations governing the norms, but many

duplications, while some require a change today.

This is aimed at regulating relations existing normative legal acts of "private life" and "the right to the inviolability of private life," as well as "the state (public) interests" in the legislation such as the concept not written its own space, and this is the possibility of unwarranted interference in the private life. This is to ensure the legitimate interests of citizens and in some places to prevent abuses and violations in the area. That is why the privacy of personal tours of national legislation and law enforcement practice problems and highly relevant to the improvement of international legal standards.

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