

# Information Services: Theoretical-Legal Analysis

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**Abstract.** *In article are analyzed scientific-theoretical interpretation of concept of information services, given in scientific literature, national and international legislation, is developed author's definition of the given term.*

**Key words:** the information, interpretation of information services in literature, national and international legislation.

Today in the conditions of development of information technologies, also the sphere of rendering information services is continuously improved.

It should be noted that history of the information services has a long period, for example, this activity used in activities of the state through unofficial transfer of secret information. The necessity for these services increased in the second half of the twentieth century. By the 1980s, the sphere of information business and services became more actual. Therefore, at that time, in the USA share of employment in the branch of creation of means of informational production was 48%, while in agriculture 3%, industry 20%, and services – 30%<sup>1</sup>. Today, information services have a place in all public relations.

The development of humanity testifies the extension of needs and improving areas of their satisfaction. That is, with increasing range of public relations are increasing the needs of human. In turn, the most of these needs are provided through the rendering of services, one of the first places in which take for the services in the information sphere.

Thus, in the judgment of the scientists in the field of global economy, the rapid development of the problems of services, reduced to a number of factors, which is taking place for a long time in economic progress. *First*, is the development of scientific technology; *second*, the application of new information technologies; *third*, the concept of “information” today is considered the main determinant of the system of global telecommunications, the sphere of financial and banking, electronic, computer and information services as well as the public health and education<sup>2</sup> sphere.

Indeed, information services are essential for all individuals and legal entities. The reason is that the rendering of information services is a necessary element of a market economy.

Many scientists give their definition of the conception of “information services” from a position of civil law, economic theory and other branches. In particular, some of them believe that under the information services means the collection, processing, compilation, storage and rendering of information on behalf of the customer<sup>3</sup>.

<sup>1</sup> Tamodlin A.A. State-legal mechanism of ensuring information security of the personality: Abstract of dissertation – Saratov, 2006. – P.25.

<sup>2</sup> See: Dyumulen I.I. International trade in services. – Moscow, 2003. – S. 4-5.

<sup>3</sup> See: Business (economic) law: Textbook: in 2 t. T. 2. / edited by O.M.Oleynik. – M., 2002. –P. 437.

A.N.Agafonov includes into the information services that directed at the information needs of the user by providing information products<sup>1</sup>. O.S.Glushenko<sup>2</sup> and A.L.Denisova<sup>3</sup> have the analogous opinion.

L.V.Sannikova characterises the essence of the information services as a change of position information consisting of the collection, processing (systematization, analysis, etc.) information, and also transferring them to the customer. Based on the opinion of S.N.Sheverdyeva about what information is useful primarily for the assimilation of knowledge, she concludes that the conception of "information" in the broad sense, includes the knowledge, and proposes to examine it as part of information services<sup>4</sup>. According to opinion of L.B.Sitdikova, information service is the action (activity) of searching, collecting, storing, working, systematization, providing and distributing a certain amount of information, according to the objectives and requirements of the customer<sup>5</sup>.

O.R.Fayziev and D.K.Khusainov's position is interesting, who believe that information services included:

1. Information activities to bring information products to its user, which implemented in certain form;

2. The actions of the entities (owners and proprietors) to provide users of information products;

3. Providing for users the documentary or electronic forms of required information products as well as the spreading belonging to them information and products via information channels<sup>6</sup>.

According to Frick Robert, information services represents an action that consists of providing, creating, processing, transferring and storage of certain knowledge, information, directly aimed at the satisfaction of information needs<sup>7</sup>. With the positions B.A.Begalov, information services should be aimed at ensuring entry, search, and submission of the required information products, regardless of its location and it should be corresponding requirements of the user<sup>8</sup>. How says N.S.Narmatov, this type of service means actions of the subject aimed at providing users with information products<sup>9</sup>.

From the foregoing it is seen that despite many existing views of civilian scientists and representatives of other branches of science still have not come to a general consensus upon

<sup>1</sup> See: Agafonov A.N. Formation of system of management of information services: Abstract of dissertation. – Samara, 2007. - S. 9.

<sup>2</sup> See: Glushenko O.S. Structure of market of information products and services // Collection of scientific works. Series "Economics", North-Caucasus state technical University. — Stavropol, 2002. — P.37.

<sup>3</sup> See: Denisova A.L. the Quality of information services (theory and methodology): Doctoral dissertation in economics. - Tambov, 2001. - P. 74.

<sup>4</sup> See: Sannikova L.V. Services in civil law of Russia. - M., 2006. - P. 103-104.

<sup>5</sup> See: Sitdikova L.B. The Legal regulation of relations in sphere of rendering of information and consulting services in the Russian Federation. Doctoral dissertation. –M., 2009. – S. 64.

<sup>6</sup> See: Fayziev O.R., Husainov D.K. Crimes in information technologies. Brochure. T.: TSIL, 2009. – P. 248.

<sup>7</sup> See: Frick Robert. The condition and prospects of development of entrepreneurship on the market of information products and services. PhD dissertation. –M., 2005. –S.27.

<sup>8</sup> Begalov B.A. Information modeling of formation and development trends of technical market. Doctoral dissertation in economics – T., 2001. – P. 22.

<sup>9</sup> Narmatov N. Problems of civil-legal regulation of the service in the field of business. Abstract of dissertation in law. –Tashkent: 2009. – P. 217.

information services as a complex and multifaceted process.

Addressing to the legal norms can be observed the following. According to the Model law "On international information exchange", adopted by the resolution of the Interparliamentary Assembly of States-participants of the CIS from March 26, 2002 No. 19-7, information services is recognized as actions of entities (owners and proprietors) to provide users of information products. This definition is enshrined in the Law of the Russian Federation "On participation in international information exchange", the Regulation "On procedures of preparation and distribution of information resources of the Republic of Uzbekistan on the data network, including the Internet" approved by the decree of the Cabinet of Ministers of Uzbekistan from March 26, 1999 No. 137, etc.

The above legal interpretation of the information services, in our view, set out very narrow. It should be noted that, according to it, entities that provide users of information products, there are executors of services, don't necessarily have to be direct owners or proprietors of the information and data may not belong to the executor service. This information may be, for example, public property, property of state bodies or individuals.

In the narrow limits of the definition of information services in the Law of Kazakhstan "On informatization", strengthening its concept as a service for the rendering of information resources to users. It does not reflect the actions of the entities of these services in the process of their rendering.

In detail the actions of the entities of information services is enshrined in the Law of the Republic of Belarus "On information, informatization and protection of information", where the considered conception is defined as the activity of

searching, obtaining, transferring, collection, processing, accumulation, storage, distribution and (or) provision of information and its protection.

In the above doctrinal definitions and legal norms of information services are disclosed in different ways. Their content suggests that the data include all the steps for creating, collecting, processing, provision, transfer, dissemination, exchange and storage of information directed to the immediate satisfaction of information needs.

In Annex 1 to the Decree of Oliy Majlis of the Republic of Uzbekistan from 12 May 2001 No. 222-II is given a List of activities, the realization of which requires license, in accordance to it the such types of work as design, development, manufacture, sales, repair and use of means of cryptographic protection of information, construction and operation of telecommunication networks, rendering services of telecommunication networks, demand special license. Based on this requirement, we can say that information services should be rendered to individuals and legal entities having special permission.

Based on the foregoing, we have created out our author's definition of the conception of information services, which is necessary to understand all actions of special entities directed to creating, searching, retrieving, processing, collection, compilation, storage, transfer, presentation and protection of certain knowledge, information, provided immediate satisfaction of information needs.

In other words, the information service is the process of transferring of information production to a consumer. As many services in the provision of information services based on contractual relations also occur bilateral rights and obligations, therefore, they have such conditions as the terms and price of payment.

Expediently to notice that information services are regulated in public and in private law. Information as the object of law occupies a significant place in the sphere of civil law. However, the field of participation "information" as the object of civil law is much narrow because the subject of civil law, by common definition, are mutually estimated public relations in the form of property-cost and personal non-property relations<sup>1</sup>. For civil law information has significance in those cases, when it concerns questions of registration and realization of the relations of participants of civil circulation in case of implementation of the property law, exclusive rights on results of intellectual activities (intellectual property), contractual obligations as well as other proprietary and related non-property relations based on equality, autonomy of will and property independence of their participants<sup>2</sup>.

In conclusion, it should be noted that the rendering of information services for the wider scale of other spheres of services having a value in all fields of social activity. The value of this type of service is based on, that any person (all forms of legal entity, individual) determines the level of its activity and life, using the results in advanced planning.

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<sup>1</sup>See: Civil law. Textbook. Volume 1. ed. by A.P.Sergeev, Y.K.Tolstoy. – Moscow, Prospect, 1998. – P.8.

<sup>2</sup>See: Tumanova L.V., Snytnikov A.A. Promotion and protection of the right to information. M., 2001. – P. 150.