INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.39/30.11.2020. Yu/S. 128.01 RAQAMLI ILMIY KENGASH

INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI

ASLONOV NAVRO‘ZBEK RUSTAMOVICH

INSONNING AXBOROT OLISH HUQUQI: XALQARO VA MILLIY TAJRIBA

12.00.13 – Inson huquqlari

Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi AVTOREFERATI

Toshkent – 2025

UO‘K: 342.7:001.102(575.1)

Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi

Contents of dissertation abstract of the Doctor of Philosophy (PhD)

Оглавление автореферата диссертации доктора философии (PhD)

Aslonov Navro‘zbek Rustamovich
Insonning axborot olish huquqi: xalqaro va milliy tajriba.....3

Aslonov Navruzbek Rustamovich
The human right to information: international and national experience…….....…25

Аслонов Наврузбек Рустамович
Право человека на получение информации: международный и национальный опыт.....45

E’lon qilingan ishlar ro‘yxati
List of published works
Список опубликованных работ..... 51

INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.39/30.11.2020. Yu/S. 128.01 RAQAMLI ILMIY KENGASH

INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI MILLIY MARKAZI

ASLONOV NAVRO‘ZBEK RUSTAMOVICH

INSONNING AXBOROT OLISH HUQUQI: XALQARO VA MILLIY TAJRIBA

12.00.13 – Inson huquqlari

Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi AVTOREFERATI

Toshkent – 2025

Falsafa doktori (PhD) dissertatsiyasi mavzusi O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasi B2023.1.PhD/Yu1001raqam bilan ro‘yxatga olingan.

Dissertatsiya ishi Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o‘zbek, rus, ingliz (rezyume)) Ilmiy kengash veb-sahifasida (www.nhrc.uz) va “ZiyoNet” Axborot-ta’lim portalida (www.ziyonet.uz) joylashtirilgan.

Ilmiy rahbar:	**Ochilov O‘tkir Sayfullayevich** yuridik fanlar doktori, dotsent
Rasmiy opponentlar:	**Turg‘unov Ilhom Turg‘unovich** yuridik fanlar doktori, dotsent
	Toshev Boboqul Norqobilovich yuridik fanlar doktori, professor
Yetakchi tashkilot:	**O‘zbekiston Respublikasi Jamoat xavfsizligi universiteti**

Dissertatsiya himoyasi Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazi huzuridagi ilmiy darajalar beruvchi DSc.39/30.11.2020. Yu/S. 128.01 raqamli Ilmiy kengashning 2025-yil 23-dekabr kuni soat 9:30 dagi majlisida bo‘lib o‘tadi (Manzil: 100029, Toshkent shahar, Islom Karimov ko‘chasi, 15-uy. Tel.: (99871) 239-40-23; E-mail: info@nhrc.uz).

Dissertatsiya bilan Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazining Axborot-resurs markazida tanishish mumkin (10-raqam bilan ro‘yxatga olingan). (Manzil: 100029, Toshkent shahar, Islom Karimov ko‘chasi, 15-uy. Tel.: (99871) 239-40-23).

Dissertatsiya avtoreferati 2025-yil “___” dekabr kuni tarqatildi.
(2025-yil “___” dekabr, __raqamli reyestr bayonnomasi).

M.A. Tillabayev
Ilmiy darajalar beruvchi ilmiy kengash raisi, yuridik fanlar doktori, professor

G‘.A. Alimov
Ilmiy darajalar beruvchi ilmiy kengash ilmiy kotibi v.v.b., yuridik fanlar doktori, dotsent

G. Yuldasheva
Ilmiy darajalar beruvchi ilmiy kengash qoshidagi ilmiy seminar raisi, yuridik fanlar doktori, professor

KIRISH (falsafa doktori (PhD) dissertatsiyasining annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyo axborot jamiyati sharoitida axborotga ega bo‘lish insonning faqat kundalik ehtiyoji bo‘lib qolmasdan, balki uning siyosiy, ijtimoiy va madaniy hayotda faol ishtirok etishining muhim negizidir. Bugungi globallashuv sharoitida axborotning qiymati moddiy resurslar qatorida strategik boylik sifatida qaralmoqda. Shu nuqtayi nazardan, insonning axborot olish huquqi demokratik jamiyatlar taraqqiyotining poydevori, fuqarolik jamiyati institutlarining samarali faoliyat yuritish kafolati sifatida namoyon bo‘lmoqda. Xalqaro tashkilotlar taqdim etgan statistik ma’lumotlarga ko‘ra, so‘nggi o‘n yil ichida dunyoda 5,6 milliarddan ortiq inson axborot olish huquqlarining pasayishini boshidan kechirmoqda. Jumladan, 77 ta davlatda axborot olish bilan bog‘liq xalqaro reyting ko‘rsatkichlari pasaygan bo‘lsa, atigi 35 ta davlatdagina ushbu ko‘rsatkichlarda ijobiy o‘zgarishlar kuzatilgan[1].

Jahonda axborot olish huquqi xalqaro hamjamiyat tomonidan insonning asosiy va ajralmas huquqlaridan biri sifatida tan olinib, u demokratik jamiyatning siyosiy, huquqiy va ijtimoiy tizimini mustahkamlovchi fundamental huquq sifatida e’tirof etildi. Axborot olish huquqining me’yoriy-huquqiy asoslari Inson huquqlari umumjahon deklaratsiyasi, Fuqarolik va siyosiy huquqlar to‘g‘risidagi xalqaro pakti hamda Yevropa va boshqa mintaqaviy tashkilotlarning konvensiyalarida mustahkamlangan bo‘lib, ushbu hujjatlar davlatlarga mazkur huquqni ta’minlash majburiyatini yuklaydi. So‘nggi yillarda BMT, YuNESKO va YeXHTlari axborotdan erkin foydalanish bo‘yicha rezolyutsiya va deklaratsiyalar qabul qilmoqda. Axborot olish huquqi esa barqaror rivojlanishni qo‘llab-quvvatlab, ijtimoiy va boshqaruv muammolariga muqobil yechimlar taqdim etadi. BMTning Global boshqaruv komissiyasi xulosalariga ko‘ra, “2030 Barqaror rivojlanish kun tartibi maqsadlari”ga erishishda, ayniqsa 16-maqsad – “tinchlik, adolat va samarali institutlar” doirasida axborot olish huquqini ta’minlash, davlat faoliyatining ochiqligi va hisobdorligini oshirish mintaqaviy va submintaqaviy darajalarda barqaror taraqqiyot uchun muhim omil hisoblanadi[2].

O‘zbekistonda 2022 – 2024 - yillar davomida davlat organlariga axborot so‘rab yuborilgan murojaatlar soni 1,5 barobarga oshgan. Ushbu murojaatlarning 70 foizi ijobiy hal etilgan bo‘lsa, 20 foizi javobsiz qolgan yoki asossiz rad etilgan. Qolgan murojaatlar bo‘yicha esa jarayonlarning kechiktirilishi yoki texnik sabablarga ko‘ra “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi Qonun hamda boshqa tegishli normativ-huquqiy hujjatlarda belgilangan axborotni taqdim etish majburiyatini buzish holatlari aniqlangan[3]. Statistik ma’lumotga ko‘ra, bu holat insonlarning axborot olish huquqdan faol foydalanilayotganini ko‘rsatsa-da, tizimda

---

[1] ARTICLE 19. Global Expression Report 2025. URL:// https://www.globalexpressionreport.org/?twclid=254j3huhfd5ksnzfnf60kcz21j/. (Murojaat qilingan sana: 20.08.2025)

[2] Resolution A/RES/70/1 adopted by the General Assembly on 25 September 2015: point 21; UN sustainable development goals Konowledge platform. URL:// https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf. (Murojaat qilingan san: 13.06.2024)

[3] Vibrant Information Barometr. URL: //https://www.irex.org/sites/default/files/VIBE_2024_Uzbekistan.pdf?utm. (Murojaat qilingan sana: 14.05.2024)

hali ham huquqiy va tashkiliy muammolar mavjudligini ko‘rsatadi. So‘nggi yillarda O‘zbekiston Respublikasida axborot erkinligi, so‘z erkinligi hamda axborot olish huquqini mustahkamlashga qaratilgan qator qonun hujjatlari qabul qilinmoqda. Inson huquqlari bo‘yicha O‘zbekiston Respublikasining Milliy strategiyasini amalga oshirish bo‘yicha “Yo‘l xaritasi”da vakolatli organlar tomonidan Axborot kodeksi loyihasi ishlab chiqish vazifasi yuklatildi[4]. O‘zbekiston Respublikasi Prezidentining 2023-yildagi PF-158-son “O‘zbekiston – 2030 strategiyasi”ning 83 hamda 96-bandlarida axborot olish huquqini yanada kuchaytirish vazifasi belgilangan[5]. Shuni alohida ta’kidlash joizki, axborot olish huquqini huquqiy jihatdan rivojlantirishda xorijiy davlatlar tajribasi va ilg‘or amaliyotidan foydalanish ushbu sohaning takomillashuvi uchun muhim omil bo‘lib xizmat qiladi.

O‘zbekiston Respublikasi Konstitutsiyasi (2023), “Huquqiy axborotni tarqatish va undan foydalanishni ta’minlash to‘g‘risida”gi (2017), “Bolalarni ularning sog‘lig‘iga zarar yetkazuvchi axborotdan himoya qilish to‘g‘risida”gi (2017), “Ommaviy axborot vositalari to‘g‘risida”gi (2007), “Shaxsga doir ma’lumotlar to‘g‘risida”gi (2019), “Davlat sirlari to‘g‘risida”gi (2024) Qonunlari, O‘zbekiston Respublikasi Prezidentining “O‘zbekiston – 2030” Strategiyasi to‘g‘risida”gi Farmoni, 2019-yil 27-iyundagi “Ommaviy axborot vositalari mustaqilligini ta’minlash hamda davlat organlari va tashkilotlari axborot xizmatlari faoliyatini rivojlantirish bo‘yicha qo‘shimcha chora-tadbirlar to‘g‘risida”gi Qarori va mavzuga oid boshqa qonun hujjatlarida belgilangan vazifalarni amalga oshirishda ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalar rivojlanishing ustuvor yo‘nalishlarga mosligi. Mazkur tadqiqot respublika fan va texnologiyalar rivojlanishining I. “Axborotlashgan jamiyat va huquqiy demokratik davlatni ijtimoiy, iqtisodiy, madaniy, ma’naviy-ma’rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga muvofiq bajarilgan.

Muammoning o‘rganilganlik darajasi. Mamlakatimizda yuridik fanlar doirasida Insonning axborot olish huquqi maxsus monografik tadqiqot obyekti sifatida o‘rganilmagan. Shu bilan birga, tadqiqot mavzusining u yoki bu jihatlari A.Saidov, M.Tillabayev, O.Oqyulov, M.Mamasiddiqov, N.Nugmanov, A.Xudoyberdiyev, B.Xodjayev, I.Rustambekov, J.Abdullayev, A.Yo‘ldoshev, A.Amanov, A.Gulimov, M.Axmedshayeva, I.Kudrayavsev, S.Sadikov, X.Mamatov, P.Rustamov, G‘.Mirzayev, A.Muhammadiyev, J.Qudratillayev, J.Ilhombekov va boshqa olimlarning ilmiy ishlarida tadqiq etilgan.

Mustaqil Davlatlar Hamdo‘stligiga a’zo mamlakatlarning I.Bachilo, A.Shvets, R.Kostenko, A.Tulikov, O.Petrovskaya, I.Alekseyeva, O.Sherbina, A.Sokolov, L.Levkina, V.Politanskiy, L.Tereshchenko, N.Korchenkova, B.Dosaliyeva, K.Amirjan, N.Mamedov, R.Mahmudov, T.Elvira, D.Koreenko,

[4] O‘zbekiston Respublikasi Prezidentining 2022-yil 22-iyundagi PF-6012-son Farmoni bilan tasdiqlangan “Inson huquqlari bo‘yicha O‘zbekiston Respublikasining Milliy strategiyasi”. URL: // https://lex.uz/docs/-4872355. (Murojaat qilingan sana: 27.11.2023)

[5] O‘zbekiston Respublikasi Prezidentining “O‘zbekiston — 2030” strategiyasi to‘g‘risidagi Farmoni. URL: // https://lex.uz/uz/docs/-6600413. (Murojaat qilingan sana: 27.11.2023)

T.Chumachenko, G.Kubenov, M.Makovey, E.Chefranova, N.Davydova, N.Kolobayeva, A.Minbalayev, Y.Abbasova, E.Talapina, L.Akopovlar va boshqa olimlar tomonidan tadqiqot ishlari olib borilgan.

Xorijiy mamlakatlarda esa R.Xartli, K.Shenon, Norbertio Bobbio, J.Vest, T.Bergstrom, David Banisar, Toby Mendel, Kay Mathiesen, R.Kalland, M.Frankel, M.McDonagh, Ding Choo Ming, B.Guvdin, Seong Nak-in, L.Neuman, Ralf Neyder, Naim Ulla Xon, Sana Akhter, S.Jozef, J.Nye, Chen Yongxi, Jo Su-yong, Varida Ambark, P.Kanavaggio, S.Geiger, Ahmet Burak Haydari, S.Keunen, S.Garsee, David Pozen, A.Roberts, D.Berliner, B.Bagozzi, J.Relly, L.Repeta, K.Youm, I.Li, Park A, S.Mutula, J.Vamukoya, P.Svard, R.Pinto, A.Velkavrh, J.Kukier, J.Barata, P.Reang, F.Edel, M.Kamba, P.Bayne, M.Riegner, J.Posetti, S.Iretonlar, S.Devi, M.Dalimunte, F.Purvaningyas va boshqa olimlar tomonidan insonning axborot olish bilan bog‘liq masalalar talqin qilingan.

Biroq yuqorida keltirilgan tadqiqotlar tahlili insonning axborot olish huquqining nazariy va amaliy muammolari O‘zbekiston Respublikasining qonunchiligi, shuningdek ushbu sohaga oid xalqaro hujjatlar hamda boshqa normativ-huquqiy hujjatlar asosida kompleks tadqiqot ishi sifatida alohida tadqiqot obyekti bo‘lmagan.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya tadqiqoti Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazi ilmiy-tadqiqot ishlari rejasiga muvofiq amalga oshirilgan.

Tadqiqotning maqsadi insonning axborot olish huquqini ta’minlashga doir xalqaro tajriba va O‘zbekiston Respublikasining amaldagi qonunchiligini tahlil qilish hamda ularni takomillashtirish bo‘yicha taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqot vazifalari:

insoning axborot olish huquqi tushunchasi va uning mazmun mohiyatini o‘rganish;

inson huquq va erkinliklari tizimida axborot olish huquqining tutgan o‘rni va rolini o‘rganish;

inson huquqlarini ta’minlanishida axborot olish huquqini ahamiyatini yoritib berish;

raqamli texnologiyalar va sun’iy intellekt rivojlanish davrida axborot olish huquqining huquqiy evolyutsiyasini yoritib berish;

axborot olish huquqiga taalluqli norma ijodkorligi jarayonini tahlil qilish va uni takomillashtirish masalalarini ko‘rib chiqish;

axborot olish huquqiga doir xalqaro shartnomaviy-huquqiy baza, chet davlatlar milliy qonunchilik tajribasi va O‘zbekiston Respublikasi amaldagi qonunchilikni tizimli tahlil qilish;

insonning axborot olish jarayonida aniqlangan muammolarni bartaraf etishning samarali yo‘nalishlari bo‘yicha O‘zbekiston Respublikasi qonunchiligiga taklif va tavsiyalar ishlab chiqish.

Tadqiqotning obyekti O‘zbekiston Respublikasi va xalqaro miqyosda insonning axborot olish jarayonida shakllanadigan ijtimoiy-huquqiy munosabatlar tizimi sanaladi.

Tadqiqot predmeti O‘zbekiston Respublikasi Konstitutsiyasi, qonunlari, normativ-huquqiy hujjatlari, shuningdek xorijiy mamlakatlar qonunlari, xalqaro huquqiy hujjatlarda insonning axborot olish jarayonida yuzaga kelayotgan amaliyotdagi mavjud muammolar, axborot olishga oid statistik ma’lumotlar tashkil etadi.

Tadqiqot usullari. Tadqiqot jarayonida umumlashtirish, deduksiya, tizimli yondashuv, normativ va funksional qiyoslash, bilishning formal-mantiqiy, tarixiy-huquqiy, qiyosiy-huquqiy, statistik ma’lumotlar tahlili, ijtimoiy so‘rovnoma hamda formal-yuridik kabi usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

o‘z faoliyati sohasiga doir axborotni davlat organlaridan, fuqarolik jamiyati institutlaridan qonun hujjatlarida belgilangan tartibda olishga va o‘z faoliyati to‘g‘risidagi axborotni tarqatish zarurligini huquqiy jihatdan belgilash orqali axborot erkinligining amaliy mexanizmlarini mustahkamlash zarurati asoslab berilgan;

telefonlar va boshqa foydalanuvchi qurilmalari orqali olib borilayotgan so‘zlashuvlarni eshitish, telekommunikatsiya tarmoqlari orqali uzatiladigan xabarlar bilan tanishish va ularning sir saqlanishini cheklashga faqat qonunda nazarda tutilgan hollarda hamda sud qaroriga asosan yo‘l qo‘yilishi mumkinligi huquqiy davlat tamoyillariga muvofiq asoslantirilgan;

axborot olish huquqini to‘laqonli ta’minlash uchun insonlarning ishonchli axborotlarni olishlari, dezinformatsiya, misinformatsiya hamda malinformatsiyani farqlashlari uchun axborot tizimida “axborot eksperti” tushunchasiga ta’rif ishlab chiqildi;

axborot olish erkinligining asosiy prinsiplari qonuniylik, ochiqlik, oshkoralik, axborotdan erkin foydalanish hamda haqqoniylik tamoyillariga asoslanishi lozimligi nazariy va amaliy jihatdan asoslab berilgan;

murojaat etuvchining huquqlari va qonuniy manfaatlariga daxldor bo‘lmagan axborotni taqdim etganlik uchun qonunchilikda belgilangan tartibda haq olinishi mumkinligi huquqiy asoslantirilgan;

Ombudsman o‘z faoliyati to‘g‘risidagi tegishli axborotni o‘zining rasmiy veb-saytiga joylashtirib va yangilab turishi, Ombudsmanning faoliyati to‘g‘risidagi ma’ruzani hamda boshqa materiallarni ommaviy axborot vositalarida e’lon qilib borishi shaffoflik tamoyilini mustahkamlash nuqtayi nazaridan asoslab berilgan;

jismoniy shaxslarni va yuridik shaxslarning vakillarini qabul qilish jadvallari, qabulni o‘tkazish vaqti, joyi hamda qabulga oldindan yozilish to‘g‘risidagi axborot, jismoniy shaxslarni va yuridik shaxslarning vakillarini qabul qilish tartibi Ombudsmanning rasmiy veb-saytida e’lon qilinishi, uning ma’muriy binosida hamma kirishi mumkin bo‘lgan joylardagi stendlarga yoki boshqa texnik vositalarga joylashtirish orqali manfaatdor shaxslar e’tiboriga yetkazilishi kerakligi asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

“Axborot”, “Axborotni proaktiv oshkor qilish”, “axborot foydalanuvchisi”, “Axborot eksperti”, “Axborotni olishni amalga oshiruvchi subyekt” tushunchalariga nisbatan mualliflik ta’riflari ishlab chiqildi;

Axborot olishdagi mavjud va o‘z yechimini topishi kerak bo‘lgan masalalar xalqaro tajribani inobatga olgan holda qabul qilinadigan Axborot kodeksi bilan tartibga solinishi lozimligi asoslab berildi;

Axborot kodeksini qabul qilinishi natijasida insonning axborot olish jarayonida vujudga keladigan munosabatlardan kelib chiqadigan majburiyatlarni bajarish tartibi, bunday majburiyatlarning bajarilishi boshlanishi sanasi, shuningdek ularning bajarilganini hujjatlar bilan tasdiqlash masalalari o‘z yechimini topishi izohlab berildi;

Insonning axborot olish jarayonida vujudga keladigan ijtimoiy munosabatlarni huquqiy tartibga solishga yo‘naltirilgan qonunchilik bazasi tahlil qilinib, tegishli huquqiy asoslarning shakllanish bosqichlari va rivojlanish jarayonini amaliyotga joriy etish zarurligi ilmiy asoslab berildi;

Axborot erkin izlash, olish va tarqatish huquqining samarali amalga oshirilishini ta’minlash, shuningdek, sudgacha bo‘lgan muqobil himoya vositalari va vositachilik (mediatsiya) mexanizmlarini rivojlantirish maqsadida “Axborot erkinligi bo‘yicha vakil” (Axborot komissari) institutini joriy etish zarurligi ilg‘or xorijiy davlatlar tajribasi asosida mamlakatimiz uchun ham dolzarb ekanligi asoslab berildi;

Axborot olish huquqini yanada to‘liq ta’minlash, noqonuniy rad etish, javob berish muddati buzilishi, ma’lumotlarni yashirish yoki soxta ma’lumot berish kabi barcha huquqbuzarliklarni qamrab olish maqsadida O‘zbekiston Respublikasi Ma’muriy javobgarlik to‘g‘risidagi kodeksning 44-moddasiga o‘zgartish va qo‘shimchalar kiritish to‘g‘risida takliflar ishlab chiqildi.

Tadqiqot natijalarining ishonchligi. Tadqiqot natijalari xalqaro va milliy huquq normalari, rivojlangan davlatlar tajribasi, huquqni qo‘llash amaliyotiga asoslangan. Bundan tashqari, sotsiologik so‘rovnoma (*660 dan ortiq respondent*), statistik ma’lumotlarni umumlashtirilgan hamda tegishli hujjatlar rasmiylashtirilgan. Xulosa, taklif va tavsiyalar aprobatsiyadan o‘tkazilib, ular yetakchi milliy va xorijiy nashrlarda e’lon qilingan. Olingan natijalar vakolatli davlat idoralari tomonidan tasdiqlangan va amaliyotga joriy etilgan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijasida olingan ilmiy xulosalar ilmiy-tadqiqot faoliyatida, shuningdek, “Inson huquqlari”, “Axborot huquqi”, “Inson huquqlari bo‘yicha xalqaro huquq”, “Xalqaro ommaviy huquq”, “Konstitutsiyaviy huquq” kabi o‘quv kurslarini ilmiy-nazariy boyitishda, o‘quv va uslubiy qo‘llanmalarni tayyorlashda hamda yurisprudensiya yo‘nalishidagi ilmiy metodologik yondashuvlarni takomillashtirishda foydalanish mumkin.

Tadqiqot natijalarining amaliy ahamiyati shundaki, ushbu natijalar milliy qonunchiligimiz amaldagi normalarining insonning axborot olish bilan bog‘liq bo‘lgan bandlariga qo‘shimcha va o‘zgartirishlar kiritishda, normativ-huquqiy hujjatlarni hamda huquqni qo‘llash amaliyotini takomillashtirish bo‘yicha ilgari surilgan taklif va tavsiyalarni o‘zida aks ettiradi.

Tadqiqot natijalarining joriy qilinishi. O‘zbekistonda insonning axborot olish huquqini ta’minlashni takomillashtirish asoslariga doir olingan ilmiy natijalardan quyidagilarda foydalanilgan:

o‘z faoliyati sohasiga doir axborotni davlat organlaridan, fuqarolik jamiyati institutlaridan qonun hujjatlarida belgilangan tartibda olishga va o‘z faoliyati to‘g‘risidagi axborotni tarqatish kerakligi haqidagi taklifdan O‘zbekiston Respublikasi Oliy Majlis huzuridagi Fuqarolik jamiyati institutlarini qo‘llab-quvvatlash jamoat fondi to‘g‘risidagi nizomning 3-bobi 11-bandi ikkinchi xatboshisida o‘z ifodasini topgan (*O‘zbekiston Respublikasi Oliy Majlisi Senatining Mudofaa va xavfsizlik masalalari qo‘mitasining 2024-yil 15-noyabrdagi 51-sonli dalolatnomasi*). Mazkur taklifning amalga oshirilishi fuqarolik jamiyati institutlarining mustaqil faoliyat yuritish imkoniyatlarini kengaytirish hamda insonlarning ushbu institutlar faoliyatidan xabardorlik darajasini oshirishga xizmat qilgan;

telefonlar va boshqa foydalanuvchi qurilmalari orqali olib borilayotgan so‘zlashuvlarni eshitishga, telekommunikatsiyalar tarmoqlari orqali uzatiladigan xabarlar bilan tanishishga, ular to‘g‘risida axborot olishga, shuningdek ularning sir saqlanishini boshqacha usulda cheklashga faqat qonunda nazarda tutilgan hollarda va tartibda hamda sudning qaroriga asosan yo‘l qo‘yiladi taklifidan O‘zbekiston Respublikasining 2024-yil 27-dekabrdagi “Telekommunikatsiyalar to‘g‘risida”gi O‘RQ-1015-son Qonunning 20-moddasini ishlab chiqishda foydalanilgan (*O‘zbekiston Respublikasi Oliy Majlisi Senatining Mudofaa va xavfsizlik masalalari qo‘mitasining 2024-yil 15-noyabrdagi 51-sonli dalolatnomasi*). Ushbu taklif insonlarning shaxsiy hayoti daxlsizligini, telekommunikatsiya orqali almashiniladigan xabarlarning maxfiyligini hamda ularning huquqiy kafolatlar asosida himoya qilinishini ta’minlashga xizmat qilgan;

axborot eksperti – xulosa berish uchun zarur fan, texnika, san’at yoki hunar sohasida maxsus bilimlarga ega bo‘lgan har qanday jismoniy shaxs, tushunchasiga berilgan taklif O‘zbekiston Respublikasi Axborot kodeksi loyihasiga inobatga olingan *(O‘zbekiston Respublikasi Prezidenti Administratsiyasi huzuridagi Axborot va ommaviy kommunikatsiyalar agentligining 2025-yil 25-martdagi № 04-02-16-2121-son dalolatnomasi)*. Taklif insonning axborot olishida aniq, ishonchli va ekspert tomonidan ekspertizadan o‘tgan axborotni olishni ta’minlashga xizmat qiladi;

axborot olish erkinligining asosiy prinsiplari qonuniylik, ochiqlik, oshkoralik, axborotdan erkin foydalanish va haqqoniylikka asoslanishi kerakligi Axborot kodeksi loyihasining 6-moddasida o‘z aksini topgan *(O‘zbekiston Respublikasi Prezidenti Administratsiyasi huzuridagi Axborot va ommaviy kommunikatsiyalar agentligining 2025-yil 25-martdagi № 04-02-16-2121-son dalolatnomasi)*. Ushbu taklif axborot olish erkinligining asosiy prinsipi bo‘lgan qonuniylikni ifodalaydi. Ya’ni, axborotdan foydalanish va uni tarqatish faqat qonun asosida amalga oshirilishi, axborot olishni asossiz cheklashga yo‘l qo‘yilmasligini ta’milashga xizmat qiladi;

murojaat etuvchining huquqlari va qonuniy manfaatlariga daxldor bo‘lmagan axborotni taqdim etganlik uchun qonunchilikda belgilangan tartibda haq olinishi

mumkinligi Axborot kodeksi loyihasining 8-moddasida o‘z aksini topdi *(O‘zbekiston Respublikasi Prezidenti Administratsiyasi huzuridagi Axborot va ommaviy kommunikatsiyalar agentligining 2025-yil 25-martdagi № 04-02-16-2121-son dalolatnomasi)*. Mazkur taklif axborot olish uchun qonunchilikda belgilangan tartibda haq undirilishi byudjet mablag‘laridan oqilona va samarali foydalanishga xizmat qiladi;

Ombudsman o‘z faoliyati to‘g‘risidagi tegishli axborotni o‘zining rasmiy veb-saytiga joylashtirib va yangilab turishi, Ombudsmanning faoliyati to‘g‘risidagi ma’ruzani hamda boshqa materiallarni ommaviy axborot vositalarida e’lon qilib borishi kerakligi haqidagi taklifidan O‘zbekiston Respublikasining 2024-yil 15-dekabrdagi O‘RQ-1002-sonli “O‘zbekiston Respublikasi Oliy Majlisining inson huquqlari bo‘yicha vakili (Ombudsman) to‘g‘risida”gi Qonuni 17-moddasining ikkinchi qismini ishlab chiqishda foydalanilgan (*O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlar institutining 2025-yil 20-avgustdagi №3/dn-167-son dalolatnomasi*). Taklif insonlarning Ombudsman faoliyati to‘g‘risida muntazam va to‘liq axborot olish huquqini ta’minlash, shuningdek ushbu institutning ochiqligi va jamoatchilik oldidagi hisobdorligini mustahkamlashga xizmat qilgan;

jismoniy shaxslarni va yuridik shaxslarning vakillarini qabul qilish jadvallari, qabulni o‘tkazish vaqti, joyi hamda qabulga oldindan yozilish to‘g‘risidagi axborot, jismoniy shaxslarni va yuridik shaxslarning vakillarini qabul qilish tartibi Ombudsmanning rasmiy veb-saytida e’lon qilinishi, uning ma’muriy binosida hamma kirishi mumkin bo‘lgan joylardagi stendlarga yoki boshqa texnik vositalarga joylashtirish orqali manfaatdor shaxslar e’tiboriga yetkazilishi kerakligi haqidagi taklifdan “O‘zbekiston Respublikasining 2024-yil 15-dekabrdagi O‘RQ-1002-sonli “O‘zbekiston Respublikasi Oliy Majlisining inson huquqlari bo‘yicha vakili (Ombudsman) to‘g‘risida”gi Qonuni 19-moddasining oltinchi qismini shakllantirishda foydalanilgan (*O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlar institutining 2025-yil 20-avgustdagi №3/dn-167-son dalolatnomasi*). Ushbu taklif jismoniy va yuridik shaxslarning Ombudsmanga murojaat qilish imkoniyatlarini kengaytirish, ularning qabul jarayoniga oid axborotdan xabardorligini ta’minlash hamda ochiqlik va shaffoflikni mustahkamlashga xizmat qilgan;

axborot tizimiga kiritilgan ma’lumotlarning to‘liqligi va haqqoniyligini o‘rganish zarur bo‘lgan hujjatlar va ma’lumotlarni respublika ijro etuvchi hokimyat organlaridan bepul asosda so‘rash va olish (davlat, harbiy va xizmat sirini tashkil etuvchi maxfiy ma’lumotlar bundan mustasno), o‘rganish natijalari bo‘yicha ma’lumotlar tuzish taklifidan O‘zbekiston Respublikasi Vazirlar Mahkamasining “Respublika ijro etuvchi hokimyat organlari funksiyalari ochiq reyestrini yuritish to‘g‘risida”gi Nizomning 19-bandi uchinchi xatboshisini ishlab chiqishda foydalanilgan (*O‘zbekiston Respublikasi Adliya vazirligining 2025-yil 31-oktabrdagi №13/12-6/23508-son dalolatnomasi*). Mazkur taklif respublika ijro etuvchi hokimiyat organlari faoliyatining ochiqligi va shaffofligini ta’minlash, shuningdek, axborot tizimlarida mavjud ma’lumotlarning ishonchliligi va haqqoniyligini kafolatlashga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 7 ta ilmiy anjumanda, jumladan, 3 ta xalqaro, 4 ta respublika miqyosida o‘tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarida sinovdan o‘tgan.

Tadqiqot natijalarining e’lon qilinishi. Dissertatsiya mavzusi bo‘yicha jami 13 ta ilmiy ish nashr etilgan, jumladan OAK tomonidan ro‘yxatga olingan milliy jurnallarda 6 ta hamda xorijiy jurnallarda 2 ta, milliy va xorijiy ilmiy anjuman to‘plamlarida esa 5 ta maqola va tezislar nashr etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, yetti paragrafni o‘z ichiga olgan uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 154 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertasiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalarini rivojlantirishning ustuvor yo‘nalishlariga muvofiqligi, tadqiqot muammosining o‘rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ish rejalari bilan bog‘liqligi, tadqiqotning maqsadi va vazifalari, obyekti hamda predmeti, tadqiqot usullari, ilmiy yangiligi, tadqiqot natijalarining amaliy ahamiyati va ularning amaliyotga joriy etilishi, ishonchliligi, aprobatsiya natijalarining e’lon qilinishi, shuningdek, ishning hajmi va tuzilishi batafsil yoritib berilgan.

Dissertatsiyaning birinchi bobi **“Axborot olish huquqining nazariy – huquqiy asoslari”** deb nomlanib, unda axborot tushunchasining nazariy – huquqiy jihatlari va zamonaviy tendensiyalar, insonning axborot olish huquqining kafolatlarining rivojlanish bosqichlari, axborot olish huquqining inson huquq va erkinliklari tizimidagi o‘rni ilmiy – nazariy tahlil qilingan.

Birinchi bobda “axborot” tushunchasining mazmun-mohiyati tahlil etilib, turli ilmiy yo‘nalish olimlari, xususan, huquqshunoslar tomonidan berilgan ta’rif va yondashuvlar tizimli tahlil qilingan. Ushbu nazariy qarashlar asosida muallif “axborot” tushunchasiga o‘zining ilmiy asoslangan ta’rif hamda1 taklifini shakllantiradi. Mazkur ta’rifga ko‘ra, *“Axborot – inson tomonidan idrok etiladigan hamda ular o‘rtasida manbalari va taqdim etilish shaklidan qat’i nazar uzatiladigan, shaxslar, predmetlar, faktlar, voqealar, hodisalar va jarayonlar to‘g‘risidagi ma’lumotdir”*. Axborotga oid ilmiy qarashlarning bir-biridan farq qilishi tufayli, ularning har biriga alohida to‘xtalib, qiyosiy tahlil o‘tkazilgan. Bir qator olimlar A.Saidov, M.Tillabayev, X.Xayitov, A.Amanov, A.Xudoyberdiyev, X.Mamatov, P.Rustamov, F.Makhlupp, A.Berg, Yu.Chernjak hamda D.Chernavskiylarning xulosalari ko‘rib chiqilgan. Tahlil davomida A.Saidov, M.Tillabayev va A.Amanovning axborotning inson huquqlari sohasidagi ahamiyatiga bag‘ishlangan yondashuvlari mazmunan chuqurligi va amaliy ahamiyati bilan ajralib turadi degan fikrga kelinadi. Xususan, Akademik A.Saidov axborot tushunchasiga inson huquqlari nuqtayi nazaridan yondashgan, unga ko‘ra “axborot - inson huquqlarini buzilishini oldini olishning qudratli vositasidir. Hukumatlarning xalqaro obro‘si muayyan darajada ularning inson huquqlariga amal qilishlariga bog‘liqdir”. Nazariy tahlillar asosida muallif, axborotning inson

huquqlarini ta’minlash va himoya qilishdagi ahamiyatini ifodalaydi. Unga ko‘ra, “*Axborot insonlar o‘rtasidagi muloqot va ijtimoiy munosabatlarning asosi bo‘lib, uning aniqligi va ishonchliligi tenglikka tayangan samarali va ochiq aloqalarni ta’minlaydi. Rivojlanayotgan jamiyatda axborot nafaqat ma’lumot almashinuvining vositasi, balki shaxsning o‘z huquq va erkinliklarini anglash va himoya qilishida muhim manbadir. Shu bois axborotga egalik qilish va undan erkin foydalanish demokratik jamiyatning fundamental huquqlaridan biri sanaladi. Shuning uchun axborotdan erkin foydalanish har bir insonning ajralmas huquqidir”* degan xulosaga kelindi.

Tadqiqot davomida turli nazariy qarashlarni tahlil qilib muallif *“Axborot olish huquqi – har bir insonning davlat, jamoat va boshqa subyektlar manbasidan va taqdim etilish shaklidan qat’i nazar, o‘zining shaxsiy yoki ijtimoiy manfaatlariga daxldor axborotni izlash, talab qilish va olish borasidagi erkinligidir. Ushbu huquqning amalga oshirilishi ochiqlik, javobgarlik hamda ishtirok tamoyillariga asoslangan demokratik jamiyatning poydevorini tashkil etadi”*degan fikrga kelindi.

Ilmiy ishda muallif bugungi kunda insonning axborot olish huquqining rivojlanish tendensiyalarini tahlil qilib, ushbu huquqning shakllanish va rivojlanish jarayonini antik davrdan to hozirgi kungacha bo‘lgan davrlar kesimida batafsil yoritgan. Tadqiqot jarayonida bir qator xorijiy olimlar va axborot sohasi bo‘yicha mutaxassislarning xususan, K.Shenon, R.Xartli, Norberto Bobbio, D.Banisar, T.Mendel. I.Bachilo, K.Mathiesen, R.Kostenko kabi olimlarning inson huquq va erkinliklari tizimida axborot olish huquqining o‘rni va ahamiyati haqidagi fikrlariga alohida e’tibor qaratgan.

Inson huquq va erkinliklarini ta’minlashda ishonchli axborot hal qiluvchi ahamiyatga ega. Aksincha, noto‘g‘ri yoki yolg‘on ma’lumotlar insonlarning ongli qaror qabul qilishiga to‘sqinlik qilib, ijtimoiy, siyosiy va iqtisodiy barqarorlikka jiddiy zarar yetkazishi mumkin. Covid-19 pandemiyasi bunga yorqin misoldir, (JSST)ning ma’lumotlariga ko‘ra, 2020-yilning dastlabki uch oyida dunyo bo‘ylab qariyb 6000 kishi koronavirusga oid noto‘g‘ri axborot sabab kasalxonaga yotqizilgan, kamida 800 nafari esa hayotdan ko‘z yumgan[6]. Bu esa ishonchli axborot olish huquqini ta’minlash jamiyat xavfsizligi va inson salomatligini himoya qilishning ajralmas qismi ekanini ko‘rsatadi.

Muallif axborotni inson huquqlari tizimidagi muhim vosita sifatida baholaydi va bunga asos sifatida xalqaro hamda milliy darajadagi normativ-huquqiy hujjatlarning qabul qilinganligini ko‘rsatadi. Xususan, Birlashgan Millatlar Tashkiloti Bosh Assambleyasi 1946-yilda qabul qilgan 59(1)-rezolyutsiyada “axborot olish inson huquqlarining asosi bo‘lib, u Birlashgan Millatlar Tashkiloti tomonidan e’tirof etilgan barcha huquq va erkinliklarning poydevori hisoblanadi” deb belgilangan”[7]. Shuningdek, Inson huquqlari umumjahon deklaratsiyasining 19-moddasida insonning axborot olish huquqi xalqaro huquqiy normalar darajasida tan

[6] World Health Organization. URL: // https://www.who.int/news-room/feature-stories/detail/fighting-misinformation-in-the-time-of-covid-19-one-click-at-a-time?. (Murojaat qilingan sana: 25.07.2025).

[7] BMT Bosh Assambleyasi 59(1) rezolyutsiyasi. 1946. URL: // https://digitallibrary.un.org/record/209774?v=pdf (Murojaat qilingan sana: 22.09.2023)

olingan[8]. Fuqaroviy va siyosiy huquqlar to‘g‘risidagi xalqaro paktning 19-moddasi 2-qismida axborot olish huquqi aniq tarzda kafolatlab qo‘yilgan[9]. Milliy qonunchiligimizda O‘zbekiston Respublikasining Yangi tahrirdagi Konstitutsiyaning 33-modda, 49-modda va 81-moddalarida axborot olish huquqi konstitutsiyaviy darajada kafolatlangan[10].

Tadqiqotchi axborot olish huquqini demokratik jamiyat taraqqiyotining asosiy omillaridan biri sifatida baholaydi. Bugungi kunda bu huquq insonlarning turmush tarzi, kundalik hayoti, siyosiy jarayonlarda faol ishtiroki va xabardorligini ta’minlashda muhim ahamiyat kasb etadi. Axborot olish huquqining huquqiy mustahkamlanishi, davlat boshqaruvida ochiqlikni ta’minlash va axborot jarayonlarini turli sohalarga joriy etish natijasida ishonchli axborot jamiyat hayotida tobora katta o‘rin egallamoqda.

Zamonaviy axborot texnologiyalarining keng qo‘llanilishi axborot olish jarayonini tezlashtirib, uning samaradorligini oshirmoqda. Ayniqsa, internet asosiy axborot manbaiga aylangan. AQSh hukumati tomonidan o‘tkazilgan tadqiqotlariga ko‘ra, internetning rivojlanish sur’ati boshqa ommaviy axborot vositalaridan ancha yuqori: radioga 50 million auditoriyani shakllantirish uchun 30 yil, televideniyaga 13 yil kerak bo‘lgan bo‘lsa, internet bunday natijaga atigi 4 yilda erishgan. Bu holat internetning zamonaviy jamiyatdagi o‘rni va ahamiyatini yaqqol ko‘rsatadi. Insonlarning axborot olish huquqini o‘rganish jarayoni esa axborot olishning mazmuni va tabiatini tahlil qilish orqali ushbu huquqning bir nechta vazifalarini aniqlash imkonini beradi.Ushbu vazifalar:

- *insonlarning ongli qarorlar qabul qilishi, ijtimoiy-siyosiy hayotda faol ishtirok etishi uchun zarur bo‘lgan ma’lumotlar bilan ta’minlaydi;*

- *davlat organlari faoliyati ustidan jamoatchilik nazoratini amalga oshirish imkonini beradi;*

- *insonlarning o‘z huquq va erkinliklarini himoya qilishda zarur bo‘lgan huquqiy bilimni oshirishga imkoniyat yaratadi;*

- *demokratik jamiyatni shakllantirish va mustahkamlashda axborot erkinligi, shaffoflik va hisobotlilik tamoyillarini qo‘llab quvvatlaydi;*

- *axborot madaniyatini rivojlantirish tanqidiy fikrlash va axborotdan mas’uliyatli foydalanish ko‘nikmalarini shakllantiradi.*

Ushbu vazifalar axborot olish huquqining roli va ahamiyatini, shuningdek, uning davlat, jamiyat va, qolaversa, inson hayotidagi o‘rnini ma’lum darajada yoritib beradi, degan xulosaga kelinadi.

Dissertatsiyaning ikkinchi bobi **“Insonning axborot olish huquqini ta’minlash bo‘yicha xalqaro tajriba”** deb nomlanib, unda xalqaro amaliyot hamda xorijiy davlatlar tajribasida insonning axborot olish huquqini tartibga solish masalalari, nazorat qilish mexanizmlari va axborot olish huquqi buzilganligi uchun javobgarlikka oid muammolar keng tarzda tahlil qilingan.

---

[8] Inson huquqlari umumjahon deklaratsiyasi. Birlashgan Millatlar Tashkilotining inson huquqlari bo‘yicha xalqaro shartnomalar to‘plami. – T.: Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazi, 2023. -179 b.

[9] Fuqaroviy va siyosiy huquqalar to‘g‘risidagi xalqaro pakt // Birlashgan Millatlar Tashkilotining inson huquqlari bo‘yicha xalqaro shartnomalar to‘plami. – T.: Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazi, 2023. -179 b.

[10] O‘zbekiston Respublikasi Konstitutsiyasi. Rasmiy nashr. – Toshkent: “O‘zbekiston” nashriyoti, 2023. – 128 b.

Axborot olish huquqining xalqaro huquq tizimidagi o‘rni, uning demokratik boshqaruv va inson huquqlarini ta’minlashdagi ahamiyati ilmiy jihatdan yoritilgan. BMTning shartnomaviy qo‘mitalari va maxsus ma’ruzachilari bu huquqni nafaqat senzura yo‘qligi, balki axborotdan erkin foydalanish imkonini ta’minlash majburiyati sifatida talqin etgan. Shu nuqtayi nazardan, V. Hins va D.Voorhoof axborot olish huquqini “insonlarning hukumat ustidan demokratik nazoratni amalga oshirish vositasi” sifatida izohlaydi.

Shuningdek, xalqaro tashkilotlar tajribasida ushbu huquq korrupsiyaga qarshi kurash, sud tizimi shaffofligi va davlat boshqaruvida ochiqlikni ta’minlashning muhim vositasi sifatida qaraladi. XXI asrda u raqamli muhitda yangi bosqichga ko‘tarilib, internet va ochiq ma’lumotlar orqali fuqarolarning siyosiy hamda ijtimoiy hayotda ishtirok etish imkoniyatini kengaytirmoqda. Shu bilan birga, xalqaro standartlar davlatlardan ochiqlik siyosatini yuritish, shaxsiy hayot daxlsizligi va milliy xavfsizlik o‘rtasidagi muvozanatni saqlashni talab etadi.

Xorijiy mamlakatlarda insonning axborot olish huquqi to‘g‘risidagi qonunchilikning kelib chiqishi va rivojlanishi, shuningdek, ushbu huquqning xalqaro miqyosda inson huquqlarini ta’minlashdagi o‘rni va ahamiyatiga doir masalalar tadqiq etilgan. Huquqshunoslar va xalqaro ekspertlar tomonidan xalqaro normativ-huquqiy hujjatlar hamda xorijiy davlatlarda axborot olish huquqini kafolatlovchi qonunlar tahlil qilinganda, har bir olim o‘z ilmiy yondashuvi va qarashlaridan kelib chiqib, turlicha fikr bildirgan.

Dissertant inson huquqlarining ajralmas bo‘g‘ini sanalgan axborot olish huquqini tadqiq etar ekan ushbu sohadagi bir qator nufuzli olimlarning ilmiy izlanishlari va ilmiy xulosalarini chuqur o‘rgangan. Xususan, D.Maranni, S.Keunen, D.Pozen, A.Roberts, D.Berliner, B.Dosaliyeva, K.Amirjan, N.Mahmedov, R.Mahmudov, T.Elvira, N.Nugmanov, D.Koreenko, T. Mendel, M. Banisar, P.Bayne va S. Kalland kabi olimlarning ilmiy ishlari va qarashlari batafsil tahlil qilingan.

Tadqiqot davomida axborot olish huquqi haqida qarashlari biri-biridan farq qilgan bilan ularning xulosalari o‘xshash, degan to‘xtamga kelindi. Ularning ilmiy izlanishlari axborot olish va uni tarqatishda yuzaga keladigan huquqiy munosabatlarning mohiyatini ochib berishga xizmat qiladi.

Dunyoning 187 ta davlati milliy konstitutsiyalari tahlil qilinganda, ularning 41 tasida insonning axborot olish huquqi konstitutsiyaviy darajada mustahkamlab qo‘yilganligiga e’tibor qaratilgan[11]. Shu munosabat bilan, tadqiqotda O‘zbekiston Respublikasi Konstitutsiyasida axborot olish huquqining fundamental inson huquqi sifatidagi o‘rni va ahamiyatiga huquqiy baho berilgan.

Bugungi kunda 119 ta davlatda axborot olish huquqini kafolatlovchi maxsus qonunlar amal qilmoqda, shundan 90 tasi so‘nggi 19 yil ichida qabul qilingan[12]. Bu holat, T. Mendel va M. Banisar ta’kidlaganidek, “axborot olish huquqining global miqyosda fundamental inson huquqi sifatida tan olinganidan dalolat beradi”. Xorijiy mamlakatlar tajribasini tahlil qilish natijasida aniqlanishicha, ularning

[11] Mariya Riekkinen. Markku Suksi. “Access to Information and documents as a human right”. Institute for Human Rights Abo Akademi University Turku / Abo 2015. 84 page.
[12] Toby Mendel. AFRICA I. N. RIGHT TO INFORMATION IN AFRICA. 2023.

qonunchiligida axborot olish huquqi mustaqil, alohida huquq sifatida mustahkamlanib, uni faqat so‘z erkinligining tarkibiy qismi sifatida emas, balki to‘laqonli huquq sifatida e’tirof etish tendensiyasi ustuvor yo‘nalishga aylangan.

Olimlardan T. Mendel, D. Banisar, S. Kalland va A.Robertslarning fikricha, davlat organlarining shunchaki so‘rovga javob berish majburiyatidan chiqib, axborotni o‘z tashabbusi bilan oshkor etish majburiyati joriy etilishi demokratik boshqaruvning oshkoralik tamoyilini kuchaytiradi. Xorijiy qonunchilikda axborot so‘rovlariga javob berish muddatining qat’iy belgilanishi, rad etish asoslarining huquqiy mezonlarga bog‘lanishi, hamda mustaqil nazorat organlari, axborot komissiyalari yoki komissarlarining faoliyat yuritishi ushbu huquqning kafolatini oshirgan.

Shu bilan birga, ayrim mamlakatlarda axborot olish huquqi hali ham so‘z erkinligining tarkibiy qismi sifatida talqin qilinayotgani, bu esa uning amaliy qo‘llanilishini toraytirayotgani qayd etiladi. D.Banisar va “Access Info Europe” tashkiloti tadqiqotlariga ko‘ra, ayrim davlatlarda javob berish tartibining noaniqligi va nazorat organlarining vakolatlari zaifligi huquqni to‘laqonli amalga oshirishga to‘sqinlik qilmoqda. “Transparency International” tashkilotining 2024-yilgi ma’lumotlariga ko‘ra, ba’zi davlatlarda axborot komissiyalari qarorlari ijro etilmay qolayotgani kuzatilmoqda[13]. BMTning 2022-yilgi maxsus ma’ruzachisi ham Afrika va Osiyo davlatlarida shikoyat mexanizmlarining murakkabligi sababli insonlar ushbu huquqdan to‘liq foydalana olmasligini ta’kidlagan.

Chet el fuqarolari va fuqaroligi bo‘lmagan shaxslar uchun axborot olish huquqining cheklanishi esa xalqaro tamoyillarga zid holat sifatida baholanadi. A.Robertsning ta’kidlashicha, axborot olish huquqi “fuqarolik bilan emas, insonlik maqomi bilan bog‘liq huquq” bo‘lishi kerak. Shu jihatdan, ayrim mamlakatlarda bu huquqning universalligini ta’minlash mexanizmlarining yetishmasligi xalqaro standartlarga zid tendensiya sifatida baholanadi. Huquqshunos olim D.I. Koreenko fikricha, Axborot olish huquqi butun dunyoda asosiy huquqlaridan biri sifatida tan olingan inson huquqidir. Zamonaviy dunyoda o‘z vaqtida va foydalanish mumkin bo‘lgan ma’lumotlar eng qimmatli manba hisoblanadi, chunki bu insonning o‘zini o‘zi rivojlantirish, ta’lim va muloqot qilish ehtiyojlarini qondirish uchun zarur, shuning uchun ham axborot olish huquqi eng dolzarb inson huquqlaridan biridir.

Dissertatsiyaning uchinchi bobi **“O‘zbekistonda axborot olish huquqining ta’minlanishi”** deb nomlanib, ushbu bobda insonning axborot olish huquqini amalga oshirishning huquqiy mexanizmi shuningdek, insonning axborot olish huquqidan foydalanish asoslarini takomillashtirishning istiqbollari, muammo va yechimlari kabi masalalar tahliliga bag‘ishlangan. Dissertant ushbu bobda M.Tillabayev, M.Mamasiddiqov, Rebekka Kertis, A.Muhammadiyev, G‘.Mirzayev, N.Davydova, Y.Afina, N.Kolobayeva, A.Minbalayev, Y.Abbosova, E.Talapina, J.Posetti, S.Ireton, M.Dalimunte, V.Kopilov kabi olimlarning izlanishlari va qarashlarini tahlil qilgan.

[13] Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales. URL: // https://home.inai.org.mx/. (Murojaat qilingan sana: 12.04.2025).

Ushbu bobda dissertant mamlakatimizda ochiqlik siyosati natijasida aholiga yaratilayotgan keng imkoniyatlar hamda shu yo‘nalishda qabul qilingan huquqiy hujjatlarni tahlil qilgan. Xususan, Prezident tashabbusi bilan olib borilayotgan siyosat tufayli O‘zbekistonning xalqaro reytinglarda so‘z va axborot erkinligi bo‘yicha o‘sib borayotgani qayd etilgan. Shu bilan birga, berilgan imkoniyatlarga qaramay amaliyotda hali mavjud kamchiliklar ham ko‘rsatilib, ularni tahlil qilingan.

Insonning axborotni olish huquqlarini amalga oshirishda huquqiy mexanizmlar uch asosiy shaklda namoyon bo‘ladi: normativ-huquqiy, tashkiliy-institutsional va protsessual-amaliy. Normativ-huquqiy mexanizmlar huquqning mazmunini belgilab beradi; institutsional mexanizmlar — axborot beruvchi subyektlar va ularni nazorat qiluvchi tuzilmalarni qamrab oladi; amaliy protseduralar esa — axborotdan foydalanish yo‘llarini, so‘rov berish tartib-taomillarini va murojaatlarga javob berish muddatlarini belgilaydi. Axborotni olish huquqi mazmunan ikki asosiy komponentdan iborat: *birinchidan*, insonlarning o‘z tashabbusi bilan axborot izlash va undan foydalanish erkinligi, *ikkinchidan* esa, davlatning axborotni oshkora taqdim etish va ochiq muhit yaratish bo‘yicha majburiyatlari. Shu nuqtayi nazardan, ushbu huquq subyektiv huquq sifatida, davlat oldidagi ijobiy majburiyatlar bilan o‘zaro bog‘liqdir. Insonning axborotni olish huquqini amalga oshiruvchi institutsional mexanizmlarning axborot tarqatuvchisiga: a) ommaviy axborot vositalari (gazeta, jurnal, radio, televideniya, internet nashrlari va hokazolar kiradi); b) davlat organlari va tashkilotlari; c) nodavlat notijorat tashkilotlar; d) jismoniy shaxslar (jurnalistlar, blogerlar va boshqa axborot tarqatuvchilar) kiradi.

Tadqiqotchi axborot olishdagi asosiy muammolar global tarmoqda kuzatilmoqda deb hisoblaydi va ularni quyidagicha ko‘rsatadi:

1) amaldagi qonunchilikda axborot olish huquqi belgilangan bo‘lsa-da, ko‘plab davlat organlari va tashkilotlar fuqarolarning axborot so‘rovlariga belgilangan muddatda va to‘liq javob bermaslik holatlari uchrab turadi. Bu esa qonun talablarining amalda buzilishiga olib keladi;

2) qonunchilikda davlat hokimiyati va boshqaruvi organlari faoliyatining oshkoraligini ta’minlash belgilangan bo‘lsa-da, amaliyotda ularning aksariyati o‘z faoliyatiga doir axborotni ommaga muntazam va tizimli ravishda e’lon qilmaydi;

3) jamiyatda ijtimoiy-iqtisodiy tafovutlar mavjudligi sababli turli guruhlar, masalan, nogironligi bo‘lgan shaxslar, keksalar, internetga ega bo‘lmagan shaxslar axborot olish huquqidan teng foydalana olmaydi;

4) soxta axborot, manipulyativ kontent, yolg‘on ma’lumotlar axborotga nisbatan ishonchsizlikni kuchaytirmoqda. Ekstremistik va terroristik faoliyat bilan bog‘liq materiallarni global axborot tarmog‘ida tarqatish, internetda tuhmat va firibgarlik ham axborot olishda muammolarga olib keladi;

5) axborot olish huquqi buzilganda uni sud orqali tiklash jarayoni murakkab va uzoq davom etadi. Yangi tarmoqlar, axborot vositalari, elektron davlat xizmatlari rivojlanib borayotgan bir paytda, ularni qamrab oluvchi huquqiy normalar yetishmaydi.

Dissertant tomonidan tadqiqot doirasida o‘tkazilgan ijtimoiy so‘rovda 600 dan ortiq respondentlar ishtirokida “insonlarning o‘z huquqlari haqida xabardorlik

darajasi pastligining sababi nima deb o‘ylaysiz?” degan savolga 57,4% ishtirokchilar huquqiy savodxonlik darajasi pastligida deb ta’kidlaganlar. Shuningdek, “Axborot olish bilan bog‘liq muammoga duch kelganmisiz?” degan savolga 73,7% ishtirokchi “ha” degan javobni bergan, “Axborot olishga doir huquqlaringiz buzilganda qayerga murojaat qilasiz?” degan savol eng ko‘p 27,1% respondent Ichki ishlar vazirligiga degan bo‘lsa, “Axborot olishda qanday nizoli holatga duch kelasiz?” degan 48,2% ishtirokchi axborot olish borasida kechikishlar yuzasidan ekanligini ta’kidlaganlar. Bundan tashqari so‘rovnoma ishtirokchilarining 56,2% axborot olishni tartibga soluvchi qonunlarda chalkashliklar mavjud degan javobni berganlar.

Ijtimoiy so‘rovnoma natijalariga ko‘ra, respondentlarning aksariyati aholining huquqiy savodxonligi pastligi, axborot olish huquqini kafolatlovchi qonunlardan xabardor emasligi hamda ushbu sohadagi normativ-huquqiy hujjatlarda muayyan chalkashliklar mavjudligini ta’kidlagan. Shu sababli izlanuvchi O‘zbekiston ta’lim tizimida “Axborot huquqi” fanini joriy etishni taklif etadi. Axborot huquqi fani bugungi kunda MDH davlatlari Rossiya, Belarussiya, Qirg‘iziston va Qozog‘istonda alohida yo‘nalish sifatida o‘qitilib, ilmiy tadqiqotlar ham olib borilmoqda. Masalan, Rossiyada (12.00.14-ma’muriy, moliya va axborot huquqi), Belarusiyada esa (12.00.13 - Axborot huquqi) ixtisosligi bo‘yicha dissertatsiyalar himoya qilinmoqda. Yevropa va Amerika universitetlarida esa “Information law”, “Internet law”, “Media law” va “Data Protection law” nomlari ostida mustaqil kurslar mavjud.

Axborot olish huquqini tartibga soluvchi 10 dan ortiq normativ-huquqiy hujjat mavjud bo‘lib, ularni yagona Axborot kodeksiga birlashtirish zarur. Bunday kodeksning qabul qilinishi O‘zbekistonning ochiq jamiyat, ochiq hukumat va raqamli taraqqiyot tamoyillariga sodiqligini namoyon etadi. Natijada fuqarolarning axborotga bo‘lgan ishonchi ortadi, davlat boshqaruvida ishtiroki kengayadi hamda inson huquqlari va qonun ustuvorligi yanada mustahkamlanadi.

O‘zbekistonda axborot olish huquqining samarali amalga oshirilishi, shuningdek, sudgacha bo‘lgan muqobil himoya va mediatsiya mexanizmlarini joriy etish dolzarbdir. Xorijiy davlatlar tajribasi shuni ko‘rsatadiki, axborotga bo‘lgan huquqni mustaqil ravishda nazorat qiluvchi “Axborot komissari” instituti oshkoralikni ta’minlashda samarali mexanizm hisoblanadi.

O‘zbekistonda ushbu institutni bosqichma-bosqich joriy etish maqsadga muvofiq. Dastlab uni Ombudsman tarkibida maxsus bo‘lim sifatida shakllantirib, keyinchalik mustaqil Axborot komissari institutiga aylantirish tavsiya etiladi. Bu yondashuv aholining huquqiy madaniyatini oshirish, davlat organlarining ochiqligini kuchaytirish va sudgacha axborot olish bilan bog‘liq nizolarni hal etish imkoniyatini beradi.

Birinchi bosqich, taxminan bir yoki ikki yil davomida Ombudsman huzurida Axborot huquqlari bo‘yicha bo‘lim tashkil etilib, mustaqil veb-sayt yaratiladi, malakali xodimlar jalb qilinadi, shikoyatlarni ko‘rib chiqish va monitoring tizimi yo‘lga qo‘yiladi. Yillik hisobotlarda axborot huquqlari alohida bo‘limda yoritiladi, aholining xabardorligini oshirish va davlat organlari amaliyotini tahlil qilish yo‘lga qo‘yiladi.

Ikkinchi bosqich, uch yoki besh yil to‘plangan tajriba asosida mustaqil Axborot komissari tashkil etiladi. Buning uchun amaldagi qonunchilikka yoki yangi Axborot kodeksiga komissarning maqomi, vakolatlari va mustaqilligiga oid bob kiritiladi.

Komissarga quyidagi vakolatlar berilishi maqsadga muvofiq: a) axborotni asossiz rad etish, taqdim etish muddatlarni buzish, noto‘g‘ri ma’lumot berish, noqonuniy talablar qo‘yish va ma’lumotlarni asossiz maxfiylashtirish kabi holatlar bo‘yicha shikoyatlarni ko‘rib chiqish; b) qonunbuzarliklar yuzasidan mustaqil hisobot va xulosalar tayyorlash; c) axborot so‘rovlarining bajarilishini monitoring qilish va statistika yuritish; d) zarur hollarda fuqaro nomidan sudga da’vo kiritish.

Shuningdek, axborot so‘rovlarining bajarilishini onlayn kuzatish, ochiq statistika e’lon qilish va fuqarolar uchun qulay xizmatlar taqdim etuvchi maxsus veb-platforma yaratish zarur.

Hozirgi kunda O‘zbekiston Respublikasi Ma’muriy javobgarlik to‘g‘risidagi kodeksi yoki Jinoyat kodeksida mansabdor shaxslarning axborotni yashirish, kechiktirish yoki noto‘g‘ri axborot taqdim etishi uchun aniq va bevosita javobgarlik belgilab qo‘yilmagan. O‘zbekiston Respublikasi Ma’muriy javobgarlik to‘g‘risidagi kodeksining 44-moddasi Hujjatlar bilan tanishib chiqishni asossiz rad etish deb nomlanib, unda fuqaroga uning huquq va manfaatlariga daxldor bo‘lgan hujjatlar, qarorlar va boshqa materiallar bilan tanishib chiqish imkoniyatini berishni asossiz ravishda rad etish, mansabdor shaxslarga bazaviy hisoblash miqdorining bir baravaridan ikki baravarigacha miqdorda jarima solishga sabab bo‘ladi. Ushbu moddani tahlil qilganimizda quyidagi jihatlariga e’tibor qaratishimiz lozim: *birinchidan,* uning qamrovi tor, modda faqat insonning o‘z huquq va manfaatlariga daxldor hujjatlar bilan tanishish imkoniyatini belgilaydi. Axborot olish huquqi bundan ancha keng bo‘lib, jismoniy va yuridik shaxslar, jurnalistlar, tadqiqotchilar va boshqa manfaatdor shaxslarning davlat organlaridan istalgan qonuniy ochiq axborotni olish imkoniyatini ham o‘z ichiga oladi; *ikkinchidan,* subyektlar doirasi cheklangan bo‘lib, unda faqat mansabdor shaxslarning javobgarligi nazarda tutiladi; *uchinchidan,* harakat turlari to‘liq qamrab olinmagan, unda faqat “tanishish imkonini rad etish” holati ko‘rsatilgan. Amalda esa axborotni kechiktirish, to‘liq taqdim etmaslik, asossiz rad javobi berish yoki so‘rovni qabul qilmaslik kabi boshqa holatlar ham mavjud; *to‘rtinchidan,* jarima miqdorining pastligi ko‘p hollarda mansabdor shaxslar uchun yetarli darajada ogohlantiruvchi yoki to‘sqinlik qiluvchi ta’sir ko‘rsatmaydi.

XULOSA

Insonning axborot olish huquqining o‘ziga xos xususiyatlari va rivojlanish istiqbollari masalalarini tadqiq qilish natijasida quyidagi ilmiy-nazariy xulosalar, qonunchilikni takomillashtirish bo‘yicha taklif va tavsiyalar hamda axborot olish huquqini respublikamizda fan tarmog‘i sifatida rivojlantirishga oid ilmiy-amaliy va tashkiliy tavsiyalar ishlab chiqildi.

I. Ilmiy-nazariy xulosalar:

1. “Axborot” tushunchasining amaldagi milliy qonunchilikda mazmun va mohiyati to‘liq ochib berilmagani, shuningdek, olimlar tomonidan unga aniq huquqiy ta’rif berilmaganligi tahlil natijasida ayon bo‘ldi. Shu munosabat bilan ushbu tushunchaga quyidagi ta’rif taklif etildi.

“**Axborot** – inson tomonidan idrok etiladigan hamda ular o‘rtasida manbalari va taqdim etilishi shaklidan qat’i nazar uzatiladigan, shaxslar, predmetlar, faktlar, voqealar, hodisalar va jarayonlar to‘g‘risidagi ma’lumotdir”.

2. Amaldagi milliy qonunchiligimizning tahlili shuni ko‘rsatadiki, “Proaktiv” atamasi ko‘plab normativ-huquqiy va qonunosti hujjatlarida qo‘llanilgan. Biroq Proaktiv atamasiga ta’rif berilmagan. Mustaqil Davlatlar Hamdo‘stligi davlatlari va xorijiy mamlakatlarning axborotga oid qonunlariga “Axborotni proaktiv oshkor qilish” tushunchasi mavjud bo‘lib, amaliyotda keng qo‘llanilmoqda. Shuning uchun biz milliy qonunchilikdagi bo‘shliqni to‘ldirish maqsadida quyidagi ta’rifni ishlab chiqdik.

“**Axborotni proaktiv oshkor qilish** – foydalanuvchi tomonidan so‘ralmagan holda va axborot egasining tashabbusi bilan o‘z faoliyatining oshkoraligini ta’minlash va (yoki) huquqlari va qonuniy manfaatlariga ta’sir qiluvchi qonun va qarorlar qabul qilishda jamoatchilik ishtirokini ta’minlash maqsadida, maxfiy hamda olish cheklangan axborotdan tashqari boshqa axborotlarni tarqatish”.

3. Milliy qonunchiligimizda insonning axborot olish huquqi kafolatlanib, u har bir shaxsga turli sohalarga oid axborotdan erkin foydalanish imkonini beradi. Bu huquq fuqarolarning ongli qaror qabul qilishi va jamiyat hayotida faol ishtirok etishini ta’minlaydi. Biroq amaldagi qonunchilikda ushbu huquqni amalga oshiruvchi subyekt — axborot foydalanuvchisiga huquqiy ta’rif berilmagan. Shu bois, milliy qonunchilikni takomillashtirish jarayonida “axborot foydalanuvchisi” tushunchasini normativ-huquqiy darajada aniqlashtirish dolzarb masalalardan biri sifatida baholagan holda unga quyidagicha ta’rif ishlab chiqildi.

“**Axborot foydalanuvchisi** – axborotni so‘ragan va undan foydalanuvchi jismoniy yoki yuridik shaxs”.

4. Amaldagi qonunchilikda “axborot so‘rovi” tushunchasiga huquqiy ta’rif berilmagan. Bu esa amalda mazkur huquqdan foydalanishda noaniqlik va turlicha talqinlarga sabab bo‘lishi mumkin. Shuning uchun ushbu tushunchaga quyidagicha ta’rif ishlab chiqildi.

“**Axborot so‘rovi** – axborot egasi (mulkdoriga) qonunda belgilangan tartibda og‘zaki yoki yozma shaklda, shu jumladan elektron hujjat ko‘rinishida axborot taqdim etishni so‘rab, bildirilgan yoki yuborilgan murojaat. Axborot so‘rovi, bu jismoniy va yuridik shaxslarning davlat organlari yoki boshqa axborot egalaridan rasmiy tarzda axborot talab qilishini ifodalovchi muhim mexanizm bo‘lib, u insonning axborot olish huquqini bevosita amalga oshirish shaklidir”.

II. O‘zbekiston Respublikasi qonunchiligini takomillashtirishga oid takliflar:

5. Amaldagi qonunchilikda axborot olish huquqi kafolatlangan bo‘lsa-da, hozirgi kunda axborot olish jarayonining tezlashuvi va zamonaviy axborot texnologiyalarining rivojlanishi ushbu sohadagi mavjud huquqiy mexanizmlarni takomillashtirish zaruratini yuzaga keltirdi. Shu munosabat bilan, axborot olish jarayonida uchrayotgan amaliy muammolarni bartaraf etish, mavjud kamchiliklarni to‘ldirish hamda fuqarolarning axborotga bo‘lgan konstitutsiyaviy huquqlarini to‘liq ta’minlash maqsadida “Axborotdan erkin foydalanish va ochiqlik asoslari to‘g‘risida”gi yangi qonun loyihasi (*qonun loyihasi dissertatsiyada ilova qilinadi*) ishlab chiqildi.

6. O‘zbekiston Respublikasining 2002-yil 12-dekabrdagi “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi Qonunining 3-moddasi ikkinchi xatboshisiga quyidagi tuzatish kiritish maqsadga muvofiq:

“Axborot – inson tomonidan idrok etiladigan hamda ular o‘rtasida manbalari va taqdim etilishi shaklidan qat’i nazar uzatiladigan, shaxslar, predmetlar, faktlar, voqealar, hodisalar va jarayonlar to‘g‘risidagi ma’lumotdir”.

7. O‘zbekiston Respublikasining 2002-yil 12-dekabrdagi “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi Qonunning 3-moddasini quyidagi mazmundagi ta’rif to‘ldirish taklif qilinadi:

“Axborotni proaktiv oshkor qilish – foydalanuvchi tomonidan so‘ralmagan holda va axborot egasining tashabbusi bilan o‘z faoliyatining oshkoraligini ta’minlash va (yoki) huquqlari va qonuniy manfaatlariga ta’sir qiluvchi qonun va qarorlar qabul qilishda jamoatchilik ishtirokini ta’minlash maqsadida, maxfiy hamda olish cheklangan axborotdan tashqari boshqa axborotlarni tarqatish”.

8. O‘zbekiston Respublikasining 2002-yil 12-dekabrdagi “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi Qonun 3-moddasi o‘ninchi xatboshisiga quyidagi norma bilan to‘ldirish taklif qilinadi:

“Axborot foydalanuvchisi – axborotni so‘ragan va undan foydalanuvchi jismoniy yoki yuridik shaxs”.

9. O‘zbekiston Respublikasining 2002-yil 12-dekabrdagi “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi Qonun 3-moddasi o‘n birinchi xatboshisiga quyidagi norma bilan to‘ldirish taklif qilinadi:

“Axborot so‘rovi – axborot egasi (mulkdoriga) qonunda belgilangan tartibda og‘zaki yoki yozma shaklda, shu jumladan elektron hujjat ko‘rinishida axborot taqdim etishni so‘rab, bildirilgan yoki yuborilgan murojaat”.

10. O‘zbekiston Respublikasining 1997-yil 24-apreldagi “Axborot olish kafolatlari va erkinligi to‘g‘risida”gi Qonunning 6-moddasi oltinchi xatboshisida “Agar so‘rov tushgan organ yoki mansabdor shaxs so‘ralayotgan axborotga ega bo‘lmasa, murojaat etuvchi bu haqda so‘rov olingan sanadan boshlab yetti kundan kechiktirmay ma’lum qilishi, shuningdek, imkoniyatga qarab, unga bunday axborotga ega bo‘lgan organning yoki mansabdor shaxsning nomini ma’lum qilishi shart” deb belgilangan. Biroq O‘zbekiston Respublikasining 2002-yil 12-dekabrdagi “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi Qonunning 9-moddasi o‘n

birinchi xatboshisida esa bu muddat “besh” kun etib belgilangan. Ikkala normadagi muddatlar turlicha bo‘lgani sababli huquqiy kolliziya yuzaga kelmoqda. Mazkur tafovutni bartaraf etish maqsadida 1997-yilgi qonunning 6-moddasi oltinchi xatboshisiga tuzatish kiritish zarur:

“Agar so‘rov tushgan organ yoki mansabdor shaxs so‘ralayotgan axborotga ega bo‘lmasa, axborot so‘rab murojaat etgan shaxsga so‘rov olingan sanadan e’tiboran ***“besh”*** *kundan kechiktirmay bu haqda ma’lum qilishi shart”.*

11. Murojaatlarga javob berish muddati O‘zbekiston Respublikasi “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”gi qonunning 9-moddada o‘n besh kun etib belgilangan, agar so‘raliyotgan axborotni o‘z vaqtida taqdim etishning iloji bo‘lmagan taqdirda axborot olish uchun murojaat etgan shaxsga uni taqdim etish kechiktirilgani to‘g‘risida xabar so‘rov olingan sanadan e’tiboran *bir hafta ichida* yuboriladi. So‘raliyotgan axborotni taqdim etishni kechiktirish so‘rov olingan sanadan e’tiboran *ikki oydan* ortib ketmasligi lozim ekanligi belgilangan . Biroq, axborot so‘rab murojaat etgan shaxs o‘z navbatida murojaatchi hisoblanadi. Murojaatlar bilan bog‘liq munosabatlar o‘z navbatida O‘zbekiston Respublikasining “Jismoniy va yuridik shaxslarning murojaatlari to‘g‘risida”gi Qonun bilan tartibga solinadi. Ushbu qonunning 28-moddasida ariza yoki shikoyat masalani mazmunan hal etishi shart bo‘lgan davlat organiga, tashkilotga yoki ularning mansabdor shaxsiga kelib tushgan kundan e’tiboran o‘n besh kun ichida, qo‘shimcha o‘rganish va (yoki) tekshirish, qo‘shimcha hujjatlarni so‘rab olish talab etilganda esa, *bir oygacha* bo‘lgan muddatda ko‘rib chiqiladi. Bu haqda murojaat etuvchiga *o‘n kunlik* muddatda yozma shaklda xabardor qilinadi.

Har ikkala qonunning yuqorida keltirilgan moddalari murojaatlarga javob berish bilan bog‘liq bir xil huquqiy munosabatlarni tartibga solgani sababli ular o‘rtasida kolliziya yuzaga kelgan. Ushbu ziddiyatni bartaraf etish maqsadida, qonun moddalaridagi murojaatga javobni kechiktirish muddati sifatida *bir oy* etib, shuningdek, bu haqda murojaat etuvchini yozma ravishda xabardor qilish muddatini *bir hafta* etib belgilash maqsadga muvofiq hisoblanadi.

12. O‘zbekiston Respublikasi Ma’muriy javobgarlik to‘g‘risidagi kodeksning 44-modda. Hujjatlar bilan tanishib chiqishni asossiz rad etish deb nomlanib, unda Fuqaroga uning huquq va manfaatlariga daxldor bo‘lgan hujjatlar, qarorlar va boshqa materiallar bilan tanishib chiqish imkoniyatini berishni asossiz ravishda rad etish, mansabdor shaxslarga bazaviy hisoblash miqdorining bir baravaridan ikki baravarigacha miqdorda jarima solishga sabab bo‘ladi, deb belgilangan. Ushbu norma axborot olish huquqi bilan bog‘liq munosabatlarni yetarli darajada himoyalamaganligi sababli, ushbu huquqni yanada to‘liq ta’minlash, noqonuniy rad etish, javob berish muddati buzilishi, ma’lumotlarni yashirish yoki soxta ma’lumot berish kabi barcha huquqbuzarliklarni qamrab oluvchi quyidagi yangi modda kiritilishini taklif qilamiz.

44-modda. Axborot olish huquqini asossiz cheklash yoki hujjatlar bilan tanishishni rad etish, *Jismoniy va yuridik shaxslarning qonuniy so‘roviga binoan axborot berishni yoki hujjatlar bilan tanishib chiqishni asossiz ravishda rad etish, so‘rovni ko‘rib chiqish muddatlarini uzrli sabablarsiz buzish, javob bermaslik yoki to‘liq bo‘lmagan javob berish*, -

bazaviy hisoblash miqdorining besh baravaridan o‘n baravarigacha miqdorda jarima solishga sabab bo‘ladi.

Xuddi shunday huquqbuzarlikni bir yil ichida takroran sodir etish, -

bazaviy hisoblash miqdorining o‘n baravaridan yigirma besh baravarigacha miqdorda jarima solinishga sabab bo‘ladi.

III. O‘zbekiston Respublikasida Insonning axborot olish huquqini amalga oshirishning tashkiliy mexanizmlarini takomillashtirishga oid taklif va tavsiyalar:

13. Axborot olish imkoniyatlarini kengaytirish maqsadida zamonaviy axborot-kommunikatsiya texnologiyalarini joriy etish, raqamli platformalar va mobil ilovalar orqali davlat xizmatlariga oid ma’lumotlarni tezkor va ishonchli shaklda taqdim etuvchi tizimlarni rivojlantirish lozim. Bu aholining axborotga erkin foydalanishini ta’minlab, shaffoflikni oshiradi va davlat boshqaruvining raqamlashtirilishini jadallashtiradi.

14. Axborot sohasidagi huquqiy savodxonlikni oshirish, insonlarning axborotga oid milliy huquq manbalaridan xabardorligini kuchaytirish va qonun normalariga rioya qilgan holda axborotdan foydalanishini ta’minlash bugungi kunning dolzarb vazifalaridan biridir. Shu nuqtayi nazardan, ilg‘or xorijiy tajribaga tayangan holda, huquqshunoslik fanlari tizimida “Axborot huquqi” fanini joriy etish, shuningdek, ushbu yo‘nalishda malakali mutaxassislar tayyorlash lozim.

15. O‘zbekistonda axborot olish huquqini ta’minlash masalalarida mas’ul tuzilmalar vakolatlarini aniq belgilash, ularning faoliyatini muntazam monitoring qilish va baholash tizimini shakllantirish zarurdir. Shu bilan birga, axborot berish majburiyatlarini bajarishda sustkashlik qilgan yoki majburiyatlarini bajarmagan mansabdor shaxslarga nisbatan qonuniy javobgarlik choralarini qat’iylashtirish orqali qonunlarning samarali ijrosini kafolatlash lozim.

16. O‘zbekiston Respublikasining amaldagi qonunchiligida axborot sohasini tartibga soluvchi amaldagi qonunlar ko‘plab jihatlari bo‘yicha eskirgan bo‘lib, ularni zamonaviylashtirish va takomillashtirish talab etiladi. Shu munosabat bilan, Axborot kodeksi loyihasini tezroq yakunlagan holda Axborot kodeksini qabul qilish taklif etiladi.

17. Internet va raqamli texnologiyalarning rivojlanishi axborot olish huquqini kengaytirib, insonlarga davlat xizmatlari va ijtimoiy hayotga oid ma’lumotlarga tezkor olish imkonini bermoqda. Shu bilan birga, noto‘g‘ri axborotning tarqalishi, ijtimoiy manipulyatsiyalar va shaxsiy ma’lumotlarning buzilishi kabi muammolar ham ortmoqda. Mazkur xavflarni samarali boshqarish uchun maxsus chora-tadbirlar zarur: xususan, qonunchilikni zamon talablari asosida takomillashtirish, soxta axborotga qarshi kurashish mexanizmlarini joriy etish, shaxsiy ma’lumotlar himoyasini kuchaytirish va insonlarning raqamli madaniyatini oshirish lozim.

18. Ijtimoiy guruhlarning axborotdan teng foydalanish imkoniyatlarini ta’minlash maqsadida nogironligi bo‘lgan shaxslar, ayollar va qishloq aholisiga mo‘ljallangan maxsus dasturlarni ishlab chiqish va amaliyotga joriy etish zarur. Bunda moslashtirilgan texnologiyalar, soddalashtirilgan axborot shakllari hamda

hududiy infratuzilmaviy imkoniyatlar hisobga olingan yondashuvlarga alohida e’tibor qaratilishi lozim.

19. Xorijiy mamlakatlar Kanada, Buyuk Britansiya, Fransiya, Germaniya, Australiya hamda Yaponiya tajribasidan kelib chiqib, O‘zbekiston Respublikasida axborot sohasida mas’ul institut ya’ni “Axborot komissari” lavozimini joriy etish taklif etiladi.

SCIENTIFIC COUNCIL No. DSc.39/30.11.2020 Yu/S 128.01 FOR AWARDING SCIENTIFIC DEGREES AT THE NATIONAL CENTER OF THE REPUBLIC OF UZBEKISTAN FOR HUMAN RIGHTS

NATIONAL CENTER OF THE REPUBLIC OF UZBEKISTAN FOR HUMAN RIGHTS

ASLONOV NAVRUZBEK RUSTAMOVICH

THE HUMAN RIGHT TO INFORMATION: INTERNATIONAL AND NATIONAL EXPERIENCE

12.00.13 – Human Rights

ABSTRACT
of dissertation of Doctor of Philosophy in legal sciences (PhD)

Toshkent - 2025

The theme of the doctoral dissertation (PhD) was registered at the Supreme Attestation Commission under the Ministry of higher education, science and innovations of the Republic of Uzbekistan under number No. B2023.1.PhD/Yu1004.

The dissertation has been prepared at the National Center of the Republic of Uzbekistan for Human Rights.

The abstract of the dissertation is posted in three languages (Uzbek, Russian, English (summary)) on the website of the Scientific Council (www.nhrc.uz) and the informational-educational portal "ZiyoNET" (www.ziyonet.uz).

Scientific supervisor:	**Ochilov Utkir Sayfullayevich** Doctor of Science in Law, Associate Professor
Official opponents:	**Turgunov Ilhom Turgunovich** Doctor of Science in Law, Associate Professor
	Toshev Boboqul Norqobilovich Doctor of Science in Law, Professor
Leading organization:	**University of Public Safety of the Republic of Uzbekistan**

The defense of the dissertation will be held on December 23, 2025 at 09:30 am at the session of the Scientific Council No. DSc.39/30.11.2020.Yu/S.128.01 for awarding scientific degrees at the National Center the Republic of Uzbekistan for Human Rights (Address:100029, 15 Islam Karimov st., Tashkent city, Tel: (99871) 239-40-23; E - mail: info@nhrc.uz).

The doctoral dissertation is available at the Information-Resource Center of the National Center the Republic of Uzbekistan for Human Rights (registered under No. 10), (Address: 100029, 15 Islam Karimov st., Tashkent city, Tel: (99871) 239-42-40).

The abstract of the dissertation is distributed on December «___», 2025.
(Registry protocol No. __ of December, 2025).

M.A.Tillabayev
Chairman of the Scientific Council for awarding scientific degrees, Doctor of Science in Law, Professor

G.A. Alimov
Acting Secretary of the Scientific Council for awarding scientific degrees, Doctor of Science in Law, Associate Professor

G.Yuldasheva
Chairman of the Scientific seminar under the Scientific Council for awarding scientific degrees, Doctor of Science in Law, Professor

INTRODUCTION (Abstract of the PhD Thesis)

The actuality and relevance of the dissertation theme. In the context of the global information society, access to information has become not only a daily necessity for individuals but also a crucial basis for their active participation in political, social, and cultural life. In today's conditions of globalization, the value of information is regarded as a strategic asset alongside material resources. From this perspective, the right of individuals to access information is manifested as the foundation for the development of democratic societies and as a guarantee for the effective functioning of civil society institutions. According to statistical data provided by international organizations, in the last decade, more than 5.6 billion people worldwide have experienced a decline in their rights to access information. In particular, international rankings related to information access have declined in 77 countries, while only 35 countries have shown positive changes in these indicators[14].

The right to access information has been recognized by the international community as one of the fundamental and inalienable human rights, acknowledged as a cornerstone that strengthens the political, legal, and social systems of democratic societies. The normative and legal foundations of the right to access information are enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as in the conventions of the Council of Europe and other regional organizations; these documents impose obligations on states to ensure this right. In recent ears, the UN, UNESCO, and OSCE have adopted resolutions and declarations on the free use of information. The right to access information supports sustainable development and provides alternative solutions to social and governance challenges. According to the conclusions of the UN Global Governance Commission, ensuring the right to access information, increasing transparency and accountability of state activities, especially within the framework of Sustainable Development Goal 16 — "peace, justice, and strong institutions," are crucial factors for sustainable development at regional and sub-regional levels[15].

In Uzbekistan, the number of requests for information sent to state bodies increased by 1.5 times during the period from 2022 to 2024. Of these requests, 70 percent were resolved positively, while 20 percent remained unanswered or were unjustifiably denied. In the remaining cases, delays in the process or failures to provide information as required by the Law "On Principles and Guarantees of Freedom of Information" and other relevant regulatory legal documents were identified due to technical reasons or other causes[16]. According to statistical data, although this situation shows that people are actively exercising their right to access information, it also indicates that there are still legal and organizational problems within the system. In recent years, a number of legislative acts aimed at

[14]ARTICLE 19. Global Expression Report 2025. URL:// https://www.globalexpressionreport.org/?twclid=254j3huhfd5ksnzfnf60kcz21j/. (Murojaat qilingan sana: 20.08.2025).

[15] Resolution A/RES/70/1 adopted by the General Assembly on 25 September 2015: point 21; UN sustainable development goals Konowledge platform. URL:// https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf. (Murojaat qilingan san: 13.06.2024).

[16] Vibrant Information Barometr. URL: //https://www.irex.org/sites/default/files/VIBE_2024_Uzbekistan.pdf?utm. (Murojaat qilingan sana: 14.05.2024).

strengthening freedom of information, freedom of speech, and the right to receive information have been adopted in the Republic of Uzbekistan. In the "Roadmap" for the implementation of the National Strategy of the Republic of Uzbekistan on Human Rights, the authorized bodies were tasked with developing a draft Information Code. In paragraphs 83 and 96 of the "Uzbekistan - 2030 Strategy" of the President of the Republic of Uzbekistan No. UP-158 dated 2023, the task of further strengthening the right to receive information is defined. It should be especially noted that the use of the experience and best practices of foreign countries in the legal development of the right to receive information serves as an important factor in the improvement of this sphere.

The Constitution of the Republic of Uzbekistan (2023), the Law "On Ensuring the Dissemination and Use of Legal Information" (2017), the Law "On Protecting Children from Information Harmful to Their Health" (2017), the Law "On Mass Media" (2007), the Law "On Personal Data" (2019), and the Law "On State Secrets" (2024), along with the Decree of the President of the Republic of Uzbekistan On the "Uzbekistan – 2030 Strategy", the Resolution dated June 27, 2019, "On Additional Measures to Ensure the Independence of Mass Media and Develop the Activities of Information Services of State Bodies and Organizations", and other relevant legal documents, are implemented to a certain extent through this dissertation research.

The compliance of the research with the priority directions of scientific and technological development of the republic. This research is prepared within the framework of the Republic's science and technology development priority I: It has been implemented in accordance with the priority direction of "forming a system of innovative ideas and ways of implementing them in the social, economic, cultural, and spiritual-educational development of an information society and a legal democratic state".

The extent of the study of the research problem. In our country, within the field of legal sciences, the right of individuals to access information has not been studied as a specific monographic research subject in terms of international and national experience. However, various aspects of the research topic have been examined in the scientific works of A. Saidov, M. Tillabayev, O. Oqyulov, M. Mamasiddiqov, N. Nugmanov, B. Khodjayev, I. Rustambekov, J. Abdullayev, A. Yo'ldoshev, A. Amanov, A. Gulimov, M. Ahmedshayeva, I. Kudrayavsev, S. Sadikov, A. Khudoyberdiyev, Kh. Mamatov, P. Rustamov, G'. Mirzayev, A. Muhammadiyev, J. Qudratillayev, J. Ilhombekov, and other scholars.

Research has been conducted by I. Bachilo, A. Shvets, R. Kostenko, A. Tulikov, O. Petrovskaya, I. Alekseyeva, O. Sherbina, A. Sokolov, L. Levkina, V. Politanskiy, L. Tereshchenko, N. Korchenkova, B. Dosaliyeva, K. Amirjan, N. Mamedov, R. Mahmudov, T. Elvira, D. Koreenko, T. Chumachenko, G. Kubenov, M. Makovey, E. Chefranova, N. Davydova, N. Kolobayeva, A. Minbalayev, Y. Abbasova, E. Talapina, L. Akopov, and other scholars from the member countries of the Commonwealth of Independent States.

In foreign countries, issues related to the right of individuals to access information have been interpreted by scholars such as R. Hartley, K. Shannon, Norberto Bobbio, J. West, T. Bergstrom, David Banisar, Toby Mendel, Kay Mathiesen, R. Kalland, L. Neuman, M. Frankel, B. Goodwin, Seong Nak-in, L. Neuman, Ralf Neyder, Naim Ulla Khan, Sana Akhter, S. Joseph, J. Nye, Chen

Yongxi, Jo Su-yong, Varida Ambark, P. Kanavaggio, S. Geiger, Ahmet Burak Haydari, S. Keunen, S. Garsee, David Pozen, S. Oleynik, A. Roberts, D. Berliner, B. Bagozzi, J. Relly, L. Repeta, K. Youm, I. Li, Park A, S. Mutula, J. Vamukoya, P. Svard, R. Pinto, A. Velkavrh, J. Kukier, J. Barata, P. Reang, F. Edel, M. Kamba, P. Bayne, M. Riegner, J. Posetti, S. Ireton, S. Devi, M. Dalimunte, F. Purvaningyas, and other scholars.

However, the analysis of the above-mentioned studies shows that the theoretical and practical issues of the right of individuals to access information have not been the subject of a comprehensive research study based on the legislation of the Republic of Uzbekistan, as well as relevant international documents and other normative legal acts.

The relation of the dissertation's theme to the scientific-research work of higher education institution where it was implemented. The dissertation research was carried out in accordance with the scientific research plan of the National Center for Human Rights of the Republic of Uzbekistan.

The aim of the research. It consists in analyzing international experience and the current legislation of the Republic of Uzbekistan on ensuring the human right to access information, as well as developing proposals and recommendations for their improvement.

The research objectives:

to study the concept of the right to access information and its substantive content;

to examine the place and role of the right to access information within the system of human rights and freedoms;

to highlight the importance of the right to access information in ensuring human rights;

to analyze the legal evolution of the right to access information during the development of digital technologies and artificial intelligence;

to analyze the process of norm-creation related to the right to access information and consider issues of its improvement;

to conduct a systematic analysis of the international treaty-legal framework, national legislation of foreign countries, and current legislation of the Republic of Uzbekistan concerning the right to access information;

to develop proposals and recommendations for the legislation of the Republic of Uzbekistan on effective directions to address problems identified in the process of individuals accessing information.

The research object, the system of social and legal relations formed in the process of an individual's access to information is recognized both in the Republic of Uzbekistan and internationally.

The research subject The Constitution of the Republic of Uzbekistan, its laws, normative-legal documents, as well as the laws of foreign countries and international legal documents, constitute the practical problems arising in the process of a person's access to information, along with statistical data related to information access.

The research methods. During the research process, methods such as generalization, deduction, systematic approach, normative and functional

comparison, formal-logical cognition, historical-legal, comparative-legal, statistical data analysis, social survey, and formal-legal approaches were utilized.

Scientific novelty of the research is as follows:

it is necessary to strengthen the practical mechanisms of information freedom by legally defining the right to obtain information related to one's field of activity from state bodies and civil society institutions in accordance with the procedure established by law, as well as the obligation to disseminate information about one's own activities;

listening to conversations conducted via telephones and other user devices, accessing messages transmitted through telecommunication networks, and restricting the confidentiality of such communications may be permitted only in cases provided for by law and based on a court decision — this has been justified in accordance with the principles of the rule of law;

to fully ensure the right to access information, the concept of an "information expert" has been developed within the information system, aimed at enabling individuals to obtain reliable information and distinguish between disinformation, misinformation, and malinformation;

the main principles of freedom of information should be based on legality, openness, transparency, free use of information, and truthfulness — this has been theoretically and practically substantiated;

it has been legally justified that a fee may be charged, in accordance with the procedure established by law, for providing information that is not related to the rights and legitimate interests of the applicant;

it has been substantiated, from the perspective of strengthening the principle of transparency, that the Ombudsman should post and regularly update relevant information about his or her activities on the official website, as well as publish reports and other materials about the Ombudsman's activities in mass media;

it has been justified that information on the schedule for receiving individuals and representatives of legal entities, the time and place of reception, as well as the procedure for pre-registration and reception itself, should be published on the Ombudsman's official website and displayed on stands or other technical means located in publicly accessible areas of the Ombudsman's administrative building, so that interested persons can access it.

The practical results of the research include the following:

definitions were developed for the terms "Information," "Proactive Disclosure of Information," "Information User," "Information Expert," and "Subject Implementing Access to Information."

it was justified that existing and unresolved issues in access to information should be regulated by an Information Code, taking into account international experience.

the adoption of the Information Code is expected to resolve the procedure for fulfilling obligations arising from relationships formed during the information access process, the start dates for fulfillment of such obligations, and the documentation confirming their fulfillment.

an analysis of the legislative framework aimed at legally regulating social relations arising during the information access process was conducted, and the

necessity of forming relevant legal bases and their phased development and implementation in practice was scientifically substantiated.

the need to introduce the institution of the "Information Commissioner" to ensure the effective implementation of the right to freely seek, receive and impart information, to develop alternative protection and mediation mechanisms, which are not judicial, is also justified for measures based on progressive factors;

roposals were developed to amend Article 44 of the Administrative Liability Code of the Republic of Uzbekistan to comprehensively cover all violations related to the right to access information, including unlawful refusals, violations of response deadlines, concealment of data, or provision of false information.

The reliability of research results. The research results are based on international and national legal norms, the experience of developed countries, and law enforcement practice. In addition, a sociological survey (*more than 660 respondents*), statistical data were summarized, and relevant documents were drawn up. Conclusions, proposals, and recommendations have been tested and published in leading national and foreign publications. The obtained results have been approved by authorized state bodies and implemented in practice.

The scientific and practical significance of the results of the research. The scientific conclusions obtained from the research can be used in scientific-research activities, as well as in the scientific-theoretical enrichment of academic courses such as “Human Rights”, “Information Law”, “International Human Rights Law”, “International Public Law”, and “Constitutional Law”. They can also be utilized in the preparation of educational and methodological manuals and in improving scientific and methodological approaches in the field of jurisprudence.

The practical significance of the research results lies in the fact that these results contain proposals and recommendations aimed at supplementing and amending the parts of our national legislation related to the right of individuals to access information, as well as improving normative-legal documents and law enforcement practices.

The implementation of the research results. Based on the scientific findings obtained in the field of improving the guarantee of the right to access information:

the proposal that information related to their field of activity should be obtained from state bodies and civil society institutions in accordance with the procedure established by law, and that information about their own activities should be disseminated, is reflected in the second paragraph of Article 11, Chapter 3 of the Regulation on the Public Fund for Supporting Civil Society Institutions under the Oliy Majlis of the Republic of Uzbekistan (*Report No. 51 of the Defense and Security Committee of the Senate of the Oliy Majlis dated November 15, 2024*). The implementation of this proposal served to expand the opportunities for independent activities of civil society institutions and increase the level of awareness of people about the activities of these institutions;

the proposal that interception of conversations conducted through telephones and other user devices, access to messages transmitted via telecommunications networks, obtaining information about them, and restricting their confidentiality in other ways shall only be allowed in cases and procedures prescribed by law and based on a court decision was used in drafting Article 20 of the Law No. O‘RQ-1015 “On Telecommunications” of the Republic of Uzbekistan dated December 27, 2024

(*Report No. 51 of the Defense and Security Committee of the Senate of the Oliy Majlis dated November 15, 2024*). This proposal served to ensure the privacy of people, the confidentiality of messages exchanged through telecommunications, and their protection on the basis of legal guarantees;

the proposal defining "information expert" as any natural person possessing specialized knowledge in the field of science, technology, art, or craft necessary for providing expert opinion was taken into account in the draft Information Code of the Republic of Uzbekistan (*Report No. 04-02-16-2121 of the Agency for Information and Mass Communications under the Administration of the President of the Republic of Uzbekistan dated March 25, 2025*). The proposal serves to ensure that a person receives accurate, reliable, and expert-examined information when receiving information;

the main principles of freedom of access to information—legality, openness, transparency, free use of information, and fairness—are reflected in Article 6 of the draft Information Code (*Report No. 04-02-16-2121 of the Agency for Information and Mass Communications under the Administration of the President dated March 25, 2025*). This proposal expresses legality, which is the main principle of freedom of access to information. That is, it serves to ensure that the use and dissemination of information is carried out only on the basis of law, and unjustified restriction of access to information is not allowed;

The possibility of charging a fee in accordance with the procedure established by law for providing information that is not related to the applicant's rights and lawful interests is reflected in Article 8 of the draft Information Code (*Protocol No. 04-02-16-2121 dated March 25, 2025, of the Agency for Information and Mass Communications under the Administration of the President of the Republic of Uzbekistan*). This proposal serves the rational and effective use of budget funds, the collection of a fee for obtaining information in the manner prescribed by law;

the proposal requiring the Ombudsman to post and update relevant information about their activities on their official website, as well as publish reports and other materials about the Ombudsman's work in mass media, was used in drafting the second part of Article 17 of Law No. O'RQ-1002 "On the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan," dated December 15, 2024 (*Report No. 3/dn-167 of the Parliamentary Research Institute under the Legislative Chamber of the Oliy Majlis dated August 20, 2025*). The proposal served to ensure the right of people to receive regular and complete information about the activities of the Ombudsman, as well as to strengthen the openness and accountability of this institution to the public;

the proposal that information about the schedule, time, place, and prior registration for receiving physical and legal persons and their representatives, as well as the procedure for such reception, should be published on the Ombudsman's official website and displayed on stands or other technical means accessible to the public in its administrative building was reflected in the sixth part of Article 19 of Law No. O'RQ-1002 "On the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan" dated December 15, 2024 (*Report No. 3/dn-167 of the Parliamentary Research Institute under the Legislative Chamber of the Oliy Majlis dated August 20, 2025*). This proposal served to expand the opportunities for individuals and legal entities to apply to the Ombudsman, ensure

their awareness of the information process, and strengthen openness and transparency;

The proposal to request and receive on a free basis from republican executive authorities documents and information (except for confidential information constituting state, military and official secrets) necessary to study the completeness and accuracy of information entered into the information system, to compile information based on the results of the study was used in the development of the third paragraph of clause 19 of the Regulation of the Cabinet of Ministers of the Republic of Uzbekistan "On maintaining the open register of functions of republican executive authorities" (*according to the minutes of the Ministry of Justice of the Republic of Uzbekistan No. 13/12-6/23508 dated October 31, 2025*). This proposal served to ensure the openness and transparency of the activities of the republic's executive authorities, as well as to guarantee the reliability and authenticity of the information available in information systems.

The approbation of the research results. The results of this research have been tested at 7 scientific events, including 3 international and 4 national scientific-practical conferences, roundtable discussions, and seminars.

The publication of the research results. A total of 13 scientific works have been published on the dissertation topic, including 6 in national journals registered by the Higher Attestation Commission, 2 in foreign journals, and 5 articles and theses in the proceedings of national and international scientific conferences.

The structure and volume of the dissertation. The dissertation consists of an introduction, three chapters containing seven paragraphs, a conclusion, a list of references, and appendices. The total length of the dissertation is 154 pages.

THE MAIN CONTENT OF THE DISSERTATION

The introduction to the dissertation describes in detail the relevance and necessity of the research topic, its compliance with the priority areas of development of science and technology of the republic, the level of study of the research problem, the connection of the dissertation topic with the scientific and research work plans of the higher educational institution where the dissertation was completed, the goals and objectives of the research, the object and subject, research methods, scientific novelty, the practical significance of the research results and their implementation in practice, reliability, publication of the approval results, as well as the volume and structure of the work.

The first chapter of the dissertation is entitled **"Theoretical and Legal Foundations of the Right to Information"**, which provides a scientific and theoretical analysis of the theoretical and legal aspects of the concept of information and modern trends, the stages of development of guarantees of the right to information, and the role of the right to information in the system of human rights and freedoms.

In the first chapter, the essence and content of the concept of "information" are analyzed, and the definitions and approaches given by scientists of various scientific fields, in particular, lawyers, are systematically analyzed. Based on these theoretical views, the author formulates his scientifically based definition of the concept of

"information. According to this definition, *"Information is information about persons, objects, facts, events, phenomena and processes that is perceived by humans and transmitted between them, regardless of their source and form of presentation"*. Due to the differences in scientific views on information, a comparative analysis was conducted, focusing on each of them separately.

A number of scholars have considered the views of A. Saidov, M. Tillabayev, M. Akhmedshayeva, Kh. Khayitov, A. Amanov, A. Khudoyberdiev, Kh. Mamatov, P. Rustamov, F. Makhlupp, A. Berg, Yu. Chernyak and D. Chernavsky. During the analysis, it is concluded that the approaches of A. Saidov, M. Tillabayev and A. Amanov to the importance of information in the field of human rights are distinguished by their depth of content and practical significance. In particular, Academician A.Saidov approached the concept of information from the point of view of human rights, according to which "information is a powerful tool for preventing human rights violations. The international reputation of governments depends to a certain extent on their observance of human rights". Based on theoretical analysis, the author expresses the importance of information in ensuring and protecting human rights. According to him, *"Information is the basis of communication and social relations between people, and its accuracy and reliability ensure effective and open communication based on equality. In a developing society, information is not only a means of information exchange, but also an important source for the individual to understand and protect their rights and freedoms. Therefore, possession and free access to information is one of the fundamental rights of a democratic society. Therefore, free access to information is an inalienable right of every person"*.

During the research, in the process of analyzing various theoretical views, the author came to the conclusion that *"The right to information is the freedom of every person to seek, demand and receive information relevant to his personal or social interests, regardless of the source and form of presentation, whether it is from the state, public or other entities. The implementation of this right constitutes the foundation of a democratic society based on the principles of openness, accountability and participation"*.

In the scientific work, the author analyzes the trends in the development of the human right to receive information today and describes in detail the process of formation and development of this right in the context of periods from ancient times to the present day. In the research process, a number of foreign scientists and specialists in the field of information, in particular, K.Shenon, R.Hartley, Norberto Bobbio, D.Banisar, T.Mendel. He paid special attention to the opinions of such scholars as I.Bachilo, K.Mathiesen, R.Kostenko about the place and importance of the right to receive information in the system of human rights and freedoms.

Reliable information plays a crucial role in ensuring human rights and freedoms. Conversely, inaccurate or false information can prevent people from making informed decisions and seriously damage social, political, and economic stability. A striking example of this is the Covid-19 pandemic, according to WHO data, in the first three months of 2020, about 6,000 people worldwide were

hospitalized due to misinformation about the coronavirus, and at least 800 died[17]. This shows that ensuring the right to reliable information is an integral part of ensuring public safety and protecting human health.

The author evaluates information as an important tool in the human rights system and indicates the adoption of normative legal acts at the international and national levels as the basis for this. In particular, in Resolution 59 (1) of the United Nations General Assembly, adopted in 1946, it was stated that "access to information is the basis of human rights, which is the foundation of all rights and freedoms recognized by the United Nations"[18]. Also, Article 19 of the Universal Declaration of Human Rights recognizes the human right to information at the level of international legal norms[19]. Article 19, Part 2 of the International Covenant on Civil and Political Rights clearly guarantees the right to information[20]. In our national legislation, the right to receive information is guaranteed at the constitutional level in Articles 33, 49, and 81 of the Constitution of the Republic of Uzbekistan in the new edition[21].

The researcher considers the right to information as one of the main factors in the development of a democratic society. Today, this right plays an important role in ensuring people's lifestyle, daily life, active participation in political processes, and awareness. As a result of the legal consolidation of the right to receive information, ensuring openness in public administration, and the introduction of information processes into various spheres, reliable information occupies an increasingly important place in the life of society.

The widespread use of modern information technologies accelerates the process of obtaining information and increases its effectiveness. In particular, the Internet has become the main source of information. According to research conducted by the US government, the internet's development rate is significantly higher than that of other media outlets: while radio took 30 years to reach an audience of 50 million, television took 13 years, and the internet achieved this result in just 4 years. This situation clearly demonstrates the role and importance of the Internet in modern society. The process of studying the right of people to receive information allows us to identify several functions of this right by analyzing the content and nature of information. These functions are:

- provides people with information necessary for making informed decisions and actively participating in socio-political life;

- allows for the implementation of public control over the activities of state bodies;

---

[17] World Health Organization. URL: // https://www.who.int/news-room/feature-stories/detail/fighting-misinformation-in-the-time-of-covid-19-one-click-at-a-time?. (Murojaat qilingan sana: 25.07.2025).

[18] BMT Bosh Assambleyasi 59(1) rezolyutsiyasi. 1946. URL: // https://digitallibrary.un.org/record/209774?v=pdf

[19] Inson huquqlari umumjahon deklaratsiyasi. Birlashgan Millatlar Tashkilotining inson huquqlari bo'yicha xalqaro shartnomalar to'plami. – T.: Inson huquqlari bo'yicha O'zbekiston Respublikasi Milliy markazi, 2023. -179 b.

[20] Fuqaroviy va siyosiy huquqalar to'g'risidagi xalqaro pakt // Birlashgan Millatlar Tashkilotining inson huquqlari bo'yicha xalqaro shartnomalar to'plami. – T.: Inson huquqlari bo'yicha O'zbekiston Respublikasi Milliy markazi, 2023. -179 b.

[21] O'zbekiston Respublikasi Konstitutsiyasi. Rasmiy nashr. – Toshkent: "O'zbekiston" nashriyoti, 2023. – 128 b.

- creates opportunities for increasing the legal knowledge of people necessary for the protection of their rights and freedoms;

- supports the principles of freedom of information, transparency, and accountability in the formation and strengthening of a democratic society;

- the development of information culture forms the skills of critical thinking and responsible use of information.

It is concluded that these tasks, to a certain extent, illuminate the role and significance of the right to information, as well as its place in the life of the state, society, and the individual.

The second chapter of the dissertation is called **"International experience in ensuring the right of a person to receive information"**, in which issues of regulating the right of a person to receive information, control mechanisms, and liability for violation of the right to receive information in international practice and the experience of foreign countries are widely analyzed.

The role of the right to receive information in the system of international law, its significance in democratic governance and ensuring human rights are scientifically highlighted. UN treaty committees and special rapporteurs interpreted this right not only as the absence of censorship, but also as an obligation to ensure access to information. From this point of view, W. Hins and D. Woorhoof define the right to information as "a means by which people exercise democratic control over the government".

Additionally, international organizations have viewed this right as an important tool in the fight against corruption, ensuring transparency in the judicial system, and promoting openness in public administration. In the 21st century, it has entered a new phase in the digital environment, expanding citizens' opportunities to participate in political and social life through the Internet and open data. At the same time, international standards require states to pursue policies of transparency while maintaining a balance between privacy and national security.

The origin and development of legislation on the right to access information in foreign countries, as well as the role and significance of this right in ensuring human rights on an international scale, have been studied. When lawyers and international experts analyzed international normative-legal documents and laws guaranteeing the right to access information in foreign states, each scholar expressed different views based on their own scientific approach and perspectives.

The dissertation candidate, while researching the right to receive information, which is an integral part of human rights, deeply studied the scientific research and scientific conclusions of a number of authoritative scientists in this field. In particular, the scientific works and views of such scientists as D.Maranni, S.Keunen, D.Pozen, A.Roberts, D.Berliner, B.Dosaliyeva, K.Amirjan, N.Mahmedov, R.Mahmudov, T.Elvira, N.Nugmanov, D.Koreenko, T. Mendel, M. Banisar, P.Bayne, and S. Kalland are analyzed in detail.

In the course of the study, it was concluded that their views on the right to receive information differ, but their conclusions are similar. Their scientific research serves to reveal the essence of legal relations arising in the process of obtaining and disseminating information.

When analyzing the national constitutions of 187 countries of the world, attention was drawn to the fact that in 41 of them, the right of a person to receive information is enshrined at the constitutional level[22]. In this regard, the study provides a legal assessment of the role and significance of the right to receive information in the Constitution of the Republic of Uzbekistan as a fundamental human right.

Today, 119 countries have special laws guaranteeing the right to access information, of which 90 have been adopted over the past 19 years[23]. This situation, as T. Mendel and M. Banisard noted, “indicates the recognition of the right to information as a fundamental human right on a global scale”. As a result of the analysis of the experience of foreign countries, it was revealed that in their legislation, the right to receive information is enshrined as an independent, separate right, and the tendency to recognize it not only as an integral part of freedom of speech, but also as a full-fledged right has become a priority.

According to scientists T. Mendel, D. Banisard, S. Kalland, and A. Roberts, the introduction of the obligation of state bodies to disclose information on their own initiative, rather than simply answering a request, strengthens the principle of transparency in democratic governance. The strict definition of the deadline for responding to information requests in foreign legislation, the connection of the grounds for refusal with legal criteria, and the functioning of independent control bodies, information commissions, or commissioners have increased the guarantee of this right.

At the same time, it is noted that in some countries, the right to information is still interpreted as an integral part of freedom of speech, which narrows its practical application. According to the research of M. Banisar and the organization "Access Info Europe," in some countries, the uncertainty of the procedure for liability and the weakness of the powers of regulatory bodies hinder the full implementation of law. According to Transparency International's 2024 data, decisions of information commissions are not being implemented in some countries[24]. The UN Special Rapporteur for 2022 also noted that people cannot fully exercise this right due to the complexity of complaint mechanisms in African and Asian countries.

Restrictions on the right to access information for foreign nationals and stateless persons are considered contrary to international principles. A. Roberts emphasizes that the right to access information should be “a right related to human status, not citizenship”. From this perspective, the lack of mechanisms to ensure the universality of this right in some countries is regarded as a trend contrary to international standards. According to legal scholar D.I. Koreenko, the right to access information is recognized worldwide as one of the fundamental human rights. In the modern world, timely and usable information is considered the most valuable resource because it is necessary for fulfilling human needs for self-development,

[22] Mariya Riekkinen. Markku Suksi. “Access to Information and documents as a human right”. Institute for Human Rights Abo Akademi University Turku / Abo 2015. 84 page.
[23] Toby Mendel. AFRICA I. N. RIGHT TO INFORMATION IN AFRICA. 2023.
[24] Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales. URL: // https://home.inai.org.mx/. (Murojaat qilingan sana: 12.04.2025).

education, and communication; therefore, the right to access information is one of the most urgent human rights.

The third chapter of the dissertation is entitled **"Ensuring the Right to Receive Information in Uzbekistan"**, and this chapter is devoted to the analysis of such issues as the legal mechanism for the implementation of the human right to receive information, as well as the prospects, problems, and solutions for improving the basis for the use of the human right to receive information. In this chapter, the dissertation analyzes the research and views of such scientists as M.Tillabayev, M.Mamasiddikov, Rebecca Curtis, A.Mukhammadiyev, G.Mirzaev, N.Davydova, Y.Afina, N.Kolobayeva, A.Minbalayev, Y.Abbosova, E.Talapina, J.Posetti, S.Ireton, M.Dalimunte, V.Kopilov.

In this chapter, the dissertation author analyzed the wide opportunities created for the population as a result of the policy of openness in our country, as well as the legal documents adopted in this direction. In particular, it was noted that thanks to the policy initiated by the President, Uzbekistan is growing in terms of freedom of speech and information in international rankings. At the same time, despite the opportunities provided, existing shortcomings in practice were also indicated and analyzed.

The legal mechanisms for exercising the right to search for and obtain information manifest in three main forms: normative-legal, organizational-institutional, and procedural-practical. Normative-legal mechanisms define the content of the right; institutional mechanisms involve the information-providing entities and the bodies overseeing them; practical procedures determine the methods of access to information, the procedures for submitting requests, and the response timeframes. The right to search for and obtain information consists of two main components: first, the freedom of individuals to independently seek and use information, and second, the state's obligations to provide information transparently and create an open environment. From this perspective, this right, as a subjective right, is interconnected with positive obligations of the state. The institutional mechanisms implementing the right to search for and obtain information include information disseminators such as: a) mass media (newspapers, magazines, radio, television, internet publications, etc.); b) government bodies and organizations; c) non-governmental non-profit organizations; d) individuals (journalists, bloggers, and other information disseminators).

The researcher considers the main problems in accessing information to be observed in the global network and presents them as follows:

1) Although the right to access information is established in current legislation, many state bodies and organizations frequently fail to respond to citizens' information requests within the specified timeframe and in full. This leads to violations of legal requirements in practice;

2) Despite legislation mandating transparency in the activities of state power and governance bodies, most of them do not regularly and systematically publish information about their operations to the public in practice;

3) Due to socio-economic disparities in society, various groups—such as persons with disabilities, the elderly, and those without internet access—cannot equally exercise their right to information;

4) Fake information, manipulative content, and false data are increasing distrust toward information. The dissemination of materials related to extremist and terrorist activities in the global information network, as well as defamation and fraud on the internet, create problems in accessing information;

5)Restoring the right to information through the courts when violated is a complex and lengthy process. While new networks, media, and electronic government services are developing, the legal norms covering them remain insufficient.

In a social survey conducted by the dissertation within the framework of the study, in which more than 600 respondents participated, 57.4% of respondents answered the question “What do you think is the reason for the low level of awareness of people about their rights?” Also, 73.7% of respondents answered “yes” to the question “Have you encountered problems with obtaining information?,” the question “Where do you turn to when your rights to receive information are violated?” was most often asked by 27.1% of respondents to the Ministry of Internal Affairs, and 48.2% of respondents answered “What conflict situations do you encounter when receiving information?” In addition, 56.2% of survey participants answered that there is confusion in the laws regulating access to information.

According to the results of the social survey, the majority of respondents noted low legal literacy of the population, lack of awareness of laws guaranteeing the right to information, and the presence of certain confusions in regulatory legal acts in this area. Therefore, the researcher proposes to introduce the subject “Information Law” into the education system of Uzbekistan. The science of information law is currently taught as a separate field in the CIS countries of Russia, Belarus, Kyrgyzstan, and Kazakhstan, and scientific research is also being conducted. For example, in Russia (Administrative, Financial, and Information Law 12.00.14), and in Belarus (Information Law 12.00.13), dissertations are being defended. In European and American universities, there are independent courses under the names “Information law”, “Internet law”, “Media law”, and “Data Protection law”.

There are more than 10 normative legal acts regulating the right to receive information, which need to be combined into a single Information Code. The adoption of such a code demonstrates Uzbekistan’s commitment to the principles of an open society, open government, and digital development. As a result, citizens' trust in information will increase, their participation in public administration will expand, and human rights and the rule of law will be further strengthened.

Effective realization of the right to information in Uzbekistan, as well as the introduction of alternative pre-trial protection and mediation mechanisms, is relevant. The experience of foreign countries shows that the institution of the "Information Commissioner," which independently controls the right to information, is an effective mechanism for ensuring transparency.

It is advisable to gradually introduce this institution in Uzbekistan. Initially, it is recommended to form it as a special department within the Ombudsman's

structure, and then transform it into an independent institution of the Information Commissioner. This approach will allow increasing the legal culture of the population, strengthening the openness of government bodies, and resolving disputes related to obtaining pre-trial information.

In the first stage, within approximately one or two years, a Department for Information Rights will be created under the Ombudsman, an independent website will be created, qualified personnel will be involved, and a system for reviewing complaints and monitoring will be established. In annual reports, information rights will be covered in a separate section, raising public awareness and analyzing the practice of state bodies will be established.

In the second stage, an independent Information Commissioner is created based on three or five years of accumulated experience. For this purpose, a chapter on the status, powers, and independence of the commissioner will be added to the current legislation or the new Information Code.

It is advisable to grant the Commissioner the following powers: a) to consider complaints regarding cases of unjustified refusal of information, violation of deadlines for its submission, provision of inaccurate information, filing illegal demands, and unjustified confidentiality of information; b) to prepare independent reports and conclusions on violations of the law; c) to monitor the execution of information requests and maintain statistics; d) to file a lawsuit on behalf of a citizen if necessary.

It is also necessary to create a special web platform for online monitoring of the execution of information requests, publishing open statistics, and providing convenient services for citizens.

Additionally, within the scope of its activities, this institution should create a special web platform (internet portal) that allows online tracking of information requests, provides open statistics to the public, and offers user-friendly services for accessing information. Currently, the Republic of Uzbekistan's Administrative Liability Code or Criminal Code does not clearly and directly establish responsibility for officials who conceal, delay, or provide incorrect information. Article 44 of the Administrative Liability Code of Uzbekistan is titled "Unjustified refusal to allow access to documents", and it stipulates fines ranging from one to two times the base amount for officials who unjustifiably deny citizens access to documents, decisions, and other materials related to their rights and interests.

When analyzing this article, the following points should be noted: *First*, its scope is narrow, as the article only regulates the right to access documents related to a person's own rights and interests. The right to information is much broader and includes the right of individuals, legal entities, journalists, researchers, and other interested parties to obtain any lawful open information from government bodies; *Second,* the scope of subjects is limited, as it only holds officials accountable; *Third,* not all types of actions are covered; the article only addresses "refusal to allow access". In practice, other violations occur, such as delays in providing information, incomplete provision, unjustified refusals, or failure to accept requests; *Fourth,* the low amount of the fines often does not act as a sufficient deterrent or warning for officials.

CONCLUSION

As a result of researching the specific characteristics and development prospects of the human right to access information, the following scientific-theoretical conclusions, proposals and recommendations for improving legislation, as well as scientific-practical and organizational suggestions for developing the right to information as a field of science in our republic, have been developed.

I. Scientific-theoretical conclusions:

1. The concept of “information” has not been fully revealed in terms of content and essence in the current national legislation, nor has it been given a precise legal definition by scholars, as shown by the analysis. In this regard, the following definition is proposed:

“**Information** is data perceived by humans and transmitted among them regardless of its sources and forms of presentation, concerning persons, objects, facts, events, incidents, and processes”.

2. Analysis of our current national legislation shows that the term “proactive” is used in many normative-legal and subordinate documents; however, no definition has been given. The laws of the Commonwealth of Independent States countries and foreign countries include the concept of "proactive disclosure of information," which is widely practiced. Therefore, to fill this gap in national legislation, the following definition was developed:

“**Proactive disclosure** of information is the dissemination of information, excluding confidential and restricted data, at the initiative of the information owner without a user request, aimed at ensuring transparency of its activities and public participation in decisions affecting rights and lawful interests.”

3. The right to access information is guaranteed in our national legislation, allowing every individual to freely use information related to various fields. This right ensures that citizens can make informed decisions and actively participate in social life. However, the current legislation does not provide a legal definition for the entity that exercises this right—the information user. Therefore, during the process of improving national legislation, clarifying the concept of "information user" at the normative-legal level was considered one of the urgent issues, and the following definition was developed.

“**Information user** — a physical or legal person who requests and uses information”.

4. The current legislation does not provide a legal definition for the concept of “information request,” which may lead to uncertainty and varying interpretations in practical use of this right. Therefore, the following definition was developed:

“**Information request** — a verbal or written appeal, including in the form of an electronic document, addressed to the owner (holder) of the information in accordance with the procedure established by law, requesting the provision of information”. An information request is an important mechanism reflecting the formal demand of individuals and legal entities to state bodies or other information

owners for information, representing a direct form of exercising the right to information.

II. Proposals for improving the legislation of the Republic of Uzbekistan:

5. Although the right to information is guaranteed under current legislation, the acceleration of the information access process and the development of modern information technologies have created a need to improve the existing legal mechanisms in this field. In this regard, to address practical problems encountered during the information access process, to eliminate existing shortcomings, and to fully ensure citizens' constitutional rights to information, a draft law on "The Principles of Free Use of Information and Transparency" has been (the draft law is appended to the dissertation) developed.

6. It is advisable to amend the second paragraph of Article 3 of the Law of the Republic of Uzbekistan dated December 12, 2002, "On the Principles and Guarantees of Freedom of Information" as follows:

"Information is data perceived by humans and transmitted among them regardless of its sources and forms of presentation, concerning persons, objects, facts, events, incidents, and processes".

7. It is proposed to supplement Article 3, ninth paragraph, of the Law of the Republic of Uzbekistan dated December 12, 2002, "On the Principles and Guarantees of Freedom of Information" with the following provision:

"Proactive disclosure of information is the dissemination of information, excluding confidential and restricted data, at the initiative of the information owner without a user request, aimed at ensuring transparency of its activities and public participation in making laws and decisions that affect rights and lawful interests".

8. It is proposed to supplement the tenth paragraph of Article 3 of the Law of the Republic of Uzbekistan dated December 12, 2002, "On the Principles and Guarantees of Freedom of Information" with the following provision:

"Information user — a physical or legal person who requests and uses information".

9. It is proposed to supplement the eleventh paragraph of Article 3 of the Law of the Republic of Uzbekistan dated December 12, 2002, "On the Principles and Guarantees of Freedom of Information" with the following provision:

"Information request — an appeal made orally or in writing, including in the form of an electronic document, to the owner (holder) of the information in accordance with the procedure established by law, requesting the provision of information".

10. Article 6, sixth paragraph, of the Law of the Republic of Uzbekistan dated April 24, 1997, "On Guarantees and Freedom of Access to Information," stipulates: "If the body or official receiving the request does not have the requested information, it must notify the applicant within seven days from the date the request was received, and, if possible, provide the name of the body or official who has such information." However, Article 9, eleventh paragraph, of the Law dated December 12, 2002, "On the Principles and Guarantees of Freedom of Information," sets this period at five

days. Due to this discrepancy, a legal conflict arises. To resolve this inconsistency, it is necessary to amend the sixth paragraph of Article 6 of the 1997 law as follows:

"If the body or official receiving the request does not have the requested information, it must notify the person who made the request within five days from the date the request was received".

11. The deadline for responding to requests is set at fifteen days in Article 9 of the Law of the Republic of Uzbekistan "On the Principles and Guarantees of Freedom of Information". If it is impossible to provide the requested information on time, the person who requested the information must be notified within one week from the date the request was received about the delay. The delay in providing the requested information must not exceed two months from the date the request was received. However, the person requesting the information is also considered an applicant. Relations regarding applications are regulated by the Law of the Republic of Uzbekistan "On Applications of Individuals and Legal Entities". Article 28 of this law stipulates that an application or complaint submitted to a government body, organization, or their officials who are obliged to resolve the issue on merit must be reviewed within fifteen days, or within a period of up to one month if additional study and/or verification or requests for additional documents are required. The applicant must be notified in writing within ten days about this.

Since the aforementioned provisions of both laws regulate the same legal relations concerning responses to applications, a conflict arises between them. To resolve this contradiction, it is advisable to set the response delay period in the law at one month and to establish the period for notifying the applicant in writing as one week.

12. Article 44 of the Administrative Liability Code of the Republic of Uzbekistan, titled "Unjustified refusal to allow access to documents", stipulates that unjustified denial of a citizen's opportunity to review documents, decisions, and other materials related to their rights and interests shall result in a fine ranging from one to two times the base calculation amount imposed on officials. Since this provision does not adequately protect relations connected to the right to information, to further ensure this right and cover all violations such as unlawful refusal, failure to meet response deadlines, concealment of information, or provision of false information, we propose the introduction of the following new article:

Article 44. Unjustified restriction of the right to information or refusal to allow access to documents

Unjustified refusal to provide information or allow access to documents upon the lawful request of individuals or legal entities, unjustified delay in processing requests without valid reasons, failure to respond, or provision of incomplete responses shall result in a fine ranging from five to ten times the base calculation amount.

Repeated commission of the same violation within one ear shall result in a fine ranging from ten to twenty-five times the base calculation amount.

III. Proposals and recommendations for improving the organizational mechanisms for exercising the right to information in the Republic of Uzbekistan:

13. In order to expand access to information, it is necessary to introduce modern information and communication technologies, develop systems that provide information on public services in a fast and reliable form through digital platforms and mobile applications. This will ensure free access to information for the population, increase transparency, and accelerate the digitalization of public administration.

14. Increasing legal literacy in the field of information, enhancing people's awareness of national legal sources related to information, and ensuring compliance with legal norms in the use of information are among the urgent tasks of today. From this perspective, based on advanced foreign experience, it is necessary to introduce the subject of "Information Law" within the system of legal sciences and to train qualified specialists in this field.

15. It is necessary to clearly define the powers of responsible bodies in ensuring the right to information in Uzbekistan, as well as to establish a system for regular monitoring and evaluation of their activities. At the same time, to guarantee the effective enforcement of laws, legal liability measures should be strengthened against officials who are negligent or fail to fulfill their obligations to provide information.

16. Many provisions of the current laws regulating the information field in the Republic of Uzbekistan are outdated and require modernization and improvement. In this regard, it is proposed to finalize and adopt the Information Code as soon as possible.

17. The development of the internet and digital technologies has expanded the right to information, providing people with rapid access to information about public services and social life. At the same time, problems such as the spread of misinformation, social manipulation, and breaches of personal data are increasing. To effectively manage these risks, special measures are necessary: in particular, improving legislation according to modern requirements, introducing mechanisms to combat false information, strengthening personal data protection, and raising people's digital literacy.

18. To ensure equal access to information for social groups, it is necessary to develop and implement special programs aimed at persons with disabilities, women, and rural populations. Special attention should be given to approaches that consider adapted technologies, simplified forms of information, and regional infrastructural capacities.

19. Based on the experience of foreign countries such as Canada, Great Britain, France, Germany, Australia and Japan, it is proposed to introduce an institution responsible for the information sphere in the Republic of Uzbekistan, namely the position of "Information Commissioner".

НАУЧНЫЙ СОВЕТ DSc. 39/30.11.2020. Yu/S. 128.01 ПО ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ НАЦИОНАЛЬНОМ ЦЕНТРЕ РЕСПУБЛИКИ УЗБЕКИСТАН ПО ПРАВАМ ЧЕЛОВЕКА

НАЦИОНАЛЬНЫЙ ЦЕНТР РЕСПУБЛИКИ УЗБЕКИСТАН ПО ПРАВАМ ЧЕЛОВЕКА

АСЛОНОВ НАВРУЗБЕК РУСТАМОВИЧ

ПРАВО ЧЕЛОВЕКА НА ПОЛУЧЕНИЕ ИНФОРМАЦИИ: МЕЖДУНАРОДНЫЙ И НАЦИОНАЛЬНЫЙ ОПЫТ

12.00.13 – Права человека

АВТОРЕФЕРАТ
диссертации доктора философии по юридическим наукам (PhD)

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована в Высшей аттестационной комиссии при Министерстве высшего образования, науки и инновации Республики Узбекистан под номером B2023.1.PhD /Yu1001.

Диссертация выполнена в Национальном центре Республики Узбекистан по правам человека.

Автореферат диссертации размещен на трех языках (узбекском, русском, английском (резюме)) на веб-сайте Научного совета (www.nhrc.uz) и Информационно-образовательном портале «ZiyoNET» (www.ziyonet.uz).

Научный руководитель:	**Очилов Уткир Сайфулласвич** доктор юридических наук, доцент
Официальные оппоненты:	**Тургунов Илхом Тургунович** доктор юридических наук, доцент
	Тошев Бобокул Норкобилович доктор юридических наук, профессор
Ведущая организация:	**Университет Общественной безопасности Республики Узбекистан**

Защита диссертации состоится «23» декабрь 2025 г. в 09:30 часов на заседании Научного совета DSc. 39/30.11.2020. Yu/S. 128.01 по присуждению ученых степеней при Национальном центре Республики Узбекистан по правам человека (Адрес: 100029, г. Ташкент, ул. Ислама Каримова, 15. Тел.: (998 71) 239-40-23; E-mail: info@nhrc.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре при Национальном центре Республики Узбекистан по правам человека (зарегистрирована за № 10). (Адрес: 100029, г. Ташкент, ул. Ислама Каримова, 15. Тел.: (998 71) 239-40-23).

Автореферат диссертации разослан «_____» декабрь 2025 года.
(протокол реестра № __ от «____» декабрь 2025 года).

М.А. Тиллабаев
Председатель Научного совета по присуждению ученых степеней, доктор юридических наук, профессор

Г.А.Алимов
И.о. секретарь Научного совета по присуждению ученых степеней, доктор юридических наук, доцент

Г. Юлдашева
Председатель научного семинара при Научном совете по присуждению ученых степеней, доктор юридических наук, профессор

ВВЕДЕНИЕ (аннотация диссертации доктора философии (PhD))

Целью исследования является анализ международного опыта и действующего законодательства Республики Узбекистан по обеспечению права человека на информацию и выработку предложений и рекомендаций по их совершенствованию.

Объектом исследования является система социально-правовых отношений, формирующаяся в процессе получения человеком информации в Республике Узбекистан и на международном уровне.

Предметом исследования являются Конституция, законы, нормативно-правовые акты Республики Узбекистан, а также законодательство зарубежных стран, международно-правовые акты, существующие на практике проблемы, возникающие в процессе получения информации лицом, и статистические данные о получении информации.

Научная новизна исследования заключается в следующем:

обоснована необходимость укрепления практических механизмов информационной свободы путем правового закрепления права получать информацию, относящуюся к сфере своей деятельности, от государственных органов и институтов гражданского общества в порядке, установленном законодательством, а также обязанности распространять информацию о своей деятельности;

доказано, что прослушивание телефонных и иных пользовательских разговоров, ознакомление с сообщениями, передаваемыми по телекоммуникационным сетям и ограничение их конфиденциальности допускаются только в случаях предусмотренных законом и на основании решения суда, что соответствует принципам правового государства;

с целью полного обеспечения права на получение информации разработано определение понятия «информационный эксперт» в информационной системе, который позволит людям получать достоверную информацию и различать дезинформацию, мисинформацию и малинформацию;

теоретически и практически обосновано, что основные принципы свободы получения информации должны основываться на принципах законности, открытости, прозрачности, свободного пользования информацией и достоверности;

правовым образом обосновано, что за предоставление информации, не относящейся к правам и законным интересам заявителя, может взиматься плата в порядке установленном законодательством;

обосновано, что Омбудсман в целях укрепления принципа прозрачности должен размещать и регулярно обновлять соответствующую информацию о своей деятельности на официальном веб-сайте, а также публиковать доклады и иные материалы о своей деятельности в средствах массовой информации;

доказано, что информация о графике приема физических и юридических лиц, времени, месте проведения приема и порядке предварительной записи должна быть размещена на официальном веб-сайте Омбудсмана, а также

доведена до сведения заинтересованных лиц путем размещения на стендах или других технических средствах в местах, доступных для посещения в административном здании Омбудсмана.

Внедрение результатов исследования. На основе научных результатов, полученных в ходе исследования по совершенствованию обеспечения права человека на получение информации были выработаны предложения, которые внедрены в ходе законотворческой деятельности:

предложение о необходимости получения информации в сфере своей деятельности от государственных органов, институтов гражданского общества в порядке, установленном законодательными актами, а также о необходимости распространения информации о своей деятельности нашло отражение во второй части пункта 11 главы 3 Положения о Фонде поддержки институтов гражданского общества при Олий Мажлисе Республики Узбекистан (*акт № 51 Комитета по вопросам обороны и безопасности Сената Олий Мажлиса Республики Узбекистан от 15 ноября 2024 года*). Реализация данного предложения послужила расширению возможностей самостоятельной деятельности институтов гражданского общества и повышению уровня осведомленности людей о деятельности этих институтов;

предложение о том, что прослушивание разговоров, проводимых через телефоны и другие пользовательские устройства, ознакомление с сообщениями, передаваемыми через телекоммуникационные сети, получение информации о них, а также ограничение их конфиденциальности иными способами допускается только в случаях и порядке, предусмотренных законом и на основании решения суда, было использовано при разработке статьи 20 Закона Республики Узбекистан № ЗРУ-1015 «О телекоммуникациях» от 27 декабря 2024 года (*акт № 51 Комитета по вопросам обороны и безопасности Сената Олий Мажлиса от 15 ноября 2024 года*). Это предложение послужило обеспечению неприкосновенности частной жизни людей, конфиденциальности сообщений, передаваемых через телекоммуникации, и их защите на основе правовых гарантий;

предложение о введении понятия «эксперт по информации» — любого физического лица с особыми знаниями в области науки, техники, искусства или ремесла, необходимых для дачи экспертного заключения — было учтено при подготовке проекта Информационного кодекса Республики Узбекистан (*акт № 04-02-16-2121 Агентства информации и массовых коммуникаций при Администрации Президента Республики Узбекистан от 25 марта 2025 года*). Предложение служит обеспечению получения человеком точной, достоверной и прошедшей экспертизу информации при получении информации;

основные принципы свободы доступа к информации — законность, открытость, прозрачность, свободное использование и достоверность — нашли отражение в статье 6 проекта Информационного кодекса (акт № 04-02-16-2121). Это предложение представляет собой законность, которая является основным принципом свободы доступа к информации. То есть использование и распространение информации осуществляется только на основании закона,

что служит обеспечению недопустимости необоснованного ограничения доступа к информации;

возможность взимания платы в порядке, установленном законодательством, за предоставление информации, не связанной с правами и законными интересами заявителя, отражена в статье 8 проекта Кодекса об информации (*протокол Агентства по информации и массовым коммуникациям при Администрации Президента Республики Узбекистан № 04-02-16-2121 от 25 марта 2025 года*). Данное предложение послужит рациональному и эффективному использованию бюджетных средств путем взимания платы за получение информации в порядке, установленном законодательством;

предложение о том, что Омбудсман должен размещать и регулярно обновлять информацию о своей деятельности на официальном сайте, а также публиковать доклады и прочие материалы о деятельности омбудсмана в СМИ, было использовано при подготовке второй части статьи 17 Закона № ЗРУ-1002 «Об Уполномоченном по правам человека (Омбудсман) при Олий Мажлисе Республики Узбекистан» от 15 декабря 2024 года (*акт № 3/dn-167 Института парламентских исследований при Законодательной палате Олий Мажлиса от 20 августа 2025 года*). Предложение послужило обеспечению права людей на регулярную и полную информацию о деятельности Омбудсмана, а также укреплению открытости и подотчетности этого института перед общественностью;

предложение об объявлении графика приема физических лиц и представителей юридических лиц, времени, места приема и порядке предварительной записи на прием на официальном сайте омбудсмана, а также размещении соответствующей информации на стендах или других технических средствах в административном здании омбудсмена в местах, доступных для всех желающих, использовано при формировании шестой части статьи 19 Закона № ЗРУ-1002 от 15 декабря 2024 года (*акт № 3/dn-167 Института парламентских исследований при Законодательной палате Олий Мажлиса от 20 августа 2025 года*). Это предложение послужило расширению возможностей физических и юридических лиц обращаться к Омбудсману, обеспечению их осведомленности о процессе приема, а также укреплению открытости и прозрачности;

предложение о бесплатном запросе и получении от республиканских органов исполнительной власти документов и сведений, необходимых для изучения полноты и достоверности сведений, внесенных в информационную систему (за исключением конфиденциальной информации, составляющей государственную, военную и служебную тайну) и составлении сведений по результатам изучения использовано при разработке третьего абзаца пункта 19 Положения Кабинета Министров Республики Узбекистан “О ведении открытого реестра функций республиканских органов исполнительной власти» (*акт Министерства юстиции Республики Узбекистан от 31 октября 2025 года No 13/12-6/23508*). Данное предложение послужило обеспечению открытости и прозрачности деятельности республиканских органов

исполнительной власти, а также гарантированию достоверности и правдивости информации, содержащейся в информационных системах.

Структура и объем диссертации. Диссертация состоит из введения, трех глав, включающих семь параграфов, заключения, списка использованной литературы и приложений. Общий объем диссертации составляет 154 страниц.

E’LON QILINGAN ISHLAR RO‘YXATI
LIST OF PUBLISHED WORKS
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ

I bo‘lim (I part, I часть)

1. Aslonov N.R. Axborot olish huquqining konstitutsiyaviy kafolatlari, huquqiy va amaliy ko‘rinishlari.// Parlament tadqiqotlari axborotnomasi, huquqiy va siyosiy ilmiy-amaliy jurnali. – 2024. – № 2. -B. 26 -31.

2. Aslonov N.R. The role of access to information in ensuring human rights // TSUL Legal Report. – 2023. – № 2. – pp. 34- 38.

3. Aslonov N.R. Inson huquq va erkinliklari tizimida axborot olish huquqi. // Yurisprudensiya huquqiy ilmiy-amaliy jurnali. - 2023. –№ 4. -B. 55-63. (12.00.00; №15)

4. Aslonov N.R. The legal basis for the realization of the right of a person to receive information // Demokratlashtirish va inson huquqlari.- 2024. – № 2. –pp. 91-95. (12.00.00; №5)

5. Aslonov N.R. Constitutional right to information and the essence of information. // International Journal of Law and criminology (Oscar publishing). Volume – 5, September-2025. ISSN: 2771-2214. –P. 50-54. (Impact Factor: 8.2).

6. Aslonov N.R. Axborot olish huquqi va uning amalga oshirish: mustaqil davlatlar hamdo‘stligi davlatlari tajribasi. // Parlament tadqiqotlari axborotnomasi, huquqiy va siyosiy ilmiy-amaliy jurnalining O‘zbekiston Respublikasi Konstitutsiyasi qabul qilinganligining 33 yilligiga bag‘ishlangan maxsus son. - 2024. -B. 27-31.

7. Аслонов Н.Р. Атроф-муҳитни муҳофаза қилишда ахборот олиш ҳуқуқининг аҳамияти // “Экологик муаммолар: ўзгарувчан дунёда инсон ҳуқуқлари келажаги, барқарор ечимларни топиш” Инсон ҳуқуқлари бўйича IV Самарқанд форуми иштирокчиларининг маъруза ва мақолалари тўплами, (2024 йил 13-14 июнь, Самарқанд ш.) // Масъул муҳаррир А.Х. Саидов. - Тошкент: Инсон ҳуқуқлари бўйича Ўзбекистон Республикаси Миллий маркази. – 2025. -B. 137-141. (ОАК Раёсатининг 2024 йил 3 июлдаги 357/5-сон қарори).

8. Aslonov N.R. The right of a person to access information and its legal guarantees // World Bulletin of Management and Law (WBML). Volume – 50, September-2025. ISSN (E): 2749-3601. -pp. - 39 - 42. (Impact Factor: 10.225).

9. Aslonov N.R. Inson huquqlari va erkinliklari sohasida ta’lim // International scientific journal “Modern science and research”. - 2023. –pp. -137-140.

II bo‘lim (II part, II часть)

10. Aslonov N.R. Axborot olish huquqini ta’minlash masalalari. // “Қонун устувор – жазо муқаррар” мавзусидаги республика илмий-амалий конференция материаллари. –Т.: Ҳуқуқни муҳофаза қилиш академияси, - 2024. - Б. 305-308.

11. Aslonov N.R. Ilm – fan va ilmiy faoliyatda korrupsiyani oldini olishda axborot olish huquqining ahamiyati. // “Илм – фан ва илмий фаолиятда коррупция ва бюрократия: муаммо ва унинг ечимлар” мавзусидаги республика илмий-амалий давра суҳбати материаллари тўплами. - Т.: Ҳуқуқни муҳофаза қилиш академияси, - 2024. - Б. 493-495.

12. Aslonov N.R. Bola huquqlarini ta’minlashda axborot olishning ahamiyati. // “Ички ишлар органларининг бола ҳуқуқлари ва қонуний манфаатларини таъминлашдаги фаолиятининг долзарб масалалари” мавзусидаги республика илмий-амалий конференция материаллари. – Т.: Ўзбекистон Республикаси Ички ишлар вазирлиги академияси, - 2024. - Б. 95-98.

13. Aslonov N.R Raqamlashtirish sharoitida axborot olish huquqining huquqiy tabiati: nazariya va amaliyot. // “Юридик фан ва ҳуқуқни қўллаш амалиётининг долзарб масалалари” мавзусида халқаро илмий-амалий конференция материаллари тўплами. - Т.: Ҳуқуқни муҳофаза қилиш академияси, -2025. -Б. 190-194.

Avtoreferat “Demokratlashtirish va inson huquqlari ” jurnali tahririyatida tahrirdan o‘tkazildi.

Bosishga ruxsat etildi: 09.12.2025
Bichimi: 60x84 1/16 “Times New Roman”
garniturada raqamli bosma usulda bosildi.
Shartli bosma tabog‘i 3 . Adadi: 100. Buyurtma: № 149

100060, Toshkent, Ya. G‘ulomov ko‘chasi, 74.
Tel.: +998 90 9722279, www.tiraj.uz

“TOP IMAGE MEDIA”
bosmaxonasida chop etildi.