

## CIVIL LAW REGULATION OF DIGITAL SERVICE CONTRACTS

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**Annotation:** This article analyzes the civil law regulation of digital service contracts. In the context of the modern digital economy, service delivery processes are being digitized, necessitating improvements in legal regulatory mechanisms. The article examines the legal nature of digital service contracts, the rights and obligations of the parties, and the regulation of such contracts within the framework of existing legislation. Based on the research findings, the adequacy of the current legal framework is assessed, and proposals for improvement are provided. This article may be useful for specialists in the field of digital services, legal professionals, and researchers.

**Keywords:** Digital services, mixed contracts, international legal instruments, legal regulation.

### INTRODUCTION

The development of digital technologies has led to the transition of services in various sectors of the economy to electronic formats. Traditional service delivery methods are being replaced by digital services, increasing the relevance of civil law regulation in this field. Digital services, including cloud computing, software delivery, online consultations, e-commerce platforms, and many other areas, are widely utilized. The legal relationships that arise between service users and providers are governed by specific contracts.

Digital service contracts differ fundamentally from traditional service contracts. They are usually concluded in electronic form, the fulfillment of obligations is controlled through automated systems, and the legal status of the parties frequently changes. Therefore, the legal nature of digital service contracts, the rights and obligations of the parties, and their compliance with national and international legal norms require thorough examination<sup>1</sup>.

This article conducts a comprehensive analysis of these issues and proposes legal recommendations aimed at ensuring the effective operation of digital service contracts.

### MATERIALS AND METHODS

The following sources were used as the primary materials for this study:

National legislative documents – The Civil Code of the Republic of Uzbekistan, the Law on Electronic Commerce, and regulatory documents related to consumer rights protection.

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<sup>1</sup> Fuqarolik huquqi darslik V.R.Topvoldiyev 2022

International legal instruments – The UN Model Law on Electronic Commerce, the regulatory framework of the European Union on digital services, and the legislation on digital services in the United States and other developed countries.

Scientific literature – Research studies, academic articles, and monographs by international and local legal scholars on digital service contracts.

Practical examples – Experiences of professionals in the digital services sector, international judicial practices, and real cases of dispute resolution.

#### RESEARCH METHODS

The following research methods were applied:

Legal analysis method – Normative legal documents regulating digital service contracts were examined, and their content and practical application were analyzed.

Comparative method – The legal norms of Uzbekistan were compared with those of the European Union, the United States, and other developed countries to identify differences and commonalities.

Empirical method – Real cases and judicial practices related to digital service contracts were analyzed, and their outcomes were evaluated.

Systematic approach – The legal, economic, and social aspects of digital service contracts were studied comprehensively, and their interconnections were analyzed.

Based on these methods, the study examined existing issues in the civil law regulation of digital service contracts and proposed solutions for their resolution.

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#### RESULTS

The research results indicate that the civil law regulation of digital service contracts is not yet fully developed, and there are a number of important legal issues in this area. The main results are as follows:

1. **Legal Status of Digital Service Contracts** In the legislation of the Republic of Uzbekistan, specific legal norms regulating digital service contracts are insufficiently developed. The current Civil Code and the Law on Electronic Commerce do not fully cover the unique aspects of these contracts, which leads to legal uncertainties. In international practice, digital service contracts are regulated as a separate category, and their legal status is clearly defined.

2. **Transnational Legal Regulation and Disputes** Most digital service contracts have a transnational nature, where the parties may be located in different countries. There is insufficient clarity regarding which country's legislation applies in accordance with international legal norms. Analysis of judicial practices related to digital service contracts shows that disputes between consumers and service providers often need to be resolved at the international level.

3. **Issues in the Performance of Contractual Obligations** Since digital services are provided through automated systems, there may be cases of non-performance or violation of contractual obligations. In some cases, service providers fail to offer adequate legal protection to customers, leading to violations of consumer rights. There is a need to clearly define mechanisms for the fulfillment of obligations in digital service contracts.

4. **Recommendations for Improving Legal Regulation**

**Modernizing National Legislation** – It is necessary to introduce a separate section or provisions in the Civil Code of the Republic of Uzbekistan and other relevant laws that regulate digital service contracts.

**Utilizing International Legal Standards** – It is essential to study and adopt legal models for digital service contracts used in the European Union and the United States, and incorporate them into national legislation.

**Clarifying Contractual Relationships** – It is advisable to develop specific legal requirements in digital service contracts that clearly define the rights and obligations of the parties.

**Strengthening Legal Supervision and Monitoring** – It is necessary to establish special regulatory bodies to supervise the digital services market<sup>2</sup>.

## DISCUSSION

The legal regulation of digital service contracts is one of the key aspects of modern civil law relations. The research results indicate that digital service contracts differ from traditional service contracts in several important ways. Specifically, their electronic form, automated execution, and often transnational nature complicate legal regulation issues further.

Analyses show that digital service contracts play a significant role in protecting consumer rights, fulfilling contractual obligations, and regulating the relationships between the parties. However, national legislation lacks specific legal norms regarding these contracts. For example, the Civil Code of the Republic of Uzbekistan and the Law on Electronic Commerce do not fully address the legal status of digital service contracts.

In the European Union and the United States, clear legal norms concerning digital service contracts have been developed. For instance, the European Union's Digital Services Act defines the legal obligations of platforms and online service providers. In the U.S., the Federal Trade Commission (FTC) and other agencies take active measures to protect consumer rights. This

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<sup>2</sup> "Draft Law on Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan"

experience shows that in countries where the legal foundations of digital service contracts are clearly defined, consumers' interests are better protected.

International Experience and Application – Based on the experience of the European Union and the United States, it is necessary to introduce amendments to the legislation of Uzbekistan.

Strengthening Monitoring and Legal Supervision Mechanisms – It is advisable to establish specialized regulatory bodies to monitor the execution of digital service contracts.

According to Article 353 of the Civil Code of the Republic of Uzbekistan, a contract is an agreement between two or more persons to create, modify, or terminate civil rights and obligations. Article 354 defines the freedom of contract, stating that individuals and legal entities are free to enter into contracts. There is no obligation to enter into a contract unless specified by the Code, another law, or an obligation taken on. The parties may also enter into contracts that are not provided for by law. Furthermore, the parties may conclude a contract that contains elements of different types of contracts (mixed contract). If there is no different agreement between the parties or the nature of the mixed contract does not suggest otherwise, the rules governing the relevant types of contracts apply to the relationship between the parties. The terms of the contract are determined by the parties' will, except in cases where the content of the relevant terms is specified by law<sup>3</sup>.

In conclusion, it can be stated that the current legislation on the legal regulation of digital service contracts needs to be improved. The results of the research are aimed at developing the necessary legislative reforms to strengthen the legal foundations of the digital services market and ensure more reliable protection of consumer rights.

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<sup>3</sup> Article 353 of the Civil Code of the Republic of Uzbekistan