

COMPARATIVE LEGAL ANALYSIS CIVIL-LAW PROTECTION OF HONOR, DIGNITY AND BUSINESS REPUTATION IN THE CIVIL LEGISLATION OF UZBEKISTAN AND JAPAN

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Abstract. *The main purpose of this article is to study the legislation of Uzbekistan and Japan from a comparative point of view, to study the methods of protection of reputation of honor, dignity and business reputation, to study the creation of effective protection measures using information and communication technologies, to formulate single scientific approaches and hypotheses on the basis, measures, methods and principles of civil law. The main focus is on the main goals of improving the judicial system in accordance with the Uzbekistan's Five-Area Development Strategy for 2017-2021 in general and proposals for further improvement of the legislation were formed on the basis of the approach, proposed by the author. Also, this article analyzes the methods and means of civil law protection of reputation, dignity and business reputation, the issues of judicial order protection. The author argues that it is possible to assess the actions of the offender and determine the method of protecting the rights of the victim by analyzing such criteria as reputation-undermining, notorious data, non-compliance with reality.*

Keywords: *personal non-property rights, intangible values, honor, dignity, business reputation, personal information, defamatory information, civil law protection, respect the rights, individual rights, inalienable rights, refutation, value, freedom, human rights.*

1. Introduction:

In the world, the issues of personal non-property rights and their protection are becoming increasingly global. In particular, in the UN resolution 72/439 on the full implementation of the Universal Declaration of human rights on December 19, 2017 and its impact on the full implementation of all human rights, it is noted that the issues related to personal non-property rights are one of the most urgent problems of individual, society and state life. In this regard, it is noted that the expansion of cooperation between the international community and the state aimed at the protection of personal non-property rights, which is considered to be the most indispensable value of man, is the demand of the present time.

On the basis of the analysis of the legal framework for the protection of honor, dignity and business reputation of citizens around the world, the study of the positive achievements and advanced experience of the legislation of developed foreign countries in this regard, the directions of finding a scientific solution to the problems associated with national legislation and practice of law enforcement are topical. Consequently, it is important to study the legislation of Uzbekistan and Japan from a comparative point of view, to develop methods of

protection of individual types of non-property rights, to create effective protection measures using information and communication technologies, to formulate hypotheses, and to develop scientific views and hypotheses on the civil-legal basis, measures, methods of protection of honor, dignity and business reputation.

Objectives of the study: development of a definition that reveals its essence on the basis of comparative analysis of the concepts, essence and signs of personal non-property rights in the legislation of Uzbekistan and Japan; to give a description to civil-legal protection of honor, dignity and reputation of workers as types of personal non-property rights; development of recommendations on improvement of civil-legal protection of honor and dignity and reputation of workers; development of measures to eliminate existing shortcomings on the basis of studying the problems of civil and legal protection of honor and dignity and reputation of workers.

From the point of view of principles common to all mankind Constitution of Republic of Uzbekistan includes norms which aimed to protect honor and dignity and adherence to human rights and principles.

In particular, the constitution of Uzbekistan refers norms, Democracy in the Republic of Uzbekistan shall be based on the principles common to all mankind according to which the ultimate value is a human being, his life, freedom, honor, dignity and other inalienable rights, Democratic rights and freedoms shall be protected by the Constitution and laws article 13,

Everyone shall be entitled to protection against encroachments on his honor, dignity, interference in his private life, inviolability of his home.

No one shall have the right to enter a home, carry out a search or an examination, violate the privacy of correspondence and telephone conversations except for case and procedure prescribed by law (article 27), Citizens shall be obliged to observe the Constitution and laws, and to respect the rights, freedoms, honor and dignity of others (article 48). Therefore, the protection of honor and dignity in accordance with the Constitution entrusted to the state. State considers its main purpose to ensure the protection of honour and dignity of human. State regulation of social relations based on the principles of democracy, rule of law. It appears the protection of honor and dignity.

At the same time, unless honor and dignity are not recognized and protected in the society, in this society there will not be fairness, honesty, legality, and stability and appears the problem of implementation of main functions of state.

METHOD AND MATERIALS:

The study of civil law protection of the personal non-property rights was conducted using comparative legal, historical and system-structural. Thus, the historical approach was used to cover the historical aspects of the emergence and formation of personal rights in foreign countries, such as Japan and in Uzbekistan. Comparison of the experience of international states and Uzbekistan regarding the civil law protection of the personal non-property rights was carried out using the comparative legal method. An analysis of the latest scientific publications devoted to the study of personal rights, generalization and presentation of the results of the study allowed system structural method.

The role and meanings of the personal non-property rights in the legislation of Uzbekistan and Japan

The consolidation of norms on protection of honor and dignity of the person as well as the implementation and following them by governmental and non-governmental agencies without exclusions prevents the unpleasant events in the society (Rakhmankulov, 2009).

According to Kawai Takashi, the law of Understanding that defines the content of a person's specific interests of human rights. The human person, freedom, dignity (JCC, Article 710), the life and health (Article JCC 711) as well as personal interests are protected by the

Civil Code, in addition, be committed to the civil law, the name, image, keep rights and personal rights are recognized (Kavai Takashi, 2008). Individual rights to life, health, dignity and the rights to the image, that is, the person is not possible to separate the interests of the public life the rights (Mori Izumi Akira, 2008). According to Japanese scientist Kato, a person's life, health, honor, dignity, name, inviolability of private life, personal secrets, the right to image, and the person may alienate the rights of human rights are closely linked with the person (Kato).

According to the civil code of Uzbekistan article 100 A citizen has the right to demand in court the refutation of communications defaming his honor, dignity, or business reputation, unless the person who disseminated such communications proves that they correspond to reality. Upon demand of interested persons, the protection of honor and dignity of a citizen is allowed even after his death. If communications defaming his honor, dignity, or business reputation are disseminated in media of mass information, they must be refuted in the same media of mass information. If these communications are contained in a document coming from an organization, such document is subject to retraction or recall.

The procedure for refutation in other cases shall be established by the other court. A citizen, with respect to whom media of mass information have published communications defaming his rights or interests protected by a Law, shall have the right to publish his answer in the same media of mass information. If a decision of a court is not performed, the court shall have the right to impose on the violator a fine recovered in the amount and in the manner provided by legislation. The payment of the fine shall be free the violator of the obligation to take the action provided by the decision of the court. A citizen, with respect to whom communications are disseminated defaming his honor, dignity, or business reputation, shall have the right, along with the refutation of such communications to demand compensation for losses and moral harm caused by their dissemination. The rules of the present Article on the protection of business reputation of a citizen shall be applied correspondingly to the protection of the business reputation of a legal entity.

In this place, we should highlight the concept of “defaming the honor”. Cause if honor, dignity, or business reputation of human is violated, it is important to differentiate the evaluation of information which is the “defaming the honor”.

The issue of honor is not only the category that expresses the inviolability but also his life and business reputation. For example, January 30, 2004 with the decision № 2 of Constitutional Court of the Republic of Uzbekistan approved the Code of Honor of the judge of Constitutional court of Republic of Uzbekistan. According to the article 3 of the code judge is prohibited to abuse his social status to satisfy the interests of others.

The judge must be careful in making friends and acquaintances, to desist from communicating people who can defame their honor, also he should not allow the imaginations which any person may influence the judge. In all cases, the judge consider carefully its possible consequences of his every action. Protection of honor and dignity is one of the fundamental personal rights and they need to be protected as exclusive rights like proprietary law. As an exception it is necessary to mention that evaluation of work of public officers or representatives of people as well as criticism and expression of critical opinion about them, for example if they are accused of bribery or other abuse of authority without any proof or evidence, will not be regarded as discrimination of their dignity. They must perceive various critical opinions correctly because they were elected, trusted and entitled by people.” (Shiomi Yoshio, 2008)

It is necessary to mention that the rules in article 100 of the Civil Code mainly refer to citizens but its rules on protection of business reputation are also applied to legal entities. The definition of the protection object in the article from this point of view is very narrow that becomes apparent in many cases.

Institution under our consideration is not properly regulated because it makes an impression that every citizen and legal entity can have business reputation.” (Jurayev, 2010). We cannot subscribe to this view because according to the mentioned norm refutation is required only if the information is defamatory. If accuracy of the information is proved a court will reject protection of the victim.

There should be three conditions of protection of the honor and dignity of human. First of all, the information should be real defaming the honor and humiliating the dignity, second of all, it should be disseminated, third of all, these information should correspond to reality. The court must scrutinize these conditions in the process of trial.

In this regard, June 19, 1992, №5-PD-92, in the resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "on application of laws on protection of honor, dignity and business reputation of citizens and organizations in judicial practice made a number of recommendations for the courts.

In accordance with paragraph 8 of the resolution, dissemination of information discrediting the honor, dignity and business reputation of a legal entity or legal person, it is understood their publication in mass media, inclusion in professional references, public speeches, statements to State officials, or communication in other forms, including oral multiple parties, or at least one person. The message of such information only the person whom it concerns, cannot be recognized by their dissemination. It may not be recognized as valid claim for denial of information containing untrue criticism of shortcomings in work behavior in a public place, or in everyday life.

Practical realization of the norms on court protection of honor and dignity firstly, requires clarification of what we understand under defamation. According to practitioners and scientists, (Rakhmankulov, 2006) defamation includes a process of bringing false information about a person to one or several people by any means.

In legal literatures, it is mentioned that if this information disseminated in the presence of family it has negative impact on business reputation. There is not any difference who disseminated this information, the main issue is that the information is disseminated (Hasanov, 2003).

A citizen hasn't the right to demand in court the refutation of communications defaming his honor, dignity, or business reputation, unless the person himself gives this information to other people. By these acts he helps to the public to form of evaluation of his personality.

Information that applies to a person, if this person is informed, it can not be recognized as the dissemination of information. Therefore lawyers M.G.Pronina and A.N.Romanovich said "third parties, this information is not known, it seems this information can not influence the assessment of citizens the public"(Pronina, Romanovich, 1976).

It may be concluded from the above-mentioned such information which defaming his honor, humiliating dignity, or business reputation is not disseminated to third parties, for example, if someone says it aloud to himself or other personal black letters, leaflets written information such as audio, video used other devices but it is not disclosed to other people it is not distribution of information.

For the right of claim, there is not difference which way the defendant gives the information to dishonor the plaintiff as the limitations of form of dissemination is not consolidated (Belyavskiy, 1966). Defamatory information can cause a serious problem for the victim even if only one person is aware about it.” Therefore the view on “providing a right to bring an action and to demand prohibiting defamation” in legal literature seems to be quite reasonable. (Nasriyev, 2006)”

the Civil Code provides liability for damage caused by infringement of personal rights and appropriate measures for restoring the reputation of the victim and prevention of the

further law violation. This rule is provided at article 723 of the Civil Code. Lawsuits concerning protection of personal information need to recognize also the method of protection of the same law. This view is also supported by court practice (collection of the Supreme Court judgments, No. 1802, September 24, 2002, page 60) (Kawai Takashi, 2008).

Dissemination of information and data in verbal is realized by the means of tongue based on the conscience and dictionary by the means of verbal and grammatical system.

In theory of law, in accordance with opinions, which the characters of “defaming honor” information is depend on the victim’s personality and especially, his age (Collective authors, 1969). Here, in our opinion, we agree with this. Expecting from young man who has got passport recently to become family man is illogical.

Being family man is obtained over the years and it is a social virtue it is gained by taking responsibility for the fate of the family. According to the views of some authors in the field of private life information which disgracing and defaming honor dignity and business reputation, for instance, which not express the action of citizens like “stupid man” “illiterate writer” may not be considered as a ground for meet the requirement. This kind of claims may not be appropriate object of verification and they can not be subject to judicial review (Chernisheva, 1966).

False information, which does not damage honor, dignity and business reputation, cannot be recognized as defamatory information (Ivanenko, 1998). Moreover, a demand to refute dissemination of true critical information at work, public places, and in everyday life cannot be recognized reasonable. Definition of defamation can be used as a proof for this statement (Nasriyev, 2006).

Even when the cause for resentment, one can not make disgrace. Particularly, the conditions of workers who have not received their salary for several months may be example for this.

Established by Article 100 in the procedures of Civil Code is not consolidated the theoretical basis of significant difference of the concepts of the protection of The honor and dignity of a citizen or business reputation of citizen or legal entity in judicial order.

Information defaming his honor, dignity, or business reputation may be associated with the behavior and conduct, human activities, changes in the behavior of citizens, negative description of any moral qualities characteristics. Not only an incorrect assessment of distorted interpretations of acts of applicant within the law and ethics, but information about adverse action or circumstances of the crime may be the ground for the refutation in court.

There are various approaches in practice and literature of different countries to the issue of when a court evaluates the disputed information in terms of defamation. In many cases courts rejected claims on the grounds that such information does not discriminate or damage reputation and for this reason does not refer to intangible values. Literature describes possibility for such rejection. Particularly, a judge while considering a claim first of all needs to decide whether the information caused damage to honor and dignity or not (Sergeyev, 1989).

Not correspondence to reality may include the information about facts and assessment relating to the activities of person and it also be a number of information. It is possible that information may be disseminated once or more times or it is realized by distributing data successively more times. In meeting such category of claim, on the one hand, the case will be based on actual confirmation of revealing defaming information about applicant and, on the other hand, the confirmation of not correspondence to reality of conflicted information.

In the scientific literature analyzed the necessity of taking into consideration of defaming information in the assessment of correspondence to reality. “if there are spread information about someone abuse his family, in fact, he has abused his neighbors, the case

won't change, cause in both cases this human behavior should be condemned by society strictly.”

In this regard appears one question about if any information is disseminated in a particular form of artistic images, as a literary genre and by the other means what kind of actions should be taken? In particular, information in the form of gossip or defamation shouldn't be rejected by the court (Belyavskiy, 1966).

In this case, the honor, dignity and business reputation of civil protection as a basis for the application of Article 100 of the Civil Code, in our opinion, in the first place, it should be referred the nature of the content of the information.

Satiric pictures, feleton, parody genres expressed by artists in film and television satire and humor characterized by clarity and therefore this information may be sad and painful for the person. The conflicts between citizens and legal entities on the court for some reason, on the product of the author's creative writing, poetry and prose description of the image, as well as compare and strokes are beyond the logic, because the results of works of journalist, writer and poet without these artistic images as listed above will not be ideal.

In accordance with the article 100, part 2 of civil code of Republic of Uzbekistan Upon demand of interested persons, the protection of honor and dignity of a citizen is allowed even after his death.

RESULTS AND DISCUSSION

In this regard, the heirs of died person have the right to demand in court to restore his honor and dignity and good name and to cover the compensation for moral damage. As an example can be mentioned the restoration of names of victims of repression in the Soviet Union. In July 22, 1999 adopted the resolution of Cabinet of Ministers № 358 “on immortalization the memory of patriots for the freedom of homeland and people. In this resolution identified a number of organizational measures for the implementation of “people who shown courage in the struggle for freedom and independence of people, urged nation to independence, on the purpose the immortalization the memory of repressed people in the years of the totalitarian regime, to study their decent life and action, scientific heritage, in order to strengthen the sense of patriotism and respect to courageous spirit of our ancestors, the triumph of social justice, and devotion to homeland among the young people ”

In this connection, the President of the Republic of Uzbekistan adopted Decree № 2837 "on commemorate the Day of Victims of Repression" May 1, 2001 and November 8 2002, the Cabinet of Ministers adopted resolution № 387 "The organization of museum for the“Memory of Victims of Repression" the names of the victims of repression restored and returned their works to our people.

The honor and dignity of person after death is protected on the general basis of civil legislation in the form of succession. However it may not be restricted by the institute of succession. The article 100 of Civil code of Uzbekistan refers upon demand of interested persons, the protection of honor and dignity of a citizen is allowed even after his death. Here it should be taken to consideration not only successors but also interested persons have the right to demand protection of honor and dignity of a dead. As a interested person understood the friends, students, masters and others.

Successors of dead person with respect to whom communications are disseminated defaming his honor, dignity, or business reputation, shall have the right, along with the refutation of such communications to demand compensation for losses and moral harm caused by their dissemination.

The civil code of Republic of Uzbekistan refers the “refutation” as a measure of protection of communications defaming his honor, dignity, or business reputation are disseminated in media of mass information, they must be refuted in the same media of mass

information. Refutation – is a special measure of protection in the condition of defaming honor, dignity, or business reputation of person.

Regardless of existence of guilt, defamator should be liable for the information which does not correspond to reality. Therefore, article 40 of law “on Mass media” fixed the liability for the violation of legislation in the sphere of mass media.

Chief editor and a journalist shall not be liable for the distribution of media materials that do not correspond to reality, when this information:

taken from official reports, legal acts, or the data of the official statistical reporting, or obtained through information agencies or the press-service of state power and administration;

contained in the author's statements, broadcast without an appointment, or the literal reproduction (shorthand, audio and video recording) performances

However, the refutation of these cases (in the form of notification of the decision of the court) obligations entrusted to the editorial office of the media, violations of rights served as a special protection measures. Article 100 of the Civil Code of the Republic of Uzbekistan claims undermine certain information reported in several media, is also possible. All defendants have rejected these claims, must not be regarded as such data was first distributed to the media editorial responsibility entrusted to organizations or individuals who had delivered them.

The procedure of refutation is consolidated in the law of mass media. Legal entity or person has the right to demand from the editorial rebuttal published in the media of false and discrediting his honor and dignity or business reputation. Legal entities and individuals whose rights and legitimate interests have been violated as a result of the publication, the right to publish in the mass media a refutation or response. Refutation or answer must be published under a special heading in the same lane, which housed the material that caused the emergence of a response.

Mandatory publication period in the newspapers - within one month from the date of receipt of the refutation or response in other periodicals - in the next room. Refutation or answer is obtained, edited television, radio, video, newsreel programs and other electronic kinds of periodical dissemination of mass information broadcasted in the same program or series of programs not later than one month from the date of receipt.

If the amount of the transfer and the refutation or response time can cause damage to the media activities, it may be reasonable edit the text as agreed with the information source or author.

Legal entity or person may apply to a claim in the court in case of evasion of the media to publish a refutation, answer or of violation of the publication date. In this regard it should be noted that in the protection of honor, dignity and business reputation for the case of the dissemination of defaming information the form of apologizing is effective method. Based on these opinions we propose changes to the part 2 of article 100 of Civil code of Republic of Uzbekistan to amend the measure of apologizing and to put the issue of compromise of sides as an alternative way of demanding compensation for losses and moral harm caused by their dissemination.

If the plaintiff's demand is satisfied or the plaintiff renounces a claim, a court needs to explain the consequences of such renunciation (termination of proceedings, absence of right to bring a lawsuit on the same subject, on the same grounds and against the same defendant again). If the renunciation of claim is not contrary to law and does not violate rights and freedoms of the plaintiff or other persons, according to the rules of the part 3 of article 180 of the Civil Procedural Code, the court shall issue an order on termination of proceeding.

There needs to be a proof to recognize damage to honor and dignity. For example, dissemination of negative information about the person accused of murder in mass media can be recognized as defamation if this person is justified. But, if the fault of the person accused is proved? In this case dissemination of negative information in mass media is regarded as defamation and court can take into account the fact of conviction while determining the amount of damage (Kawai Takashi, 2008).”

The disputed information must be defamatory to justify the plaintiff’s demands on protection of honor, dignity and business reputation. This approach elaborated in the legal science (Okyulov, 2004) has been supported by the court practice. Legal literature and court practice contain examples of breaches of confidence. A person who committed a negative action tells about it to another person and asks that person not to disseminate this information. This person hopes that the information will not be disseminated. Nevertheless, information about his action gradually spreads among other people. In this case the court cannot satisfy the lawsuit of the victim because the legal norm does not provide for refutation of true information. Our opinion can be supported by the following view: “in many cases disseminated true information does not affect the positive image of a person. But it causes deep personal suffering (for example, dissemination of information about AIDS decease, insolvency of relatives etc.). (Nasriyev, 2006)”

Dissemination of true personal information is contrary to the interests of a person because only he can dispose of the information about himself. Although the Civil Code of Japan provides protection from this issue, such disputes were considered at courts. One of the first disputes was connected with a work of literature “Mutsushima”. A candidate for mayor of Tokyo was described as one of the characters in the work of literature which even contained his photos. The candidate considered that his personal information was disseminated illegally and brought a lawsuit against the author and the publishing house. He demanded recovery of moral damage and apology. The court satisfied the claim and later the sides achieved a peaceful agreement (Court of Tokyo, 1959.09.28.). (Kawai Takashi, 2008)

Unfortunately, legal acts of our country does not provide liability for dissemination of information by such means. While special literature contains various views and opinions on this issue. It is interesting that in Japan commitment of such actions is regarded as infringement of personal non-material rights. Disputes on dissemination of personal information without permission are very common in court practice of Japan. For example, “a company requested information about work experience of a recruited person from a local authority. And the local authority submitted information about conviction of this person. The recruited person brought an action for dissemination of his personal information. The court satisfied the claim on the grounds that information about conviction of this person is connected with his honor and dignity and made a conclusion that this was an interest protected by law from dissemination (Hasanov, 2003).

A student of the Japanese University submitted a questionnaire with his personal information to the University administration. The Ministry of Inner Affairs requested information about this student from the University and provided by the University information was personal. When the student knew about it he brought an action against the University for dissemination without his permission and infringement of his rights for personal information. The court satisfied the claim (Collection of the Supreme Court civil law judgments, 1976.07.17., volume 35, No. 3, and page 620).” (Kawai Takashi, 2008)

Some specialists believe that our legal acts on defamation lack for proportionality and therefore consider them as controversial and conflicting conceptions. The other ones on the contrary consider such views as incorrect. According to their opinion this information can be disseminated because it does not influence on the assessment of a person by society although dissemination of such information cause suffering and negative emotions in the soul of a

person. In our opinion this issue requires a differentiated approach. Actually, there can be different reasons for appearance of information blackening the name of a person. Particularly, dissemination of information about negative actions and tricks of a subject can also be a social demand or need for discussion with educative effect.

Dissemination of information about negative actions and tricks can be justified only if they go beyond the personal scope and affect the interests of a group or society as a whole. But we should not forget that it would not be correct to discriminate, punish and shame a person for only one amoral action. Therefore, we believe that the above mentioned example from the Japanese court practice can be a model for us.

Massiveness and truthfulness features of damage of honor and dignity are regarded as one of the problems in the civil legislation. Article 230 of the Penal Code of Japan provides that when an act damaging honor and dignity is found to relate to matters of public interest and to have been conducted solely for the benefit of the public, the truth or falsity of the alleged facts shall be examined, and punishment shall not be imposed if they are proven to be true. The civil legislation not confining itself to these norms provides the following provisions: if quite reliable information about the facts disseminated for the benefit of the public turns out to be defamatory it is not regarded as damaging a person's dignity. For example, information concerning criminal and other illegal actions committed by a candidate for the Parliament member's position was disseminated. Court made a conclusion that honor and dignity were not damaged (Collection of the Supreme Court civil law judgments, judgment on 1961.06.23) because that candidate could be elected as a representative of people. Without the massiveness character this case could be resolved in a different way. For instance, a baby of three months old died from a disease and information blaming his parents for the baby's death was disseminated. This case was resolved in favor of the parents (Collection of the Supreme Court civil law judgments, volume 26, No. 9, page 1637, judgment on 1967.11.16.)" (Kavai Takashi, 2008)

CONCLUSION:

Therefore we consider that it is necessary to elaborate a draft of the resolution of the Supreme Court's Plenum aimed at strengthening protection of true personal information and simplification of the process of consideration of cases referring to this kind of information. Besides, we make a conclusion that it is necessary to add article 1095 of the Civil Code "A right for protection of undisclosed information" with the following norms "*a person has a right for protection from illegal disseminating without his permission personal information or undisclosed information i.e. information about person, family and profession privacy by any means*" to provide protection of personal information, in other words personal and family privacy.

The court in its judgment describes the method for refutation of information which damages honor, dignity and business reputation. And the court can choose one of methods for refutation of defamatory information. It is natural that the date of refutation is also determined by the court. The long standing practice proves the position that the method of refutation of defamatory information needs to be relevant to the method of dissemination of such information. And most of the judges follow this approach.

From the standpoint of comparative jurisprudence, based on the analysis of the legislation of Uzbekistan and Japan, it is necessary to clearly define in the national legislation types of intangible goods and personal non-property rights. Also, taking into account the design of intangible goods and personal non-property rights, to revise the structure of Chapter 8 of the Civil Code under the title "Intangible benefits", to change the sequence of articles located in it. The construction of Chapter 8 of the Civil Code should be stated as follows:

"Chapter 8. Intangible benefits. Article 97. Intangible benefits; Article 98. Personal property rights and their protection; Article 99. Protection of honor, dignity and business reputation; Article 100. The results of intellectual activity; Article 101. Official and commercial secret. "

It is advisable to include in the Code of Administrative Responsibility the article 46¹ of the following content: Illegal, without the permission of a person, the collection or dissemination of information about private life, constituting his personal or family secret, entails a fine in the amount of ten to forty times the minimum wage. "

In the protection of honor, dignity and business reputation, making an apology for the dissemination of disgracing information should be equivalent. On the basis of these opinions, it is necessary to amend Part 8 of Article 100 of the Civil Code and, as an alternative protection mechanism in the form of compensation for damage or non-pecuniary damage, it is necessary to raise the issue of compensation and apology or conclusion between the parties to the settlement agreement.

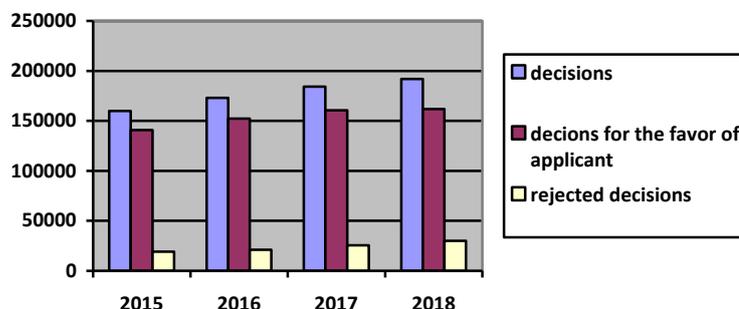
Now, let's focus on the statistics of judicial practice. If we pay attention to the information on the work done by the civil cases courts in connection with disputes over personal non-property rights, the number of cases done by the civil courts of Uzbekistan in 2015 increased by 159 814 cases to 192 000 by 2018. And in the civil courts of the Japanese state in 2015 there were 178 000 cases, by 2018, this figure reached 205 000 cases.

Information on cases considered by civil courts in connection with disputes on personal non-property rights (Table 1)

Country	2015	2016	2017	2018
Uzbekistan	159 814	173 170	184 093	192 000
Japan	178 000	185 000	195 000	205 000

The decisions for the favor of applicant and rejected decisions made by civil cases courts in connection with disputes over personal non-property rights are considered in the percentage rate.

The decisions for the favor of applicant and rejected decisions made by civil cases courts in connection with disputes over personal non-property rights. (Graph 1)



Based on a comparative legal analysis of civil law and jurisprudence of Uzbekistan and Japan, it was concluded that it is necessary to adopt the Resolution of the Plenum of the Supreme Court "On Some Issues of Applying the Norms of Civil and Family Legislation Regarding Personal Non-property Rights", and a draft of this resolution was drafted.

As a conclusion it is necessary to mention that the importance of provision of the civil-law protection of honor, dignity and business reputation which has caused increase in the number of lawsuits brought in courts for its protection. It demonstrates that at present improvement of legal protection of honor, dignity and business reputation is one of the important modern tasks for scholars.

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