



THE CONTENT AND ESSENCE OF THE CRIME OF DISCLOSING INFORMATION THAT DEGRADES A PERSON'S HONOR AND DIGNITY AND REVEALS CONFIDENTIAL ASPECTS OF HUMAN LIFE

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Abstract: This article presents the essence and content of disclosing information that degrades a person's honor and dignity and reveals confidential aspects of human life, its concept, scholars' opinions on this matter, differences between concepts, and provides proposals and recommendations regarding the essence and content of this crime.

Keywords: person, person's honor, dignity, human life, confidential information, privacy of personal life, theoretical basis.

The protection of honor and dignity as personal intangible benefits generates the greatest interest in civil law science and law enforcement practice[1]. Primarily, this concerns the relationship between personal intangible benefits and the non-property rights based on them, as well as the question of whether the corresponding non-property rights are the object of legal regulation or civil law protection. According to the topic of this study, the question arises as to how to express non-property rights based on personal intangible benefits such as honor, dignity, and information reflecting confidential aspects of human life.

In legal literature, there exist "the right to honor, dignity, and business reputation"[2] or "the right to protect honor, dignity, and business reputation." We are inclined towards the second option, as in the Republic of Uzbekistan, personal intangible benefits such as honor and dignity, and the non-property rights based on them, are not regulated by civil law but are protected by its norms. It should be noted that the current version of the Civil Code indicates that personal intangible benefits are the object of protection. Life and health, personal dignity, personal inviolability, honor and good name, business reputation, inviolability of private life, inviolability of housing, personal and family secrets, freedom of movement, freedom to choose place of residence and stay, a citizen's name, copyright, and other intangible benefits belonging to a citizen from birth or in accordance with the law are inalienable and cannot be transferred in any other way. Accordingly, the rights based on them are the object of civil law protection.

The categories of "honor" and "dignity" are often studied as a single concept, but there is no continuous connection between them; each category has its own independent significance. Honor is the assessment that a person receives in the process of interaction and cooperation with other subjects. Dignity, however, is primarily a product of a person's internal mental activity, their self-perception, which, of course, is shaped under the influence of others' assessments. According to V.S. Tolstoy, the right to dignity is the right of a person to self-esteem and to form an image of themselves[3]. If a person's honor is damaged by the dissemination of false, defamatory information, their dignity may "suffer" as a result of being told this information or receiving insulting assessments from others, which can lead to a decrease in their self-esteem. Thus, from a legal standpoint, the concepts of "honor" and

"dignity" can be considered as one legal concept, although their essence, as noted above, differs.

In accordance with Article 13 of the Constitution of the Republic of Uzbekistan[4], democracy in the Republic of Uzbekistan is based on universal principles, according to which the individual, their life, freedom, honor, dignity, and other inalienable rights are considered the highest value. Article 26 of the Constitution states that the honor and dignity of a person are inviolable. It is indicated that nothing can be grounds for their discrimination. According to parts 1 and 4 of Article 31 of the Constitution, every person has the right to privacy, personal and family secrets, and the protection of their honor and dignity. Everyone has the right to the protection of personal data, as well as the right to demand the correction of inaccurate information and the destruction of information about themselves that has been illegally collected or no longer has a legal basis.

The complexity of protecting a citizen's honor and dignity lies in the fact that, on the one hand, the rights corresponding to these personal intangible benefits, as mentioned above, are natural, inalienable personal rights recognized by the Constitution; on the other hand, there are also constitutional rights and freedoms such as freedom of speech and opinion, the right to seek, receive, transmit, produce and disseminate information, and the right to appeal to state bodies and local self-government bodies.

Therefore, the courts face a very complex task: when resolving disputes related to the protection of honor and dignity, in accordance with the instructions of the Plenum of the Supreme Court of the Republic of Uzbekistan, they must ensure a balance between citizens' right to protect their honor and dignity and other rights and freedoms guaranteed by the Constitution - freedom of thought, speech, mass media, the right to freely seek, receive, transmit, produce, and disseminate information by legal means, the inviolability of private life, personal and family secrets, and the right to appeal to state bodies and local self-government bodies.

The dissemination of photo and video images of a person's body and (or) genitals in a nude state without their consent when disclosing information that degrades the honor and dignity of a person and reflects confidential aspects of human life is a widespread type of modern cybercrime, posing a serious threat to the inviolability of private life, honor and dignity of a person. The essence of this crime encompasses its legal, forensic, ethical, and social aspects. Scientists have been studying the nature of this crime, its impact on victims, and legislative solutions for many years.

Scientists criticize the universality of this norm. In particular, a number of scholars have focused on its essence as privacy, sexual autonomy, and cyber-space offenses.

In particular, legal scholar Daniel K. Citron states that "the dissemination of nude images of a person without consent (revenge porn) is a violation of privacy, along with a serious threat to sexual autonomy and gender equality. This crime, as a manifestation of cyber-space violence, should be specifically regulated in legislation"[5].

The scientist sees this crime not only as an encroachment on private life, but also in the general context of sexual violence and cyber-harassment. He advocated for its designation as a separate crime in US law.

American legal scholar, writer, activist, and media commentator Mary Ann Franks, in her definition, "The dissemination of nude images without consent is a violation of a person's right to control their images. This crime requires recognition of sexual secrecy as a



fundamental right, and its legal essence stems from the damage to the dignity of the victims"[6].

The lawyer emphasizes the recognition of sexual secrecy as a fundamental right to this crime, highlighting the gender aspect, defining it as a form of violence against women, and proposes to establish specific punishments for it in legislation.

American lawyer Lawrence Lessig, focusing on the technical and legal aspects of this crime, noted: "The dissemination of nude images of a person on the Internet without consent is a violation arising from lawlessness and lack of control in cyberspace. The legal nature of this crime is complicated by the lack of a clear definition of responsibility on digital platforms"[7].

The above definition given by the scientist is aimed at violations arising as a result of lawlessness and lack of control in cyberspace, which is currently one of the most pressing problems, and emphasizes the need to strengthen the responsibility of internet providers and platforms in preventing and combating this crime.

Doctor of Law, Professor I.R. Rustambekov notes that although the dissemination of nude images of a person without their consent is considered in the legislation of Uzbekistan as an encroachment on the inviolability of private life, its legal essence as a crime in cyberspace is not fully revealed, and for a clear qualification of this crime, detailed norms are needed in the law[8]. Using the above definition, the professor criticized the generality of Article 1413 of the Criminal Code of Uzbekistan and stated the need to adapt it to cybercrimes.

Lawyer Catherine A. McKinnon, analyzing the crime from a feminist point of view, argues that the dissemination of nude images without consent is a legal manifestation of sexual violence and gender pressure, and that this crime serves to reduce the status of women in society, the legal essence of which is determined by the protection of the honor and dignity of the victims[9], seeing it as part of the patriarchal system.

Professor Eric Goldman, focusing on the technical and legal aspects of this crime, believes that it is necessary to strengthen the role of internet companies, that the dissemination of nude images of a person without consent requires legal liability as illegal use of personal data in cyberspace, and that the essence of this crime is related to privacy on the Internet and moderation of digital platforms[10].

In the opinion of this scientist, which is close to the truth, it is necessary to strengthen the role of Internet companies in preventing and combating the dissemination of information containing photo and (or) video images of a person's body and (or) genitals in a nude state without their consent, in the mass media, telecommunications networks, or the World Wide Web. This is mainly related to privacy on the Internet and the moderation of digital platforms.

A number of scholars have also touched upon the forensic nature of disseminating information containing photo and (or) video images of a person's body and (or) genitals in a nude state without their consent, including in the mass media, telecommunication networks, or the Internet, or threatening to disseminate such information.

In particular, forensic scientist V.N. Kudryavtsev, studying the methods of cybercrimes, asserts that this crime depends on digital technologies, that is, "when distributing nude images on the Internet, VPNs, anonymous messengers, and encryption methods make it difficult to identify criminals"[11].



In today's globalization process, the dissemination of personal secrets through VPNs, anonymous messengers, and encryption methods is one of the main methods, which creates a number of difficulties in identifying the source of information.

Professor K.Garnett noted the importance of digital evidence for the dissemination of information containing photo and (or) video images of a person's body and (or) genitals in a nude state without their consent, stating that the metadata of photos and videos[12] (EXIF data) serve as the main evidence in determining the time and place of the crime.

In addition, scientists have studied the social and ethical nature of the crime of disseminating information containing photo and (or) video images of a person's body and (or) genitals in a nude state without their consent.

In particular, social psychologist E. Giddens, analyzing the impact of this crime on victims, believes that "the dissemination of nude images causes shame, fear, and depression in the victim, which leads to social isolation"[13].

The above analysis of the scientist shows that the dissemination of nude images in the mass media, telecommunication networks, or the Internet, or the threat of disseminating such information, in the future, causes psychological depression of the victim, which subsequently leads to the level of suicide or social isolation of the individual.

Feminist scholar MacKinnon C.A. considers this crime a manifestation of gender-based violence[14].

The English sociologist, Professor Bauman Z., argued that in the digital age, the secrecy of private life will disappear, and people will lose control by distributing nude images[15].

With this idea, the scientist expresses part of his general concept that threats to privacy are increasing, and people's control over their image and information is decreasing. This process is associated with the weakening of social structures. In his opinion, the loss of privacy reduces people's chances of feeling safe because they do not have full control over their information. Bauman's explanation illustrates not only the legal but also the social and psychological implications of this problem, helping to understand it in a broader context. His ideas serve as an important theoretical basis in the fight against modern cybercrime.

American lawyer and cyberspace theorist L. Lessing attempted to prove that lawlessness on the Internet contributes to the increase in this crime, as there are insufficient mechanisms of accountability on digital platforms[16].

The scientist analyzes the nature of the Internet through four main regulators - law, social norms, market, and code (technical architecture). In his opinion, cyberspace, unlike traditional society, has a peculiar state of "lawlessness," since the mechanisms regulating behavior in it have not been sufficiently developed. His above quote links the increase in crimes such as the dissemination of nude images of individuals without consent to problems in the technical and legal structure of the Internet.

Criminologist M. Kaminskiy argues that the rapid erasure of digital evidence leads to the ineffectiveness of the investigation[17].

Indeed, agreeing with the scientist's opinion, it should be noted that digital data (for example, Telegram messages, server logs) can be stored temporarily and are easily deleted if quick action is not taken. For example, on encrypted platforms like WhatsApp or Signal, messages can be automatically deleted. Distributors of nude images use methods such as clearing devices (wipe), deleting data from servers, or using anonymous services to destroy evidence. If nude images are deleted from the distributed platform or destroyed by the



perpetrator, investigators will not have enough material to prove the crime. For example, if IP addresses or messages are lost, it becomes difficult to identify the suspect.

The British criminologist and cybercrime specialist, Professor R. Smith, assumes that automatic filters on social networks and stricter legislation on the prevention of this crime will reduce this crime[18].

Russell Smith, in his book "Cybercrime and Society," analyzes the social consequences of cybercrime and ways to prevent them. He argues that crimes in cyberspace, in particular the dissemination of nude images without consent (often called "revenge porn"), have a serious impact on society, and this problem can be solved not only through investigation, but also through prevention. Smith's quote above represents his strategy to reduce the scale and harm of this crime through technology (automatic filters) and legislation (strict punishment and norms).

The scientist emphasizes the effectiveness of automatic filters and shows their importance in reducing damage to victims. For example, in 2017, Facebook introduced AI-based filters to detect nude images, which led to a decrease in this crime.

The crime of distributing nude images of a person without consent is a complex issue with its legal nature, forensic characteristics, and social consequences. Scientists note its impact on privacy, gender equality, and cybersecurity, emphasizing the need to improve legislation and investigations.

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