

TOPICAL ISSUES OF ENHANCING THE ADMINISTRATION OF E-COMMERS

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E—commerce is a sphere of the digital economy, which includes all financial and trade transactions carried out using computer networks, and business processes associated with conducting such transactions¹⁰

The 21st century can rightly be called the age of digitalization, and in this rapidly developing world of technology, e-commerce is gaining great popularity. Developed countries invest enough funds in the development of e-commerce, while clearly feeling the opportunities and prospects of e-commerce, since it plays a significant role in the gross national product of these countries¹¹.

At the same time, the rapid development of information and communication technologies is also one of the main directions of structural reforms in the economy of Uzbekistan.

The issues of legal regulation of e-commerce in the Republic of Uzbekistan were first fixed in the Law of the Republic of Uzbekistan "On e-commerce" dated April 29, 2004. Subsequently, in 2015, this law was adopted in a new edition. The adoption of the new version of this law is associated with the active improvement of legislation regulating entrepreneurial activity with the use of information technologies. The purpose of this Act is to regulate relations in the field of e-commerce. The basic principles of e-commerce according to this law are:

- freedom of doing business in e-commerce;
- voluntary conclusion of contracts in e-commerce;
- equality of conditions for participation in e-commerce;
- protection of the rights and legitimate interests of e-commerce participants.

The Law defined the following main directions of e-commerce development in the Republic of Uzbekistan:

- support and promotion of entrepreneurial activities carried out through e-commerce;
- creating conditions for attracting entrepreneurship through e-commerce, investments, modern technologies and equipment to the sphere of entrepreneurship;
- providing business entities with legal, economic,
- statistical, production-technological, scientific-technical and other
- information necessary for their activities in the field of e-commerce;
- promotion of scientific and technical research, training, retraining and advanced training of personnel in the field of e-commerce;
- international cooperation in the field of e-commerce.

¹⁰ GLOSSARY TERM by WTO // https://www.wto.org/english/thewto_e/glossary_e/electronic_commerce_e.htm.

¹¹ Gary P. Electronic Commerce, Ninth Edition, Schneider, Ph.D., CPA. Printed in the United States of America, 2011.

The following important regulatory legal acts contributing to the improvement of electronic entrepreneurship are the Law "On Informatization", which defined as one of the main directions the creation of a unified information space of the Republic of Uzbekistan and conditions for access to international information networks. - The Law "On Electronic Digital Signature" has fixed the legal grounds for the use of electronic digital signature in document management.

- The Law "On Electronic Document Management", which provides that electronic document management can be used for transactions (Article 4), and where an electronic document is equated to a paper document (Article 7), which is certainly important for transactions in e-commerce.

The issues of improving e-commerce are also supported by by-laws, and further we will talk about them in more detail.

The Cabinet of Ministers of the Republic of Uzbekistan adopted Resolution No. 392 "On Amendments and Additions to some resolutions of the Government of the Republic of Uzbekistan due to creating favorable conditions for enhancement and further development of e-commerce administration" dated 20.07.2022, in order to fulfill the tasks prescribed by the President in the Decree (Resolution) №14 " On enhancing the administration of e-commerce and creating favorable conditions for its further development" dated 17.11.2021.

This document has a special value for small and large businesses as it defines:

- The procedure of digital agents' activities such as the e-commerce platform and operators of the digital ecosystem. (the document details the rights and obligations of operators, that contributes to the effective operation of this system)
- The procedure of posting information and making purchases in the e-cooperation portal of the Center of Digital Transformation under the Ministry of Investment and Foreign Trade.

The adoption of the Resolution No. 392 "On Amendments and Additions to some resolutions of the Government of the Republic of Uzbekistan due to creating favorable conditions for enhancement and further development of e-commerce administration" served to amend a number of regulatory legal acts:

1. The Cabinet of Ministers of the Republic of Uzbekistan Resolution No. 249 "On approval of the Regulations on the Procedure on for organizing the activities of digital agents - organizers of e-fairs, auctions and contests" dated 2.08.2016

- In particular, the terms "e - fairs, auctions and contests", has been changed into "e-commerce platforms and operators of the digital ecosystem".

- The procedure for obtaining guarantees for the fulfillment of obligations under the contract is established

2. The Cabinet of Ministers of the Republic of Uzbekistan Resolution No. 390, dated 10.05.2019

- "Center of the Portal of e-cooperation", has been changed into "Center of Digital Transformation"

3. The Cabinet of Ministers of the Republic of Uzbekistan Resolution, No. 833 dated 30.09.2019

- Instead of the concept of " e-cooperation exchange ", the concept of "e-cooperation portal" has been introduced.

- A regulation on the Procedure for posting information and making purchases on the E-Cooperation portal of the Center of Digital Transformation under the Ministry of Investment and Foreign Trade is being developed.

Resolution No. 392 fixes the following provisions:

1. The minimum localization level of products uploaded to the portal is set at 30%.

2. In order to ensure the fulfillment of contractual obligations, an advance payment of 1.1% of the initial amount of the goods is established, this amount also includes fees for intermediary services of the operator. In case of non-fulfillment of contractual obligations, advance payments on the personal accounts of the procurement participants are blocked in the settlement and clearing house of the operator.

3. The purchase is carried out at the lowest offered price.

4. The transaction concluded on the portal passes electronic registration and is confirmed by the EDS. Such a transaction is considered concluded in the due form.

The adoption of Resolution No. 392 primarily solves the problem of state control of e-commerce entities, because the resolution develops a mechanism that would allow government agencies to keep records of all persons engaged in e-commerce and prevents violations of legislation regarding state registration, payment of taxes, carrying out activities without a license, as well as fraud and other offenses.

The resolution pays great attention to the consumer rights of commercial entities, which minimizes the risks from the actions of unscrupulous counterparties.

In conclusion, it should be noted that e-commerce is gaining great popularity both around the world and in Uzbekistan, the legislation of the Republic of Uzbekistan regulating the procedure for e-commerce is rapidly developing and improving taking into account modern realities.

LIST OF THE USED LITERATURE:

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2. Kurbanovich, A. M., & oğlu, A. B. R. (2021). The Importance of Introducing Artificial Intellectual Technologies in the Educational Process. Academic Journal of Digital Economics and Stability, 376–381. Retrieved from <http://economics.academicjournal.io/index.php/economics/article/view/193>

3. GLOSSARY TERM by WTO// https://www.wto.org/english/thewto_e/glossary_e/electronic_commerce_e.htm.

4. The Law of the Republic of Uzbekistan "On Electronic Commerce" No. 613-II dated April 29, 2004, Tashkent.

5. Law of the Republic of Uzbekistan "On Electronic Government" No. ZRU-395 from December 9, 2015



6. The Cabinet of Ministers of the Republic of Uzbekistan Resolution No. 392 "On Amendments and Additions to some resolutions of the Government of the Republic of Uzbekistan due to creating favorable conditions for enhancement and further development of e-commerce administration" dated 20.07.2022