

FAMILY SECRET AS AN OBJECT OF CIVIL LEGAL REGULATION

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Annotation:

The article reveals the problematic aspects of the interpretation of the definitions of “personal secrets” and “family secrets”. It is shown that personal and family secrets, as an object of civil legal protection, are a system of social relations that arises in relation to information that is confidential, the use and disclosure of which subsequently leads to a monetary recovery from the offender. The conclusion about the need to improve and further develop legislation in the field of the protection of the private life of citizens in social networks is formulated.

Keywords: personal and family secrets, social network, compensation for moral harm, the protection of personal and family secrets in social networks.

One of the most important tasks of the rule of law is to ensure the fairest, fastest and most effective restoration of violated rights and compensation for harm caused. Moral harm is one of the types of harm that can be caused to a person. Such harm consists of causing suffering caused by unlawful action or inaction, and everyone has the right to protect their rights and freedoms by all means that are not prohibited by law. The World Wide Web has long become part of the habitual way of life of a modern person. With the spread of the Internet, users have the opportunity to easily and quickly obtain and disseminate information, as well as to discredit the identity of other people without much difficulty.

Speaking of personal secrets, this concept includes information relating to the physical and moral aspects of a person's life, including intimate life [4]. A person may wish to keep his actions related to entering into a relationship and its development secret, and no one can infringe on this right of the person. Family secrets include information known to a limited circle of people - several family members. A family secret is any information that in any way affects family members, containing the facts and circumstances of an event, and must be confidential in connection with their agreement and measures taken to protect such secrets. This is, for example, information concerning the family's property and their private life. To classify information as a family secret, you must:

- agreement between family members on the safety of information from third parties or other family members;
- desire of family members not to disclose information;
- making efforts to protect information.

Personal and family secrets are united by the aspect of keeping information secret from third parties. Consequently, information previously disclosed by one of the family members - the holders of the secret - will not be considered a family secret. Mystery and information are inextricably linked as concepts. Therefore, it is necessary to further develop a terminological apparatus for a clearer interpretation of the definitions of personal and family secrets. Personal and family secrets, as an object of civil legal protection, are a system of social relations that arise in relation to confidential

information, the use and disclosure of which subsequently leads to monetary penalties from the offender.

Personal and family secrets are a complex legal institution, the complex structure of which contains several main components:

- information that is personal and family secret;
- mechanism for protecting information that is personal and family secret;
- a civil sanction applied for violation of the regime of personal and family secrets.

Structurally, the right to personal and family secrets includes such elements as the right to:

- an action that is directly the right to personal and family secrets, for example, the right to establish relationships with people that concern only this person;
- a requirement that is the right to confidentiality of the information space of a person's personal life from third parties;
- a claim that is the right to control private information and protect personal and family secrets.

The right to disclose information may be the case when a person receives the right to disclose this information, which must be confirmed directly and, preferably, in writing, in order to subsequently have evidence of having such a right. The person whose information containing personal and family secrets was used must prove a violation of the rights and legitimate interests of non-disclosure of this information. The person who used this information must, in turn, prove the legality of such use and disclosure of information, if it was not previously publicly available. Thus, the basis for classifying information as personal and family secrets with the subsequent right to compensation for moral damage in connection with the disclosure of such information on social networks is the desire of the person or family members to keep this information secret.

Personal and family secrets are information protected from third parties or persons not participating in the non-disclosure agreement, access to which is legally closed. Therefore, the dissemination of such information requires the consent of the person or family member whose interests will be affected by such an action.

Subjects of personal and family secrets can be individuals, legal entities, authorities and local governments that carry out actions with confidential information about individuals. The owner of personal and family secrets is always an individual or an indefinite circle of persons related to each other by kinship or marriage. The content of the right to family secrets consists of the rights of a family member to demand non-disclosure of relevant information and the right to dispose of this information at his own discretion, as well as the obligation to maintain secrets. Some family secrets, for example the secret of adoption, are regulated in detail by various branches of legislation, but most intra-family relations cannot be regulated. At the legislative level, holders of personal and family secrets are given the opportunity to determine for themselves the measures and means of protecting personal and family secrets.

In conclusion, it should be noted that such fundamental human rights as the privacy of a person, his personal and family secrets on the Internet are practically not protected. The Runet is growing and violations of these rights and freedoms are becoming more frequent and widespread. The problem of protecting personal and family secrets on social networks looks "insignificant", is relegated to the background, and is often completely ignored, against the backdrop of the overall picture of systematic

and gross violations of human rights and freedoms. This situation is aggravated by the inaccessibility of information about the real scale of privacy violations and, often, the inability to timely record the fact of such violations. In addition, the legislative framework itself in the field of the Internet and personal data protection is very undeveloped. Thus, the above circumstances indicate the need to improve and further develop legislation in the field of protecting the private life of citizens, including on social networks, ensuring adequate protection of their rights and legitimate interests.

The secrecy of a will as a multifaceted legal phenomenon must be preserved from any ill-conceived and theoretically untenable ideas. Summarizing the above, the author comes to the following conclusions:

1. The legal nature of family secrets is manifested in three aspects: firstly, it is a set of norms in different industries; secondly, family secret as a good, i.e. objects of civil law; thirdly, the content of the right to family secrets consists of the rights of a family member to demand non-disclosure of relevant information and the right to dispose of this information at his own discretion, as well as the obligation not to disclose this secret.

2. The structure of a family secret includes the secret of the origin of children, the secret of a property nature, the secret of a personal nature, and the secret of a will.

Most families have certain secrets: events or information that family members hide from each other or from those who have nothing to do with them. Turning secrets into something negative encourages people to focus on taboo topics such as extramarital affairs, alcohol abuse, family health, paternity, adoption, and more. However, hiding information can serve useful and even necessary functions in interpersonal relationships.

Protecting the family structure represents a third potential function of secrets in the family. Although they are associated with cohesion (the ultimate goal of which is maintaining or strengthening intimacy), the processes involved in trying to prevent family breakdown are very different from those involved in creating a sense of connectedness. For example, families with a drinking parent may keep this partly a secret so that the latter can maintain his role as the family authority.

Given that people are often willing to make great sacrifices to keep their families together, the likelihood that they will endure potentially harmful or destructive circumstances (such as physical or psychological abuse) is quite high. This may be especially true of children who, as low-status individuals, do not have the opportunity to actively influence their environment. One of the contributions they can make to maintaining the family structure is passive: withholding information about facts such as abuse or neglect from specific family members or outsiders. In less extreme situations, family members may continue to withhold information about some socially unacceptable event or behavior. While it may not pose a threat to the actual family structure, its disclosure is considered detrimental to the public image of family members. Thus, a fourth function may be to protect the social unit from disapproval or rejection.

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