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FOREIGN LEGISLATION IN THE FIELD OF E-COMMERCE

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Abstract: This article studies legislation on e-commerce in foreign countries, their current appearance and importance as well as regulatory features in the form legal act in experience. Conclusions and recommendations on the regulation of e-commerce are given.

Keywords: e-commerce, private sector, legislation, law, legal aspects.

Introduction

Trade relations have traditionally influenced the law to simplify the regulation of the sector and to seek ways to resolve disputes. As a result, some countries have developed the dualism of private law, and commercial law has developed on an equal footing with civil law. Their scope and concept differed (e.g., in France and Germany). At the same time, the concept of trade in law did not correspond to its economic significance. From a legal point of view, trade can cover a variety of activities (including banking, insurance) for profit. If in the twentieth century the commercialization of civil law took place and some countries abandoned the dualism of private law (Switzerland, Italy), at the end of the century, with the development of e-commerce, the problem of legal regulation of trade relations would arise again.

There is currently a reassessment of the Internet regulatory approach. The robust development of science and technology, as well as the integration of telecommunications into human life, has led to the emergence of a new sector of the economy called e-commerce. In the United States, industry hubs ("vertical portals") have been established in many areas: chemistry, metallurgy, and automobile industry.

Discussion

In the European Union, the E-Europe program is aimed at the widespread introduction of new information technologies in the lives of EU citizens, the expansion of Internet access, and so on. The legal aspect of this program is related to the formation of a new, unified legislation at the EU level.

The European Union has had the greatest success in developing the legal regulation of information society services.

The development of legal acts in the field of e-commerce in the European Union



began in 1996. In April 1997 following extensive discussions which the European Commission launched the European E-Commerce Initiative.

In June 2000, the "Guidelines for Certain Legal Aspects of Information Society Services and, in particular, e-Commerce in the Domestic Market" was adopted. Members have worked to implement the Directive in their legislation. In this regard, a separate regulation also included a mechanism for the protection of consumer rights in EU long-distance trade relations at the time of the adoption of the EU Directive on 20 May 1997 [1].

The e-commerce directive envisages the development of the EU's internal market for information services, which are defined as services that are provided remotely at the customer's personal request, usually for a fee, through the transmission and storage of electronic data.

The provision of such services on an individual basis is different from, in particular, television services. The concept goes beyond electronic transactions and includes online search and retrieval of information, access to databases, transmission and storage of information, and exchange of business correspondence.

In particular, there are several types of e-commerce relations, including "B2B (Business to business) - a process of trade between business entities in which one legal entity conducts mutual trade with another legal entity. We can cite this as one of the most promising areas of e-commerce, and this business is carried out in a special trading platform on the Internet [2].

It is well known that the legal framework for e-commerce at the international level is still in its infancy and is characterized by model framework laws that specify more areas for the development of legal regulation than the establishment of certain mandatory norms.

"Businesses can sell or buy equipment, medicines, clothing and food products online, which saves time and money while selling quality products is increasing. "

"E-office is an opportunity for an enterprise to operate within a single information network, which allows it to discuss, prepare and work with documents, projects and plans of the enterprise within the enterprise information network. In this case, the distance between the employees does not matter. That is, it is advisable to use an e-office for a company located in one office, as well as for businesses located in several offices.

The e-office will improve the work process, as well as speed up the preparation of documents and increase the quality of preparation. The e-office will create the following facilities for the enterprise: an interdepartmental system of electronic document management, task management system, customer service management, reporting management, payment management, project planning, creation, management and implementation [3].

Today, the United Nations Commission (UNCITRAL) has developed a Model Law on Electronic Commerce under international trade law to help countries update their legislation.

The 1980 Vienna Convention provides for "written" telegraph and teletype communications.

The term "e-commerce" is a literal translation of the English word "e-commerce", which has been used since 1993 in economic media, first in the media and then in professional literature, to refer to economic activities using the Internet.

Attention should be paid to the state of e-commerce in regions such as Asia, South America and Africa, where the development of e-commerce began relatively late after the European Union. In particular, initially the discussions revived mainly around technological issues. This can be seen in the case of the regional intergovernmental organization ASEAN. In 2000, ASEAN countries entered into the E-ASEAN Framework Agreement to deal with other e-commerce development jurisdictions [4].

The situation with online commerce in South America and Africa lags behind other jurisdictions. For example, the UNCITRAL Model Law on e-Commerce has been adopted by fewer countries in these regions than ASEAN members. It should be noted that only a small number of African [5] countries have concluded international agreements on online commerce, which is a very low figure.

In the digital economy, the legal regulation of business is one of the key institutions in the field of jurisprudence. Today, "digital business" is an objective reality [6]. One of the directions of scientific research is the doctrinal study of new phenomena and processes that have emerged and are emerging in the field of public law under the influence of the digitization of the economy, governance and law [7]. An analysis of foreign legislation on the digital economy shows that, especially in Germany, this area is one of the most promising and priority areas of the state legal system.

It should be noted that the GFR is a highly developed industrial and technological country, a world leader in a number of industrial and technological sectors of the economy, the 4th largest exporter of goods in the world and the 5th largest importer of raw materials. In the ranking of countries in 2018, Germany ranked third in terms of gross domestic product with almost 3.3 trillion euros, and fifth in terms of gross domestic product in terms of purchasing power [8].

Germany is one of the most developed countries in Western Europe. The characteristics of doing business in Germany are significantly different from other countries. First of all, the country provides the most convenient regime for new entrepreneurs who want to open and develop their business (private business).

Not only in the Civil Regulations (Bürgerliches Gesetzbuch, BGB, §312b and key. BGB), but also in a number of other laws (for example, in the Law on Combating Unfair Competition (Gesetz gegen den unlauteren Wettbewerb, UWG)) The German e-commerce rules contained in the Telemediengesetz (TMG) and the Einfuhr rungs gesetz zum Bürgerlichen Gesetzbuch, EG BGB) are to some extent based on European norms.

Therefore, harmonization of rules at the EU level is very important for German e-commerce rules. European norms include the following EU directives (guidelines)

applied to German legislation: EU Directive 97/7 / of 20 May 1997 on the protection of consumer rights with respect to contracts concluded remotely [9] and of 23 September 2002; EU Directive 2002/65 / [10] on remote financial services for consumers. Although in the past many EU directives set out the rules of member states only by a minimum agreement ("Mindestharmonisierung"), some new EU directives set out a full agreement ("Vollharmonisierung").

Therefore, on June 13, 2014[11], the new German e-commerce rules came into force, implementing the European Consumer Rights Directive (Directive 2011/83 /). The purpose of the directive is to achieve full harmonization of legislation in EU member states and to increase the level of consumer protection [12].

Completely new special requirements have been introduced for the responsibility for providing information about digital content (for example, software, mobile applications and e-books). The entrepreneur must now provide information on the principles of digital content, including appropriate technical protection measures. In e-commerce, which is important in reducing unnecessary time and costs, it is also important not to violate the rights and interests of the parties, and not to harm the consumer [19]. Therefore, the consumer should be informed about how tracking of the content provided and whether there are any restrictions on the relevance of digital content.

According to our depth scientific observation, the scale of digitization is related not only to changes and additions to existing legislation, but also to the adoption of new special regulations, taking into account the trend of legal regulation of "digital" legislation in developed countries. In this context, it is expedient to take into account the unique and positive experience of Germany.

The experience of foreign countries shows that the relationship with the digital economy is regulated by various regulations. In the Republic of Uzbekistan, there is a need for a special legal regulation of relations related to digital technologies. Therefore, it is necessary to unify the legislation in this area, taking into account modern global challenges and requirements.

Under U.S. law, any transaction involving the transfer or acquisition of the right to use or use goods or services created through a computer network is considered to be an e-commerce service where the Internet exchanges information through network telecommunications channels.

The United States was the first to adopt the Internet, the first to establish network governance, and the first to think about the Internet's "safe environment" legal regime [18]. Such a regime has facilitated the possibility of cross-border implementation and remote regulation of the remote distribution of information, goods and services.

The need for regulation of e-commerce in the United States arose in the 1990s, when a high-level analysis of the relevant relations in the network was made, and in 1997 President Bill Clinton signed the Global Fundamentals of e-Commerce [13].

The document "recognizes the priority of individuals and sets out five key principles for the development of the most important e-commerce. The principle of minimum government intervention are represented [17].

Under Canadian law, doing business includes transactions through telecommunications and computer technology and other transactions, such as telephone, fax, credit card, debit card, EDI and Internet transactions.

The European Commission defines e-commerce as remote services and considers services to be provided in electronic form and at the personal request of the recipient.

Digital medicine has been making use of its products, as it has been performing the latest paradigms and methods of imaging and operating with the help of robots in recent times [14].

In particular, the Internet now has the following capabilities: information retrieval, email service, file transfer (FTP), communication (chat, forum, video conferencing), data dissemination (web pages, web blogs, social networks, newsletters, news), e-libraries, distance learning, telemedicine, e-commerce, e-office " [15].

There is no special legal regime governing digital business and e-commerce in Japan. There are various laws and regulations related to e-commerce. While laws are specific to some online businesses, others are governed by applicable laws for all activities. These are the basic laws and regulations in force:

Special provisions on electronic consumer contracts in the Civil Code (Law No. 95 of June 29, 2001) and the Law on Electronic Contracts). This law provides special provisions for the Civil Code.

The Consumer Contracts Act, passed in 2000, provides for the acceptance of an offer or contract in the event of a consumer misunderstanding, the release of business operators from liability for damages, or the repeal (in whole or in part) of any clause that does not harm the interests of consumers.

The law on special commercial transactions regulates the rules of advertising.

The Personal Data Protection Act defines the responsibilities of those who have access to personal data and information in ICT.

The Telecommunications Business Act regulates business in telecommunications. Through a telecommunications system, users regulate relationships such as the registration of a telecommunications carrier through communication [16].

CONCLUSION

In conclusion, firstly, business entities have the opportunity to sell their goods and services through e-commerce after the state registration in the prescribed manner, and secondly, in order to start e-commerce, a business entity must have its own electronic platform, including official website, web-site will have to constantly update the page, study mutual offers via e-mail, and thirdly, have the opportunity to have unlimited customers in the sale of goods and services offered through their website.

This means that businesses in e-commerce are more likely to have a wide range of products, a wide range of choices, the ability to quickly find the right type and price of a competitive product, a detailed product description, and the ability to trade from anywhere in the world. availability, speed of sales, paper savings, time to find the product, the ability to deliver the order anywhere in the world.

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