

**PRE-TRIAL REMOTE PROTECTION OF CONSUMER RIGHTS: LEGAL
GUARANTEES FOR ENSURING HUMAN RIGHTS**

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Abstract

This article examines the role of remote pre-trial protection of consumer rights within the human rights system. It argues that protecting consumer rights is not limited to resolving private legal disputes, but in certain cases is connected to the exercise of rights such as human dignity, equality, access to information, privacy, protection of personal data, judicial protection, and access to an effective legal remedy. At the same time, the article demonstrates that there is a sound scientific basis for equating any violation of consumer rights with a violation of human rights, and it identifies the boundaries connecting these two legal fields. It presents a comparative analysis of United Nations human rights instruments, international recommendations on online dispute resolution, the Constitution of the Republic of Uzbekistan, the Law “On the Protection of Consumer Rights,” and Presidential Resolution No. PP-296 of 6 October 2025, alongside the views of national and foreign legal scholars. The study puts forward proposals aimed at strengthening the legal guarantees of remote pre-trial protection, preserving the right to judicial appeal, reducing the adverse effects of digital inequality, safeguarding personal data, and ensuring the practical enforcement of the outcomes of electronic complaints.

Keywords: Human rights, consumer rights, pre-trial protection, remote dispute resolution, effective legal remedy, judicial protection, equality, digital inequality, personal data.

Introduction

The digitalization of economic relations has significantly transformed the form of interaction between consumers and businesses. The expanding possibilities for purchasing goods and services remotely, making electronic payments, and concluding contracts through digital platforms have brought convenience to consumers, while also intensifying the need for prompt and clear procedures for restoring rights once they have been violated. In particular, where the value of a dispute is relatively small, the time, expense, and organizational difficulties associated with going to court may lead a consumer to forgo defending their rights altogether. In this sense, resolving disputes remotely before trial acquires special importance as an additional means of protecting rights [10; 11; 21].

The Constitution of the Republic of Uzbekistan establishes the protection of human rights and freedoms as the supreme goal of the state. Articles 54 and 55 of the Constitution provide that ensuring human rights and freedoms is a duty of the state, that everyone has the right to defend their rights and freedoms by all means not prohibited by law, and that everyone has the right

to appeal to the courts against the decisions, actions, or inaction of state bodies and other organizations [1]. These constitutional provisions require that the electronic tools being introduced in the field of consumer rights protection be assessed not merely from the standpoint of administrative convenience, but from the standpoint of the practical enforcement of rights.

The Law “On the Protection of Consumer Rights” grants consumers the right to receive accurate and complete information about a good or service, to demand quality and safety, to demand compensation for damage incurred, and to apply to the courts and other authorized bodies to protect their rights [2]. Presidential Resolution No. PP-296 of 6 October 2025 established new organizational mechanisms for accepting consumer complaints electronically and for monitoring how they are reviewed [3]. This represents an important step toward integrating pre-trial protection with modern information tools.

Digitalization by itself, however, does not guarantee the effectiveness of legal protection. Even where the possibility of filing an electronic complaint exists, protection can become merely formal if the consumer does not know how the complaint will be reviewed, encounters difficulty in submitting evidence, receives a result that is not properly reasoned, or finds that the decision is not enforced. For this reason, the substance of remote pre-trial protection should be assessed not by whether a complaint has been accepted, but by whether the violated right has actually been restored.

The purpose of this study is to identify the aspects of remote pre-trial protection of consumer rights that are connected with human rights, to reveal its legal nature from the standpoint of the guarantees of an effective legal remedy and judicial protection, and to develop scientifically grounded proposals for improving the legislation of Uzbekistan. The study employs formal-legal, comparative-legal, systemic, and doctrinal methods of analysis.

The Relationship Between Consumer Rights and Human Rights: Theoretical Approaches. By its legal nature, consumer rights were formed primarily within the framework of civil and economic relations. Matters such as the performance of contractual terms, the quality of goods or services, compensation for damage, and the reliability of pricing and information constitute the traditional subject matter of this field. For this reason, interpreting every dispute involving a consumer as a human rights issue risks blurring the boundary between private law and human rights.

At the same time, the practical capacities of the parties in modern consumer relations are frequently unequal. A business regularly uses information, legal advice, standard contract forms, and technical resources, whereas a consumer typically takes part in a given transaction only once. This imbalance can, in certain disputes, affect not only the consumer’s proprietary interests but also rights such as access to information, equal treatment, privacy, and judicial protection.

In Uzbek legal scholarship, Academician Akmal Kholmatovich Saidov links the practical value of human rights not only to their formal recognition but also to the existence of guarantees for their implementation and protection [13; 14]. Abdulkhay Rashidovich Muminov and Mirzatillo Alisherovich Tillabaev particularly emphasize the interrelationship

between international standards and national legal mechanisms in ensuring human rights [15]. In analyzing the significance of national institutions, M.A. Tillabaev shows that the protection of rights is not limited to the courts, but is also ensured through the consistent work of competent state and public institutions [16]. These views indicate that, in protecting consumer rights as well, legal guarantees should be assessed not merely by the existence of a legal norm, but by whether the mechanisms for lodging complaints and restoring rights actually function. In foreign literature, Iris Benöhr and Hans-Wolfgang Micklitz argue that a certain convergence exists between consumer protection and human rights [19]. In their view, values such as consumer dignity, equality, and the right to information are increasingly shaping the substance of consumer law in modern market relations. The important point here is that, as an individual, the consumer does not fall outside the sphere of fundamental rights. This approach, however, does not provide grounds for treating every violation of consumer rights as a violation of human rights.

Geraint Howells shows that simply providing consumers with more information does not automatically improve their legal position [20]. However complete the information may be, its protective effect remains limited if the consumer lacks the ability to understand its content, to make use of it, and to approach the competent body when a right is violated. From this standpoint, consumer awareness and the mechanism for restoring rights should be considered as interconnected.

In our view, a consumer dispute becomes directly relevant to the field of human rights in three situations. The first is where the dispute touches upon constitutional rights such as human dignity, equality, access to information, privacy, protection of personal data, or judicial protection. The second is where, following a violation of rights, the state fails to provide an effective and accessible remedy. The third is where economic, physical, or digital barriers effectively exclude particular categories of persons from legal protection. These criteria make it possible to identify the points at which private-law disputes and human rights issues intersect, without conflating the two.

The Effective Legal Remedy and the Right to Judicial Protection. In the field of human rights, the mere recognition of a right is not sufficient; there must also be a means of restoring that right if it is violated. Article 8 of the Universal Declaration of Human Rights recognizes the right of everyone to an effective remedy by competent national tribunals for acts violating the fundamental rights granted by the constitution or by law. Article 10 of the Declaration further provides for a fair hearing by an independent and impartial tribunal in the determination of rights and obligations [5].

Article 2(3) of the International Covenant on Civil and Political Rights obliges states parties to ensure an effective remedy for persons whose rights recognized under the Covenant have been violated [6]. In its General Comment No. 31, the UN Human Rights Committee emphasizes that such remedies must not merely be provided for in legislation, but must also be genuinely accessible and capable of producing results in practice [7]. It follows that the mere availability of an electronic complaint mechanism does not, by itself, prove the existence of an effective remedy.

Article 14 of the Covenant guarantees the right to a fair hearing by an independent, impartial tribunal established by law in the determination of a person's civil rights and obligations [6; 8]. For this reason, the remote pre-trial procedure must not become a mandatory stage that substitutes for judicial protection. It may allow a dispute to be resolved without going to court, but the right to bring the matter before a court must be preserved where no result is achieved or where the person is dissatisfied with the decision reached.

Dinah Shelton analyzes an effective legal remedy not merely as a complaint procedure, but as a mechanism capable of identifying a violation of rights and providing an appropriate legal consequence for it [18]. Mauro Cappelletti and Bryant Garth, for their part, identify cost, time, and the disparity in the parties' legal capacities among the principal factors that impede access to justice [17]. Their views are especially relevant to low-value consumer disputes: where the value of a claim is considerably lower than the cost of litigation, judicial protection that exists in law may not, in practice, be adequately accessible.

On this basis, it is appropriate to assess the effectiveness of remote pre-trial protection according to several interrelated criteria. First, the complaint procedure should be clear and understandable. Second, the consumer should be able to submit evidence and monitor the progress of the review without incurring excessive expense. Third, the content of the decision or settlement should be properly reasoned. Fourth, the outcome directed at restoring the right should actually be enforced. Fifth, a dissatisfied person should retain the possibility of requesting a review or applying to a court. These criteria make it possible to distinguish the formal existence of a remedy from its practical effectiveness.

From this point of view, while the number of complaints received gives some indication of how the system operates, it does not fully reflect the level of protection actually afforded. The key indicator should instead be the extent to which the violated right has been restored, the damage caused to the consumer has been compensated, the relevant obligation has been fulfilled, and the enforcement of the adopted decision has been secured.

Foreign Approaches and International Recommendations on Online Dispute Resolution.

Scholarly views on resolving disputes through information and communication technologies have been developed in the work of Ethan Katsh, Janet Rifkin, Orna Rabinovich-Einy, Colin Rule, Amy J. Schmitz, and other researchers. Ethan Katsh and Orna Rabinovich-Einy show that the digital environment is changing the way disputes arise and are resolved, and that it is therefore insufficient simply to transfer traditional judicial and out-of-court methods into an electronic setting [21]. Their research focuses not on the technology itself, but on how simple, fast, and fair the dispute resolution process is for the user.

Ethan Katsh and Colin Rule regard online dispute resolution not as a mere tool for electronic correspondence, but as a process that combines dispute prevention, the exchange of information between the parties, the reaching of an agreement, and, where necessary, decision-making [22]. Amy J. Schmitz and Colin Rule stress that a fast and low-cost procedure is essential to the practical availability of legal protection, particularly in low-value disputes between consumers and businesses [23].

Leah Wing, Janet Martinez, Ethan Katsh, and Colin Rule show that the design of an electronic system influences the behavior of the parties, and accordingly treat technology as an independent factor affecting the dispute resolution process [24]. This view implies that matters such as what information a remote system requests, which legal options are explained to the user, and which types of complaints are given priority all carry legal significance. For this reason, the impartiality of an electronic procedure depends not only on the person reviewing the case, but also on the design and operating rules of the information system itself.

In its 2016 Technical Notes on Online Dispute Resolution, the United Nations Commission on International Trade Law identified impartiality, independence, efficiency, due process, accountability, and transparency as key principles [10]. The 2024 document of the Organisation for Economic Co-operation and Development on online dispute resolution notes that such mechanisms can broaden access to justice, but that account must be taken of the differing levels of digital literacy and technical capacity among users, that personal data must be protected, and that automated processes must not remain outside human oversight [11].

The key lesson to be drawn from international experience is that the purpose of a remote procedure is not to sideline the courts. On the contrary, it should enable a citizen to have their right restored more quickly, and should not make it more difficult to apply to a court if the dispute remains unresolved. This approach can serve as the guiding legal principle for the digitalization of consumer complaints in Uzbekistan as well.

Analysis of the “Consumer Complaint” Information System from a Human Rights Perspective. Resolution No. PP-296 established a new organizational procedure for accepting and reviewing consumer complaints. Under the resolution, complaints are registered through the “Consumer Complaint” information system, forwarded to the business concerned, and their review is tracked at each stage. The requirement that a business review a complaint within a fixed time limit creates a legal basis for a prompt response to the consumer's demand [3].

The positive aspects of this mechanism lie in simplifying the question of where to direct a complaint, creating conditions for the consumer to track the progress of the case, and enhancing the oversight capacity of the state body. At the same time, from a human rights perspective, the effectiveness of the system should be assessed not merely by technical performance indicators, but by its legal outcome. For example, even where a complaint has been reviewed within the prescribed time limit, such a review cannot be considered fully effective protection if the response is couched in general terms or fails to give a legal assessment of the consumer's claim.

There remains a need to define more clearly, at the level of legislation, the purpose, basic rules, and legal consequences of the remote pre-trial procedure. Resolution No. PP-296 establishes an organizational mechanism, but the general legal status of remote resolution of disputes involving consumers has not been elaborated in detail at the level of a dedicated law. As a result, questions may arise in practice regarding a consistent interpretation of the legal relationship among the electronic complaint, any settlement reached, the business's response, and the intervention of the competent authority.

It would also be appropriate to reinforce, through a distinct legal guarantee, the effect of the remote procedure on the right to apply to a court. A consumer's use of an electronic complaint mechanism cannot be interpreted as a waiver of the right to go to court. Where the pre-trial procedure has not been made mandatory, a citizen should retain the ability, at their own discretion, to seek judicial protection directly.

In assessing the effectiveness of the system, it is important to consider, alongside the number of complaints received, such data as the proportion of complaints in which a right was restored, cases in which funds were refunded or damage compensated, demands voluntarily fulfilled by businesses, the average review time, repeat complaints, and cases that proceeded to court. Such outcome-based indicators make it possible to assess the practical contribution of the electronic mechanism to the protection of human rights.

The following criteria may be used to assess the effectiveness of remote pre-trial protection:

Criterion	Content of assessment
Accessibility	Can the consumer submit a complaint without excessive expense or complicated formalities?
Promptness	Is the complaint reviewed within a period that is known in advance and reasonable?
Equality	Are both parties given the opportunity to present evidence and state their position?
Reasoned decisions	Are the legal and factual grounds of the outcome explained to the consumer?
Restoration of rights	Is the violated right actually restored as a result of the complaint?
Right of appeal	Can a dissatisfied person request a review of the outcome or apply to a court?
Alternative access	Are other means of filing a complaint available for persons with limited digital access?
Confidentiality	Is personal data protected lawfully and securely?
Enforcement	Is the settlement, satisfaction of the claim, or other outcome actually implemented?

These criteria highlight the difference between the mere registration of a complaint and the actual restoration of a right. They can be used to improve legislation, to evaluate the performance of the information system, and to compile open statistical data.

Digital Equality and the Protection of Personal Data. The introduction of an electronic procedure does not necessarily produce the same outcome for all citizens. For persons with low digital literacy, those without reliable internet access, older citizens, persons with disabilities, or consumers lacking the necessary technical means, an exclusively electronic

complaint procedure may create a new barrier. Equality should therefore be measured not by offering everyone the same electronic form, but by each person's actual ability to reach the mechanism for protecting their rights.

The Organisation for Economic Co-operation and Development likewise indicates that the differing technical capacities of users must be taken into account in online dispute resolution mechanisms [11]. In Uzbekistan, electronic complaints may be developed as the primary method, but it would be appropriate for this not to remain the only method. Options such as telephone consultation, in-person applications, formalizing an electronic complaint with the assistance of a public service center or an authorized public organization, and filing a complaint through a representative should all be preserved.

The practical equality of the parties is also important. A business may have a permanent lawyer, electronic databases, and standard contract forms at its disposal, while a consumer may lack sufficient legal knowledge or experience in preparing documents. The information system should therefore provide the consumer with simple and clear explanations of their rights, the time limits for filing a complaint, the evidence required, and the possible legal avenues available. This does not restrict the business's rights, but rather serves as a means of balancing the real procedural capacities of the parties.

The protection of personal data is of particular importance in the process of filing remote complaints. Article 31 of the Constitution guarantees the inviolability of private life, the confidentiality of correspondence and other communications, and the right to the protection of personal data [1]. A consumer complaint may contain identifying information, payment details, receipts, contract information, and correspondence. The information system must therefore strictly comply with the requirements of collecting only the data that is necessary, using it only for its intended purpose, restricting access rights, establishing a retention period, and ensuring information security.

Where automated processes are used, such as automatically categorizing complaints, determining priority, or generating standard legal recommendations, the rules governing their operation must be understandable and verifiable by a person. An automated conclusion must not restrict a person's right to apply to a court or a competent authority, and there must be a possibility of human review in the event of an error [11; 24]. This requirement can be regarded as the expression, in an electronic environment, of procedural fairness and the effective legal remedy.

Proposals for Improving Legislation and Practice. The analysis conducted shows the need to further clarify the legal foundations of remote pre-trial protection and to consolidate, at the level of law, those aspects of it that serve to ensure human rights. In this connection, the following proposals may be put forward.

1) It would be appropriate to supplement the Law “On the Protection of Consumer Rights” with a separate provision devoted to the remote pre-trial resolution of disputes involving consumers. This provision should establish the basic rules for such a procedure, including its definition, purpose, voluntary nature, equality, transparency, reasonable time limits, confidentiality, the reasoning of outcomes, and the preservation of judicial protection.

2) The electronic complaint should be expressed as a legal remedy aimed at restoring rights. The acceptance of a complaint and the actual restoration of the right as a result of it are not the same thing. When assessing the performance of the competent authority, therefore, the extent to which the consumer's claim was satisfied and the outcome actually enforced should be among the principal criteria.

3) It would be appropriate for the law to expressly provide that the remote pre-trial procedure does not restrict the consumer's right to judicial protection. Where a pre-trial complaint is not established by law as a mandatory condition, its existence should not hinder a citizen from applying directly to a court.

4) The requirement set out in Resolution No. PP-296 that a business review a complaint within the established time limit should be enshrined at the level of law, and the legal consequences of a failure to respond or of an unreasoned refusal should be determined. A business's electronic response should be retained so that it can be used as evidence at subsequent stages of review and in court.

5) Alternative means of filing a complaint should be legally guaranteed for persons who are unable to use electronic complaints independently. The possibility of entering a complaint into the electronic system by telephone, in person, through a public service center, a non-governmental non-commercial organization, or a representative should be ensured in practice.

6) It would be appropriate to specifically establish requirements of necessity, purpose limitation, and security for the processing of personal data. Consumers should not be required to provide data that is not necessary for resolving the dispute, access to such data should be restricted, and a clear retention period should be established.

7) An electronic settlement, a business's voluntary commitment, or the fulfillment of a competent authority's requirement should each be separately recorded in the information system. Marking a dispute as "closed" should be linked to the actual elimination of the violation or the actual enforcement of the decision reached.

8) Where tools for automatically sorting complaints or generating recommendations are used, they should not make a final decision affecting a person's rights without human involvement. The consumer should have the ability to request a review of an automated conclusion and to approach a competent official.

9) It would be appropriate to compile open statistical indicators for the "Consumer Complaint" information system. Publishing anonymized data on, in addition to the number of complaints, the proportion of consumers whose rights were restored, the average review time, settlements fulfilled, repeat complaints, and cases that proceeded to court would increase the transparency of the system.

The following general provision may be considered for inclusion in the law:

"The remote pre-trial resolution of disputes involving consumers is a procedure carried out through information and communication technologies and aimed at restoring the violated rights and lawful interests of the consumer. This procedure does not restrict the consumer's right to judicial protection and, unless the law provides otherwise, is not applied as a mandatory condition for applying to a court. The consumer is guaranteed the ability to file a complaint, submit evidence, obtain information on the status of its review, become

acquainted with the grounds of the outcome reached, request a review of that outcome, and apply to a court. Other means of filing a complaint are provided for persons whose ability to use electronic means independently is limited. The processing of personal data is carried out in accordance with the requirements of lawfulness, necessity, purpose limitation, and security.”

Conclusion

The remote pre-trial protection of consumer rights is becoming one of the important avenues for exercising and restoring rights in the context of a digital state. Its significance for human rights is determined not by the mere existence of an electronic complaint mechanism, but by whether a person can actually reach legal protection, state their position, learn the reasons behind a decision, and have their violated right restored.

In assessing the relationship between consumer rights and human rights, two opposing approaches should be avoided. On the one hand, equating every violation of consumer rights with a violation of human rights denies the independent subject matter of private law. On the other hand, treating consumer relations as entirely separate from fundamental rights such as human dignity, equality, privacy, access to information, and judicial protection also fails to fully reflect the substance of modern legal relations. It is therefore necessary, in each case, to determine the nature of the violation, its effect on a person's constitutional rights, and whether the state has provided an effective remedy.

A comparative analysis of the views of national and foreign legal scholars shows that the practical value of a right is inseparably linked to the mechanism for its restoration. The views of A.Kh. Saidov, A.R. Muminov, and M.A. Tillabaev on the guarantees for ensuring human rights, the scholarly conclusions of M. Cappelletti and B. Garth on access to justice, and D. Shelton's approach to the effective legal remedy together provide the general theoretical foundation for the analysis conducted in this field.

The introduction of the “Consumer Complaint” information system in Uzbekistan has opened up new opportunities for protecting consumer rights. It would now be appropriate for the further development of this mechanism not to be limited to expanding the electronic acceptance of complaints, but to continue by strengthening guarantees such as the reasoning and enforcement of legal outcomes, the preservation of judicial protection, digital equality, and the protection of personal data.

Remote pre-trial protection should therefore serve not as a means of distancing a person from the courts, but as an additional mechanism for shortening and easing the legal path from the moment a right is violated to its restoration. Only in this way can digitalization become a substantively effective instrument for ensuring human rights.

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