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Digital Evidence in Economic Litigation in the Republic of Uzbekistan: A Comparative Legal Analysis with the Experience of Germany, the USA, China, Singapore, and Kazakhstan

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Abstract

This article provides a comprehensive comparative legal study of digital evidence in economic litigation in the Republic of Uzbekistan. It analyzes the experience of Germany, the United States, China, Singapore, and Kazakhstan. It identifies gaps and inconsistencies in current regulations and formulates proposals for improving Uzbek legislation.

Keywords: digital evidence, electronic data, economic litigation, admissibility of evidence, comparative law, blockchain evidence, online courts.

The rapid digitalization of economic activity is radically changing the evidentiary landscape of commercial disputes. Messenger messages, electronic invoices, blockchain transactions, and cloud platform data—all of these now form the primary evidentiary base in cases involving breach of contract, corporate conflicts, and investment disputes[1]. Legal systems around the world are forced to adapt to this reality by developing specialized procedural mechanisms for working with digital evidence.

The Republic of Uzbekistan is not immune to these trends. The Economic Procedural Code, adopted in 2018, initially only enshrined general provisions on

[1] Babakulovna I. F. Ibratova FB, Yerkebayeva Zh. A. Mediation as an alternative way to resolution of economic disputes //Editorial team.

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electronic documents[2]. However, Law No. ZRU-1003 of November 21, 2024[3], marked a qualitative breakthrough by introducing specialized provisions on "electronic data" (Article 76-1) and "digital evidence" (Article 76-2). This legislative decision requires in-depth academic analysis, including through the prism of comparative law.

The relevance of this study is determined by the fact that, despite the introduction of special regulation of digital evidence in the EPC of the Republic of Uzbekistan, neither judicial practice nor scientific doctrine have yet developed clear guidelines on key issues: the distinction between the concepts of “electronic data” and “digital evidence”, the criteria for the admissibility of digital copies, the role of a specialist in the study of electronic media[4]. Studying global experience will not only fill these gaps, but also substantiate proposals for further improvement of the EPC of the Republic of Uzbekistan.

The purpose of this article is to identify the advantages and disadvantages of the current regulation of digital evidence in the Electronic Data Processing Code of the Republic of Uzbekistan and formulate scientifically based proposals for its improvement based on a comparative analysis of the legislation and law enforcement practices of Germany, the USA, China, Singapore and Kazakhstan.

Law No. ZRU-1003 introduced a dualistic model for regulating electronic information into Uzbekistan's procedural law for the first time. Article 76-1 of the EPC RUz defines electronic data as "data created, processed, and stored using electronic devices and information systems," thereby emphasizing their technical, portable nature[5]. Article 76-2, in turn, defines digital evidence as "electronic data

2 Экономический процессуальный кодекс Республики Узбекистан от 24 января 2018 г. // https://lex.uz/docs/3523895

3 Закон РУз от 21 ноября 2024 г. № ЗРУ-1003 // Национальная база данных законодательства, № 03/24/1003/0943.

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containing information about circumstances relevant to the case"—that is, as a procedural category endowed with evidentiary value.

The list of digital evidence under Article 76-2 is open-ended and includes: electronic files, audio and video recordings, information stored online, and other electronic data. Importantly, audio and video recordings attached to procedural protocols are also recognized as digital evidence. This expands the scope of application of the rule and legitimizes the use of video conference recordings as evidence[6].

At the same time, the introduced regulation raises a number of conceptual questions. First, the EPC of the Republic of Uzbekistan does not define the relationship between digital evidence and written (Article 75) or physical (Article 77) evidence. Article 76-2 only provides a negative distinction: a paper printout of digital evidence "cannot be considered written evidence." However, the code does not provide a positive definition of the place of digital evidence in the evidentiary system. Second, the question of the evidentiary value of metadata—information about the time of creation, modification, author of the file, and the data transmission route—remains open. This information is often decisive in economic disputes, yet it is not explicitly mentioned in the EPC of the Republic of Uzbekistan.

The central procedural issue is the admissibility of digital evidence. Article 76² of the EPC of the Republic of Uzbekistan establishes the following conditions for the admissibility of a copy of digital evidence: (1) the presence of the original from which the copy was made; (2) either notarization of the copy. Copying digital evidence is permitted only if its integrity and identity are "preserved"[7].

This design poses practical difficulties. When applied to data stored online (web pages, cloud-based communications, and social media posts), the concept of "original" is ambiguous: the original data can be modified or deleted by the

6 Babakulovna I. F., Ibratova F. B., Yerkebayeva Z. A. Mediation as an alternative way to resolution of economic disputes. – 2023.
7 Рудакова С. В. Цифровое алиби и цифровые доказательства //Юридический вестник Кубанского государственного университета. – 2019. – №. 1. – С. 56-59.

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platform operator at any time[8]. The Economic Procedural Code of the Republic of Uzbekistan does not provide a mechanism for ensuring the preservation of such evidence, creating significant legal uncertainty for parties to economic disputes.

The issue of technical standards for verifying the integrity of digital data also remains unresolved. Specifically, the code does not mention hash functions as a tool for verifying the identity of an electronic copy to the original, despite the fact that this mechanism is used internationally to establish the immutability of digital files.

Germany (ZPO). German procedural law belongs to the same Romano-Germanic legal family as Uzbek law, making German experience particularly valuable for comparative analysis. The German Code of Civil Procedure (Zivilprozessordnung, ZPO) regulates electronic documents in §§ 371a and 416a. A key feature of the German system is the clear distinction between qualified electronic signatures (qualifizierte elektronische Signatur) and other forms of electronic documents: only documents with a qualified signature are considered equivalent to signed written documents and have enhanced evidentiary value[9].

With regard to private electronic documents, § 371a of the ZPO explicitly states that the court evaluates them freely. Significantly, Germany applies the concept of "visual inspection" (Augenschein): the court has the right to examine the electronic medium directly during the hearing using technical means. This is consistent with the approach of Article 76-1 of the EPC of the Republic of Uzbekistan, which provides for the inspection of the primary medium by a specialist. However, in Germany, the status and procedural functions of such a specialist (sachverständige Person) are regulated in detail, whereas the EPC of the Republic of Uzbekistan merely mentions the specialist's role in inspecting electronic media without providing detailed regulations.

United States of America (FRE, FRCP). American law has developed the most detailed system in the world for working with electronic evidence (electronically stored information, ESI). The Federal Rules of Evidence (FRE)

8 Новицкий В. А., Новицкая Л. Ю. Понятие и виды цифровых доказательств //Ленинградский юридический журнал. – 2019. – №. 1 (55). – С. 213-220.
9 § 371a ZPO: Augenschein bei elektronischen Dokumenten // Zivilprozessordnung in der Fassung vom 5. Dezember 2005.

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establish a multi-level system for authenticating electronic documents (Rule 901), including self-authenticating digital records (Rules 902(13)-(14)), the authenticity of which is confirmed by a specialist certificate without the need for a witness[10].

A key feature of the American model is the concept of e-discovery—pretrial discovery of electronic evidence (FRCP, Rule 26(b)). Parties are required to disclose ESI relevant to the dispute in advance, and the FRCP explicitly requires a proportionate approach: the costs of search and discovery must not be disproportionately high to the value of the claim. For the EPC of the Republic of Uzbekistan, which lacks a similar mechanism, this concept is of great interest in terms of potential adoption.

Significant for the topic of this article is the recognition in the United States of the "best evidence rule" (FRE Rule 1002): an original electronic record may be replaced with a duplicate (FRE Rule 1003) if its authenticity is not contested. This approach is more lenient than the EPC of the Republic of Uzbekistan, which requires an original or a notarized copy.

China (Internet Court Rules, 2018). The Chinese experience occupies a special place in the comparative analysis. In 2018, the Supreme People's Court of the People's Republic of China adopted the "Regulations on Certain Issues Concerning the Handling of Cases by Internet Courts"[11], enshrining a revolutionary rule: evidence recorded using blockchain technology is considered authentic if the interested party can confirm the reliability of the platform used. This is the first legal recognition of blockchain as a mechanism for ensuring the admissibility of digital evidence in global practice.

Three specialized online courts in Hangzhou, Beijing, and Guangzhou hear cases related to e-commerce, online copyright, and online loans entirely online. The entire procedural chain—filing a claim, notifying the parties, the court hearing, and rendering a decision—is conducted online. According to the EPC of the Republic of Uzbekistan, which enshrines the possibility of conducting

[10] Federal Rules of Evidence, Rules 902(13)-(14) // https://www.law.cornell.edu/rules/fre
[11] Верховный народный суд КНР. Положения об отдельных вопросах рассмотрения дел интернет-судами (2018) // https://www.court.gov.cn

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proceedings electronically (Article 4), the Chinese experience represents the most comprehensive embodiment of this concept.

Regarding digital evidence, the 2018 Chinese rules stipulate that the court accepts as evidence "electronic data" transmitted via the internet, email, instant messaging, blogs, and data retrieved from cloud storage. The admissibility criterion is the verifiable source, time of creation, and integrity of the data. These three parameters—source, time, and integrity—can serve as a guide for filling the gaps in the EPC of the Republic of Uzbekistan.

Singapore (Evidence Act, Rules of Court 2021). Singapore is an Asian benchmark in legal reform, particularly indicative of Uzbekistan as a country actively modernizing its legal system. The 2012 edition of the Singapore Evidence Act enshrined the principle of technology neutrality: evidence does not lose its admissibility simply because it is in electronic form[12]. Section 116A establishes a rebuttable presumption of reliability of electronic records made in the ordinary course of business, which significantly eases the procedural position of parties in commercial disputes.

The 2021 Rules of Court have taken Singapore's e-justice system to a new level by introducing mandatory pre-trial settlement of digital evidence (e-Discovery Protocol). Parties are required to agree at the pre-trial stage on the list of ESI to be disclosed, search methods (search queries, keywords), and data transfer format. This mechanism is fundamentally different from the EPC of the Republic of Uzbekistan, which does not contain specific rules for the pre-trial exchange of digital evidence.

Kazakhstan (Civil Procedure Code of the Republic of Kazakhstan). The experience of Kazakhstan, the most advanced in the CIS in digital justice, is of interest as a "regional mirror." The 2015 Civil Procedure Code of the Republic of Kazakhstan enshrines "electronic documents" as a separate type of evidence (Article 76 of the Civil Procedure Code of the Republic of Kazakhstan), distinguishing between documents with an electronic digital signature (increased evidentiary value) and those without one (subject to free evaluation by the court).

[12] Evidence Act of Singapore, Section 116A // https://sso.agc.gov.sg/Act/EA1893

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A similar distinction, absent from the Economic Procedural Code of the Republic of Uzbekistan, could be adopted by the Uzbek legislator.

Kazakhstan has also introduced mandatory registration of electronic evidence in the court information system (the "Court Cabinet"), which ensures a verifiable chain of custody and eliminates concerns about the integrity of digital materials. A similar system is being developed in Uzbekistan as part of the "Digital Court" concept, envisaged by Presidential Decree No. UP-140 of August 21, 2025.

Identified problems and proposals for improving the EPC of the Republic of Uzbekistan. Based on the comparative analysis, the following gaps and conflicts in the current regulation of digital evidence in the EPC of the Republic of Uzbekistan can be identified, along with proposed solutions.

First, there is a lack of regulations on metadata. The Economic Procedural Code of the Republic of Uzbekistan makes no mention of metadata, despite its critical role in economic disputes (confirming the document creation date, establishing the authorship of edits, and the data transmission route). It would be appropriate to supplement Article 76-2 with a statement that metadata is part of digital evidence, and its modification or deletion is grounds for invalidating the evidence.

Second, there is a lack of regulation regarding digital evidence from the internet. Article 76-2 merely mentions "information stored on the internet" without specifying mechanisms for recording and preserving it. Drawing on the experience of China and Singapore, it seems necessary to introduce into the Economic Procedural Code of the Republic of Uzbekistan a notarized inspection protocol for internet pages or screenshots certified with a qualified electronic signature as methods for properly recording internet evidence.

Third, there is a lack of technical standards for integrity verification. The requirement in Article 76-2 to preserve the "integrity and identity" of a digital copy lacks a practical implementation mechanism. Following the example of German and American law, a hash function (SHA-256 or similar) could be established as the standard tool for verifying the integrity of a digital copy.

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Fourth, there is a lack of regulation regarding blockchain evidence. Given the rapid active development of blockchain infrastructure in Uzbekistan, the lack of relevant procedural norms creates legal uncertainty. Drawing on the direct experience of China and the indirect experience of the United States, it is proposed to supplement Article 76-2 with a provision stipulating that records recorded in a distributed ledger using blockchain technology have a rebuttable presumption of authenticity, subject to verification of the platform's reliability.

Fifth, the procedural status of the specialist. Article 76-1 mentions the specialist's participation in the inspection of electronic media, but does not define the scope of their authority with respect to digital evidence. Articles 57-58 of the EPC of the Republic of Uzbekistan should be supplemented with specific provisions on the rights and responsibilities of a digital forensic specialist (forensic expert), similar to the German "sachverständige Person."

A comparative legal analysis shows that the introduction of Articles 76-1 and 76-2 into the EPC of the Republic of Uzbekistan in 2024 was an important step toward creating a modern procedural framework for working with digital evidence. Uzbekistan has adopted key international practice by establishing a separate type of evidence and establishing the conditions for the admissibility of digital copies.

However, compared to leading legal systems, significant gaps have been identified in the regulation of the EPC of the Republic of Uzbekistan: a lack of regulations on metadata and blockchain evidence, unregulated mechanisms for recording internet data, unclear technical standards for integrity verification, and a lack of procedural status for digital forensic specialists.

The German experience is primarily applicable in terms of differentiating evidentiary value depending on the type of electronic signature; the US experience is applicable in terms of introducing proportional disclosure of ESI; the Chinese experience is applicable in terms of the direct recognition of blockchain evidence; the Singapore experience is applicable in terms of the pre-trial e-Discovery Protocol and the presumption of reliability of business electronic records; and the Kazakhstan’s experience is applicable in terms of registering digital evidence in the judicial information system.

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Eliminating these gaps through targeted improvements to the EPC of the Republic of Uzbekistan will ensure the predictability and effectiveness of economic proceedings in the context of the ongoing digitalization of economic activity in the Republic of Uzbekistan.

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