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Digital platform regulation in Uzbekistan: challenges and prospects

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Аннотация. O‘zbekistonning raqamli iqtisodiyoti uning tartibga soluvchi institutlarining moslashuvchanlik qobiliyatidan sezilarli darajada ustun bo‘lgan sur’atlarda o‘sdi. Ushbu maqolada O‘zbekistondagi raqamli platformalarni tartibga soluvchi huquqiy asoslar o‘rganilib, ularning bozor konsentratsiyasi, ma’lumotlarni boshqarishdagi kamchiliklar va tarmoq ta’siri hamda o‘z-o‘zini afzal ko‘rish xatti-harakatlari natijasida yuzaga keladigan raqobat buzilishlarini bartaraf etishdagi yetarliligi baholanadi. Asosiy qonunchilik manbalariga, xususan, "Raqobat to‘g‘risida"gi qonun (O‘RQ-850-son, 2023-yil), "Elektron tijorat to‘g‘risida"gi qonun (O‘RQ-792-son, 2022-yil) va "Shaxsga doir ma’lumotlar to‘g‘risida"gi qonun (O‘RQ-547-son, 2019-yil) ga tayanib, maqolada O‘zbekistonning amaldagi me’yoriy arxitekturasi va Yevropa Ittifoqining Raqamli bozorlar to‘g‘risidagi qonuni (Regulation (EU) 2022/1925) hamda Janubiy Koreya va Rossiyadagi shunga o‘xshash hujjatlar bilan belgilangan tartibga solish standartlari o‘rtasidagi tarkibiy bo‘shliqlar aniqlangan.

Калит сўзлар. raqamli platformalar; raqobat huquqi; O‘zbekiston; Raqamli bozorlar to‘g‘risidagi qonun; o‘z-o‘zini afzal ko‘rish; yuqori muzokara kuchi; ma’lumotlarni boshqarish

Аннотация. Цифровая экономика Узбекистана выросла темпами, которые существенно превышают адаптивные возможности ее регулирующих институтов. В данной статье рассматривается правовая база, регулирующая цифровые платформы в Узбекистане, и оценивается ее адекватность в решении вопросов рыночной концентрации, дефицита управления данными и искажений конкуренции, вызванных сетевыми эффектами и поведением самопредпочтения. Опираясь на основные законодательные источники, в частности на Закон "О конкуренции" (No LRU-850, 2023), Закон "Об электронной коммерции" (No LRU-792, 2022) и Закон "О персональных данных" (No LRU-547, 2019), в статье выявляются структурные пробелы между действующей нормативной архитектурой Узбекистана и нормативными стандартами, установленными Законом Европейского Союза о цифровых рынках (Regulation (EU) 2022/1925) и аналогичными инструментами в Южной Корее и России.

Ключевые слова. цифровые платформы; конкурентное право; Узбекистан; Закон о цифровых рынках; самопредпочтение; превосходная переговорная власть; управление данными

Annotation. Uzbekistan's digital economy has grown at a pace that materially outstrips the adaptive capacity of its regulatory institutions. This article examines the legal framework governing digital platforms in Uzbekistan, assessing its adequacy in addressing market concentration, data governance deficits, and competition distortions produced by network effects and self-preferencing conduct. Drawing on primary legislative sources -- in particular the Law on Competition (No. LRU-850, 2023), the Law on Electronic Commerce (No. LRU-792, 2022), and the Law on Personal Data (No. LRU-547, 2019) -- the article identifies the structural gaps between Uzbekistan's current normative architecture and the regulatory standards established by the European Union's Digital Markets Act (Regulation (EU) 2022/1925) and analogous instruments in South Korea and Russia.

Keywords. digital platforms; competition law; Uzbekistan; Digital Markets Act; self-preferencing; superior bargaining power; data governance

1. Introduction

Uzbekistan's digital economy has experienced rapid structural transformation over the past five years. According to DataReportal, internet penetration stood at 83.3 percent of the total population at the start of 2024, with 29.52 million internet users and 33.81 million cellular mobile connections active in the country[1]. The e-commerce market, valued at USD 311 million in 2022, had reached USD 1.2 billion by 2024, representing 3.8 percent of the total retail market, according to official government statistics cited by the United States Department of Commerce[2]. KPMG projects that e-commerce penetration will reach between 9 and 11 percent of the total retail market by 2027, with revenues forecast at between USD 1.8 and 2.2 billion[3].

The pace of this growth has not been matched by the development of a regulatory framework capable of addressing the distinctive market failures of digital platforms. Until July 2023, Uzbekistan's primary competition instrument -- the Law on Competition No. LRU-319 of 6 January 2012 contained no provisions specific to digital markets, no definition of a digital platform, and no recognition of network effects as a structural source of competitive advantage[4]. The adoption of a new Law on Competition (No. LRU-850) on 3 July 2023, which entered into force on 4 October 2023, introduced a number of significant innovations, including a statutory definition of a digital platform and the concept of superior bargaining power[5]. Nevertheless, critical gaps remain, and the question of whether Uzbekistan's current framework is adequate to discipline digital platform conduct constitutes the central inquiry of this article.

The article proceeds as follows. Section 2 examines the current legal framework, analysing its principal instruments and their limitations. Section 3 undertakes a comparative analysis of the EU Digital Markets Act and its potential relevance to Uzbekistan. Section 4 identifies the structural challenges confronting effective platform regulation. Section 5 proposes a prospective reform agenda. Section 6 concludes.

2. The Existing Legal Framework: Structure and Limitations

2.1 The Law on Competition (LRU-850, 2023). The adoption of the Law on Competition No. LRU-850 on 3 July 2023 represented the most significant reform of Uzbekistan's competition law since its codification in 2012. The New Law introduces updated criteria for identifying a dominant market position, a definition of the digital platform as an information system providing paid or free use of digital products via the internet, the concept of superior bargaining power, and mandatory antimonopoly compliance obligations for certain business entities. The New Law also establishes financial sanctions for violations, replacing the largely toothless penalty regime of its predecessor[6].

The introduction of superior bargaining power as a regulatory concept is particularly noteworthy. Under the New Law, this concept captures the ability of an economic entity to exert unilateral influence over the terms of a transaction even without holding a formal dominant position[7]. This is analytically significant for digital markets, where platforms may exercise substantial control over business users -- setting ranking criteria, determining algorithmic visibility, and imposing transaction fees -- without meeting traditional dominance thresholds. However, the legislation does not yet operationalise this concept through specific prohibited conducts in digital contexts or establish procedural mechanisms for its enforcement. The Regulation on the recognition of the dominant position of digital platform operators adopted pursuant to the New Law introduces the concept of network effects -- defined as the phenomenon whereby a change in the number of users on one side of a platform alters the value of the service for users on the other side, enabling the operator to maintain or expand its market advantages through data collection and processing[8] -- but stops short of prescribing ex ante obligations triggered by that dominance.

2.2 The Law on Electronic Commerce (LRU-792, 2022). The Law on Electronic Commerce No. LRU-792, signed on 29 September 2022 and entering into force on 31 December 2022, establishes the regulatory framework for electronic transactions in Uzbekistan. The Law defines the participants in electronic commerce, establishes obligations of disclosure for sellers, and designates the Ministry of Digital Technologies as the authorised state body in the field of e-commerce[9]. A significant development occurred in December 2024 when the Cabinet of Ministers adopted Resolution No. 885, which introduced formal definitions of e-commerce operators --

distinguishing electronic trading platforms, order aggregators, and digital streaming services -- and required them to establish a legal presence in Uzbekistan[10].

Notwithstanding these developments, the Law on Electronic Commerce retains a transactional rather than structural orientation. It regulates individual electronic contracts and consumer rights in online transactions but contains no provisions on platform-to-business relationships, no algorithmic transparency obligations, no data portability requirements, and no mechanism for controlling the terms on which dominant platforms admit business users to their ecosystems. These omissions are normatively significant because the harms associated with digital market concentration arise not from individual transactions but from the structural conditions that platforms impose on all participants.

2.3 The Law on Personal Data (LRU-547, 2019). The cornerstone of Uzbekistan's data protection regime is the Law on Personal Data No. LRU-547 of 2 July 2019. The law establishes the legal framework for processing personal data, defines data subjects' rights, sets requirements for data controllers and processors, mandates data localisation, and introduces consent, security, and registration obligations[11]. In 2021, amendments introduced obligations for foreign companies to store the personal data of Uzbek citizens on servers located within the territory of Uzbekistan. Uzbekistan's data protection framework is further supported by the Law on Cybersecurity No. LRU-764 of 15 April 2022.

While the Law on Personal Data provides a functional baseline, it falls short of addressing the competitive dimensions of data accumulation in digital markets. The law does not address data portability as a mechanism for enabling market entry or reducing switching costs. It does not regulate algorithmic profiling or the use of aggregated user data for competitive purposes. These lacunae are significant because the asymmetry of data between incumbents and potential entrants constitutes one of the primary structural barriers to contestability in digital markets.

3. Comparative Analysis: The EU Digital Markets Act

The European Union's Digital Markets Act (Regulation (EU) 2022/1925, hereinafter "DMA"), formally adopted on 14 September 2022 and applying from 2 May 2023, represents the most comprehensive ex ante regulatory intervention in digital platform governance to date. The DMA designates large platforms meeting quantitative thresholds -- specifically, an annual EU turnover of at least EUR 7.5 billion in each of the last three financial years or a market capitalisation of at least EUR 75 billion, combined with 45 million monthly active end users and 10,000 yearly active business users in the EU -- as "gatekeepers" subject to a set of positive obligations and prohibitions[12].

The gatekeeper obligations include: a prohibition on self-preferencing in algorithmic search outputs; mandatory

interoperability for messaging services; data portability rights enabling users to transfer data to competing services; a prohibition on reusing private data from one service to another without consent; and a requirement to notify the European Commission of intended acquisitions in the digital sector[13]. The Commission may impose fines of up to 10 percent of global annual turnover for first violations and up to 20 percent for repeated infringements, creating deterrence at a scale not replicated in any existing Uzbek instrument.

The DMA's relevance to Uzbekistan is not merely aspirational. Uzbekistan's Competition Law (LRU-850) has already introduced definitional concepts -- digital platform, network effects, superior bargaining power -- that parallel the analytical vocabulary of the DMA. The institutional gap lies not in conceptual readiness but in enforcement architecture: Uzbekistan currently lacks ex ante obligations that apply irrespective of proven dominance, a dedicated digital market division within the CPCP Committee, and a sanctioning regime calibrated to global revenues.

South Korea provides a further instructive comparator. In 2021, Korea amended its Mobile Industry Promotion Act to prohibit app store operators from requiring exclusive use of in-app payment systems, a practice that generated substantial supra-competitive margins for dominant platform operators[14]. This targeted, conduct-specific intervention -- achieved without wholesale legislative redesign -- offers a proportionate model for an emerging economy that may not yet possess the institutional infrastructure for full gatekeeper designation regimes. Russia, by contrast, has pursued an approach centred on data localisation and platform accountability obligations under Federal Law No. 149-FZ, which has generated compliance costs without systematically addressing competition-related platform harms, suggesting the limits of a purely sovereignty-based regulatory model[15].

4. Structural Challenges

4.1 The Absence of Ex Ante Obligations. The most significant structural limitation of Uzbekistan's current framework is its exclusively ex post character. The Competition Promotion and Consumer Protection Committee (hereinafter "CPCP Committee") -- the state body authorised to regulate competition matters, formally independent from the government and reporting to the President and Parliament [16] -- may investigate and sanction anticompetitive conduct after it has occurred. However, in digital markets characterised by rapid network effects and high switching costs, ex post remedies arrive too late to restore competitive conditions. By the time a dominant platform's self-preferencing conduct is investigated, proven, and penalised, the competitive harm may have become structurally irreversible. This temporal inadequacy was the principal rationale for the DMA's shift to ex ante obligations in the EU context, and the same logic applies with equal force in Uzbekistan's developing digital market.

4.2 Institutional Capacity. Effective digital market regulation requires a combination of legal, economic, and technical expertise that presents a significant challenge for any regulatory authority, and particularly for emerging economies. The CPCP Committee, while having received training in 2025 through a seminar organised with the BRICS International Competition Law and Policy Centre covering methodologies for digital market definition and the assessment of mergers and acquisitions in digital markets, [17] is structurally a general competition authority without a dedicated digital division. Market definition in two-sided platform contexts, assessment of algorithmic foreclosure, and evaluation of data-driven barriers to entry require specialised skills that take years to develop and cannot be adequately addressed within a general enforcement mandate.

4.3 Legislative Fragmentation. Digital platform conduct in Uzbekistan intersects with at least four distinct legislative instruments -- the Competition Law, the Electronic Commerce Law, the Personal Data Law, and the Cybersecurity Law -- administered by different ministerial bodies. The absence of a unified regulatory framework creates jurisdictional ambiguity that sophisticated platform operators can exploit to minimise regulatory accountability. The December 2024 Cabinet of Ministers Resolution No. 885 illustrates this fragmentation: it introduced new definitions and obligations for platform operators without reference to the Competition Law's provisions on digital platforms, potentially creating parallel definitional regimes that apply different criteria to the same entities.

4.4 Data Governance Deficits. Data asymmetries between incumbent platforms and potential entrants represent a structural barrier to market contestability that Uzbekistan's current framework does not address. The Law on Personal Data mandates data localisation and consent requirements but contains no data portability obligations enabling business users or consumers to transfer accumulated interaction histories to competing platforms. In practice, users who have built up purchasing histories, reviews, and reputation scores on a dominant marketplace cannot transfer that capital to a rival, reinforcing lock-in effects that insulate incumbents from competitive pressure irrespective of the quality of their services.

5. Prospects: A Reform Agenda

The analysis in the preceding sections identifies a coherent reform agenda that builds on Uzbekistan's existing legislative foundations rather than displacing them.

First, the Competition Law (LRU-850) should be amended to operationalise the concept of superior bargaining power in digital market contexts through specific prohibited conducts. These should include at a minimum: the prohibition of self-preferencing by digital platforms with significant market power in the algorithmic ranking of competing products or services; the

prohibition of mandatory use of a platform's proprietary payment systems as a condition of market access; and obligations of non-discriminatory treatment of business users in access to platform-generated data. These targeted prohibitions can be introduced without adopting a full gatekeeper designation regime, following the model of South Korea's 2021 amendment.

Second, the Law on Electronic Commerce should be supplemented with platform-to-business obligations applicable to operators of electronic trading platforms above a defined transaction volume threshold. These should include disclosure obligations regarding algorithmic ranking criteria, a right of business users to challenge delisting decisions before an independent body, and a prohibition on using aggregated data from business users for competitive purposes. The December 2024 framework established by Resolution No. 885 -- which already identifies distinct categories of platform operator -- provides a structural basis for this differentiated regulatory approach.

Third, data portability should be introduced as a cross-cutting obligation applicable to significant digital intermediaries. Portability enables users and business participants to move between platforms without forfeiting accumulated data assets, reducing the structural lock-in that insulates incumbents. This reform is technically feasible through standardised application programming interfaces and does not require the state to determine which platforms are dominant -- it applies proportionately to all platforms above a relevant threshold.

Fourth, the institutional architecture of the CPCP Committee should be strengthened through the establishment of a dedicated Digital Markets Division staffed by personnel with combined legal, economic, and technical competence. Regional cooperation -- particularly with Kazakhstan, which is itself developing analogous digital market legislation -- should be pursued through existing bilateral channels to share enforcement expertise and align definitional approaches in cross-border digital market matters.

6. Conclusion

Uzbekistan stands at a regulatory inflection point. The 2023 Competition Law has introduced the conceptual vocabulary -- digital platform, network effects, superior bargaining power -- necessary to engage seriously with the challenges of digital market governance. The 2022 Electronic Commerce Law and the December 2024 Cabinet of Ministers Resolution No. 885 have established a functional, if incomplete, framework for e-commerce regulation. However, the absence of ex ante obligations, the limited operationalisation of superior bargaining power in digital contexts, the fragmentation of regulatory authority across multiple instruments and ministerial bodies, and the deficit of data portability norms combine to produce a framework that is inadequate to the structural challenges of an e-commerce market growing at rates of over 40 percent annually.

The comparative experience of the European Union and South Korea demonstrates that effective platform regulation requires not a wholesale replacement of existing competition law but a targeted supplementation with ex ante conduct obligations, proportionate to the scale and market power of the platform concerned. Uzbekistan possesses the legislative foundations for such an approach. The task for the next phase of reform is to translate those foundations into operationalised obligations, underpinned by an institutional architecture with the expertise and independence necessary to enforce them.

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