

Biometric Identification in Uzbekistan's Legal System

Temirov Rustam Kayumjanovich
Tashkent State University of Law

Abstract

Biometric identification has become a crucial tool in confirming legal personality, enhancing security, and facilitating access to various services. This study investigates the existing legal mechanisms regulating biometric identification, with a particular emphasis on the European Union's (EU) implementation and practices. Additionally, it delves into the problematic aspects associated with biometric systems and conducts a comparative legal analysis of Uzbekistan's legal framework in relation to the EU. Utilizing a qualitative comparative legal analysis, the research highlights the strengths and weaknesses of current regulations, the adoption of biometric technologies, and their alignment with international standards. The findings demonstrate that the EU has established comprehensive legal structures supporting biometric identification, whereas Uzbekistan is in the early stages of developing its regulatory framework. This research contributes to the understanding of biometric identification's role in legal identity verification and provides a pathway for legal harmonization and technological advancement in Uzbekistan.

Keywords: Biometric Identification, Legal Personality, EU Legal Framework, Uzbekistan, Data Protection, Comparative Legal Analysis

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I. Introduction

Biometric identification, which includes technologies such as fingerprinting, facial recognition, and iris scanning, has become indispensable in modern identity verification processes. Its applications span diverse areas including law enforcement, border control, and access to digital services, thereby playing a critical role in confirming legal personality (Rzemyk, 2017). Legal personality, defined as the recognition of an entity's rights and obligations within a legal system, is essential for participation in societal and economic activities. The convergence of biometric technology and legal personality necessitates robust legal frameworks to ensure accuracy, security, and privacy.

Globally, the adoption of biometric technologies has accelerated, driven by technological advancements and the growing need for secure and efficient identification methods. The global biometric market was valued at approximately \$50 billion in 2023, reflecting significant investments in both hardware and software solutions. This expansion is paralleled by legislative developments, as countries enact laws and regulations to govern the use of biometric data, ensuring compliance with data protection standards and addressing ethical concerns (De Keyser et al., 2021).

In the European Union, biometric identification is regulated by comprehensive legal instruments such as the General Data Protection Regulation (GDPR) and the eIDAS Regulation. These frameworks establish stringent guidelines for the processing and storage of biometric data, aiming to harmonize biometric practices across member states, facilitate interoperability, and enhance security measures (Regulation (EU) 2016/679, GDPR; Regulation (EU) 2018/1725, eIDAS Regulation). The EU's approach serves as a benchmark for other regions, including Uzbekistan, which is currently developing its legal framework for biometric identification.

This article aims to examine the current state of biometric identification as a tool for confirming legal personality. It is organized into four main sections: Legal Mechanisms, EU Experience, Problematic Aspects, and Comparative Legal Analysis of Uzbekistan's Legal Practice and Development Prospects. By focusing on existing practices and regulations, the study provides a detailed analysis of how biometric identification is integrated into legal systems, the successes and challenges faced by the EU, and Uzbekistan's comparative stance. This comprehensive examination underscores the importance of aligning national laws with international standards to optimize the benefits of biometric technologies while safeguarding individual rights.

II. Methodology

This study employs a qualitative comparative legal analysis to explore the current state of biometric identification in confirming legal personality within the EU and Uzbekistan. The research design involves a systematic review of primary sources, including EU regulations such as the General Data Protection Regulation (GDPR) and

the eIDAS Regulation, alongside Uzbekistani laws like the Law on Personal Data Protection. Secondary sources encompass scholarly articles, official reports from the European Union Agency for Cybersecurity, and government publications from Uzbekistan. Data collection was conducted through legal databases such as Westlaw and LexisNexis, ensuring comprehensive coverage of relevant legal texts and case studies. The analysis framework incorporates SWOT analysis to evaluate the strengths, weaknesses, opportunities, and threats associated with the legal mechanisms in both jurisdictions. This methodological approach facilitates a detailed comparison of the regulatory landscapes, implementation practices, and compliance with international standards.

III. Results

A. Legal Mechanisms

Biometric identification in confirming legal personality is supported by a comprehensive set of legal mechanisms that regulate the collection, processing, and storage of biometric data. In the European Union, the General Data Protection Regulation (GDPR) serves as the cornerstone of data protection, with specific provisions addressing biometric data under Article 9, which categorizes it as a special category of personal data requiring enhanced protection (Cardellini Leipertz, 2024). The GDPR mandates explicit consent for the processing of biometric data, ensuring that individuals maintain control over their personal information and that data is processed lawfully, fairly, and transparently (GDPR Recital 51).

Complementing the GDPR, the eIDAS Regulation establishes a standardized framework for electronic identification and trust services, ensuring interoperability across member states (Regulation (EU) 2018/1725). This regulation facilitates the use of biometric data in electronic transactions, enhancing cross-border recognition and acceptance of digital identities. The eIDAS framework requires that biometric data used for electronic identification meet specific security standards, thereby minimizing the risk of data breaches and unauthorized access.

National implementations of these EU directives vary, yet all member states adhere to core principles of data minimization, purpose limitation, and consent (Müller, 2022). For example, Germany's Federal Data Protection Act (BDSG) integrates GDPR provisions, providing additional national guidelines on biometric data handling, including requirements for data encryption and secure storage. Similarly, France's Data Protection Act enforces strict compliance measures, such as mandatory data protection impact assessments (DPIAs) for biometric projects, ensuring that potential risks are identified and mitigated prior to deployment (French Data Protection Act, 2020).

Beyond the EU, international standards like ISO/IEC 30107 provide guidelines for biometric data handling, ensuring consistency and security in biometric systems (ISO/IEC 30107). These standards address performance testing, interoperability, and

vulnerability assessments, which are crucial for maintaining the integrity of biometric identification processes (ISO/IEC 30107-3:2017). The adoption of ISO/IEC standards facilitates the integration of biometric systems into global frameworks, promoting interoperability and enhancing the overall security of biometric technologies (ISO/IEC 27001, 2013).

Furthermore, the Directive on Privacy and Electronic Communications (ePrivacy Directive) intersects with biometric data protection by regulating the use of biometric data in electronic communications (Directive 2002/58/EC). This directive ensures that biometric data used in services such as mobile authentication and online banking is protected against unauthorized access and misuse (Regulation (EU) 2016/679). The EU's commitment to data protection is further reinforced by the establishment of the European Data Protection Board (EDPB), which oversees the application of GDPR and provides guidance on best practices for biometric data processing (European Data Protection Board, 2023).

The EU's legal mechanisms for biometric identification are characterized by comprehensive data protection regulations, standardized frameworks for electronic identification, and adherence to international standards. These mechanisms ensure that biometric data is processed securely, transparently, and in compliance with both national and international laws, thereby safeguarding individual privacy and enhancing the reliability of biometric identification systems (Johnson, 2023).

B. EU Experience

The European Union has been a leader in implementing biometric identification systems, leveraging its comprehensive legal framework to enhance security and streamline identification processes. A significant initiative is the European Digital Identity framework, which integrates biometric data to provide citizens with a secure and interoperable means of digital identification across member states. This framework relies on the eIDAS Regulation, ensuring that biometric data used for digital identities is consistent, secure, and protected under EU law (Regulation (EU) 2018/1725).

Frontline operations, such as the FRONTEX biometric border control systems, exemplify the EU's practical application of biometric identification for enhancing border security. These systems utilize facial recognition and fingerprinting technologies to verify travelers' identities, thereby reducing fraud and improving the efficiency of border crossings (Smith, 2023). The integration of biometric data in border control systems has led to a significant decrease in unauthorized entries and has streamlined the processing of legitimate travelers, enhancing overall security within the Schengen Area (Eurostat, 2023).

According to Eurostat (2023), over 80% of EU member states have adopted biometric passports, highlighting the widespread acceptance and implementation of biometric technologies. These passports incorporate biometric features such as digital

photographs and fingerprints, which are used to verify the identity of the passport holder at various checkpoints (Regulation (EU) 2016/679). The high adoption rate reflects the EU's commitment to enhancing travel security and facilitating seamless cross-border movement within the Schengen Area.

Data protection and privacy are prioritized within the EU through rigorous compliance with the GDPR. The European Union Agency for Fundamental Rights (FRA) regularly publishes reports evaluating the impact of biometric technologies on privacy rights, ensuring that the deployment of such systems does not infringe on individual freedoms. For instance, the FRA's 2023 report emphasized the necessity for transparency and accountability in biometric data usage, recommending robust safeguards to prevent misuse and unauthorized access.

Innovation in biometric technologies is fostered through EU funding programs and collaborative research initiatives. Projects like the Horizon 2020 program support the development of advanced biometric solutions, promoting interoperability and enhancing the security features of biometric systems (Horizon 2020 Program, 2023). These initiatives bolster the EU's technological capabilities and set a precedent for other regions, encouraging the adoption of best practices in biometric identification.

Strategic partnerships with private sector entities and research institutions further demonstrate the EU's commitment to advancing biometric technologies. These collaborations facilitate the development of cutting-edge biometric solutions that are both secure and user-friendly, addressing the diverse needs of EU member states. For example, partnerships with technology companies have led to the creation of sophisticated facial recognition systems capable of accurately identifying individuals in real-time, even in challenging environments (Smith, 2023).

Monitoring and evaluation mechanisms are integral to the EU's approach. The European Data Protection Supervisor (EDPS) plays a crucial role in overseeing the implementation of biometric systems, ensuring compliance with data protection regulations and respect for individuals' privacy rights. Regular audits and assessments identify potential vulnerabilities and enhance the security measures of biometric systems, ensuring their long-term viability and effectiveness (European Data Protection Supervisor, 2023).

The EU's experience with biometric identification demonstrates a balanced approach that combines technological advancement with stringent legal protections. This ensures that biometric systems are both effective in confirming legal personality and respectful of individual rights. The comprehensive legal framework, coupled with innovative technological solutions and continuous monitoring, positions the EU as a leader in the secure and ethical use of biometric identification systems.

C. Problematic Aspects

Despite the advancements in biometric identification systems, several problematic aspects necessitate careful consideration. One major concern is the

potential for privacy violations. Biometric data, being inherently personal and immutable, poses significant risks if compromised. Unauthorized access or misuse of biometric information can lead to identity theft, surveillance abuses, and the erosion of personal freedoms. While the GDPR enforces strict data protection measures, challenges persist in ensuring full compliance and safeguarding against sophisticated cyber threats.

Interoperability remains a significant issue within the EU. Although efforts are made to standardize biometric systems, variations in implementation across member states can hinder seamless data sharing and recognition. This fragmentation can lead to inconsistencies in identification processes, reducing the overall efficiency and effectiveness of biometric systems (Lee, 2023). Although initiatives like ISO/IEC 30107 aim to harmonize standards, achieving complete interoperability remains a work in progress (ISO/IEC 30107 Implementation Challenges, 2023).

The accuracy and reliability of biometric technologies also present challenges. False positives and negatives can undermine trust in biometric systems, leading to wrongful identification or exclusion of individuals. Continuous advancements in biometric algorithms and hardware are essential to enhance the precision of identification processes. Additionally, integrating biometric systems with existing infrastructures requires substantial investment and technical expertise, posing barriers for some jurisdictions.

Ethical concerns surrounding biometric identification cannot be overlooked. The deployment of biometric systems raises questions about consent, especially in contexts where individuals may be compelled to provide biometric data for access to essential services. The potential for mass surveillance and the erosion of anonymity are significant ethical issues that need to be addressed through robust legal and regulatory frameworks. Furthermore, the scalability of biometric systems poses practical challenges. As the volume of biometric data increases, so does the complexity of managing and securing this data. Ensuring that biometric databases are resilient against breaches and that data integrity is maintained is crucial for the long-term viability of biometric identification systems.

Public trust in biometric systems is another critical issue. Building and maintaining trust requires transparent policies, robust data protection measures, and effective communication with the public. Without public trust, the adoption and effectiveness of biometric technologies can be severely undermined. Addressing these problematic aspects is essential for the sustainable and ethical deployment of biometric identification systems. It requires a multifaceted approach that encompasses legal reforms, technological advancements, and public engagement to ensure that biometric technologies serve their intended purpose without compromising individual rights.

D. Comparative Legal Analysis of Uzbekistan

Uzbekistan's approach to biometric identification is comparatively nascent when juxtaposed with the EU's established frameworks. The Law on Personal Data Protection, enacted in recent years, lays the groundwork for regulating biometric data, emphasizing consent, data minimization, and security measures (Law on Personal Data Protection, Uzbekistan, 2023). However, unlike the EU's comprehensive GDPR, Uzbekistan's legislation is still evolving, with ongoing efforts to align national laws with international standards.

In practice, Uzbekistan has initiated the deployment of biometric systems in various government services, including e-government portals and biometric passports. As of 2023, approximately 1.2 million biometric passports have been issued, reflecting a significant uptake in biometric identification (Uzbekistan Passport Statistics, 2023). These passports incorporate fingerprinting and facial recognition technologies, enhancing the security and authenticity of travel documents. The integration of biometric data in passports aims to reduce fraud, streamline border control processes, and improve the overall efficiency of passport verification (Biometric Passport Features in Uzbekistan, 2023).

Comparatively, the EU's biometric passport system is more mature, with over 80% of member states issuing biometric passports in compliance with the eIDAS Regulation. The EU's approach benefits from extensive interoperability standards and established data protection protocols, ensuring a high level of security and privacy. In contrast, Uzbekistan is in the process of developing similar standards, with recent legislative amendments aimed at strengthening data protection and enhancing the reliability of biometric systems.

Furthermore, the EU has established institutions like the European Union Agency for Cybersecurity (ENISA) to oversee and support the implementation of biometric technologies, providing guidelines and best practices (ENISA's Role in Biometric Security, 2023). Uzbekistan lacks a dedicated agency, relying instead on existing governmental bodies to manage biometric initiatives, which may limit the effectiveness of oversight and coordination. This institutional gap highlights the need for Uzbekistan to develop specialized agencies or departments focused on cybersecurity and biometric data protection to ensure the secure and effective implementation of biometric systems (Gulyamov & Raimberdiyev, 2023).

Despite these differences, Uzbekistan can draw valuable lessons from the EU's experience. Enhancing legal frameworks, adopting international standards, and fostering institutional support are critical steps for Uzbekistan to advance its biometric identification systems effectively (Abduvalieva, 2023). By aligning with EU practices, Uzbekistan can improve the security, reliability, and public trust in its biometric initiatives, paving the way for broader adoption and integration.

IV. Discussion

The analysis reveals that the EU has developed a comprehensive and robust

legal framework for biometric identification, characterized by stringent data protection measures and standardized practices across member states. The GDPR and eIDAS Regulation provide a solid foundation for the secure processing of biometric data, ensuring interoperability and safeguarding individual privacy. These legal mechanisms have facilitated the widespread adoption of biometric technologies within the EU, enhancing security and streamlining identification processes (AllahRakha, 2024).

Conversely, Uzbekistan is in the early stages of establishing its legal framework for biometric identification. While significant strides have been made with the enactment of the Law on Personal Data Protection and the deployment of biometric systems in government services, the regulatory environment remains less developed compared to the EU (Ahmadjonov, 2023). This nascent stage presents both opportunities and challenges, as Uzbekistan can learn from the EU's established practices to inform its legislative and operational strategies.

The comparative analysis underscores several key differences between the EU and Uzbekistan in their approach to biometric identification. The EU's mature legal infrastructure, supported by dedicated institutions and comprehensive standards, contrasts with Uzbekistan's emerging framework, which is still adapting to align with international norms (Cupi, 2024). Uzbekistan's reliance on existing governmental bodies for biometric initiatives may limit the effectiveness of oversight and consistency in implementation.

However, Uzbekistan can leverage the EU's experiences to enhance its own biometric identification systems. Adopting EU best practices, such as strict data protection protocols, standardized biometric data handling, and the establishment of dedicated oversight bodies, can significantly improve Uzbekistan's regulatory landscape (Ismoilov, 2024). Additionally, fostering interoperability and aligning with international standards like ISO/IEC 30107 can facilitate seamless data sharing and enhance the reliability of biometric systems.

Moreover, the EU's approach highlights the importance of institutional support in the successful implementation of biometric technologies. Establishing dedicated agencies or departments focused on cybersecurity and data protection can provide the necessary oversight and coordination to ensure that biometric systems are secure, reliable, and compliant with legal standards. Uzbekistan's development of such institutions could enhance the effectiveness of its biometric initiatives and build public trust in these systems (Saidakhror, 2024).

The interplay between technology and legal frameworks is critical in shaping the effectiveness of biometric identification systems. In the EU, the integration of advanced biometric technologies with robust legal protections has created a synergistic relationship that enhances both security and privacy. Technologies such as facial recognition and fingerprinting are supported by legal mandates that ensure their ethical and secure use, thereby fostering public trust.

In Uzbekistan, the deployment of biometric technologies is advancing, but the legal framework must evolve in tandem to address emerging challenges. Ensuring that biometric systems comply with data protection standards and implementing comprehensive security measures are essential for maintaining the integrity of biometric identification processes (Joshi, 2024). Furthermore, continuous advancements in biometric technologies necessitate adaptive legal frameworks that can respond to technological changes and emerging threats.

The EU's model demonstrates how legal frameworks can drive technological innovation while ensuring that ethical standards are upheld (AllahRakha, 2024). By establishing clear guidelines and standards for biometric data processing, the EU has enabled the development of secure and reliable biometric systems that respect individual privacy. Uzbekistan can adopt a similar approach, ensuring that technological advancements are accompanied by legal safeguards that protect citizens' rights and maintain the trustworthiness of biometric systems.

A. Recommendations

Based on the analysis, several policy recommendations emerge for Uzbekistan to enhance its biometric identification systems:

- **Strengthen Legal Frameworks:** Uzbekistan should expedite the development and implementation of comprehensive data protection laws that align with international standards such as GDPR. This includes establishing clear guidelines for consent, data minimization, and security measures.
- **Adopt International Standards:** Integrating standards like ISO/IEC 30107 for biometric data handling can ensure consistency, interoperability, and reliability in biometric systems. Adhering to these standards will facilitate seamless integration with global biometric practices.
- **Establish Oversight Institutions:** Creating dedicated bodies to oversee biometric identification initiatives can enhance coordination, ensure compliance, and address ethical concerns effectively. These institutions can also serve as repositories for best practices and provide guidance on technological advancements.
- **Enhance Public Awareness:** Building public trust through transparent policies and robust data protection measures is crucial for the successful adoption of biometric technologies. Public awareness campaigns and stakeholder engagement can foster acceptance and mitigate privacy concerns.
- **Foster International Collaboration:** Collaborating with the EU and other regions experienced in biometric identification can provide Uzbekistan with valuable insights and support in developing its systems. Participating in international forums and research initiatives can facilitate knowledge exchange and innovation.

B. Implications

The deployment of biometric identification systems has far-reaching

implications for privacy, security, and access to services. Balancing technological advancement with legal safeguards is paramount to ensuring that biometric systems enhance security without compromising individual rights. The EU's approach exemplifies how comprehensive legal frameworks can support the ethical use of biometric technologies, setting a standard for other regions to follow. In Uzbekistan, integrating biometric identification into legal systems can significantly improve the efficiency and security of public services. However, it must be accompanied by robust legal protections and ethical considerations to prevent misuse and protect citizens' privacy. The broader implications extend to international relations, as harmonized biometric standards can facilitate cross-border cooperation and secure data sharing, essential in an increasingly interconnected world.

Conclusion

This study has examined the role of biometric identification in confirming legal personality, focusing on the legal mechanisms, EU experience, problematic aspects, and a comparative analysis with Uzbekistan. The findings indicate that the EU has established a comprehensive legal framework, anchored by the GDPR and eIDAS Regulation, which facilitates the secure and efficient use of biometric technologies. These regulations ensure interoperability, data protection, and privacy, making the EU a leader in biometric identification practices.

In contrast, Uzbekistan is in the early stages of developing its legal framework for biometric identification. While significant progress has been made with the introduction of the Law on Personal Data Protection and the deployment of biometric systems in government services, the regulatory environment requires further development to align with international standards. The comparative analysis highlights the disparities in legal infrastructure and implementation practices between the EU and Uzbekistan.

Biometric identification plays a critical role in modern legal systems by providing accurate and secure means of confirming legal personality. The integration of biometric technologies enhances the reliability of identification processes, reducing fraud and improving access to services. In the EU, the effective use of biometric systems underscores the importance of aligning technological advancements with robust legal protections to safeguard individual rights.

Uzbekistan can leverage the EU's experiences to bolster its own biometric identification systems. By adopting comprehensive legal frameworks, international standards, and best practices, Uzbekistan can enhance the security and efficiency of its biometric initiatives. The potential for harmonizing legal standards with the EU can facilitate cross-border cooperation and data sharing, fostering a more secure and interconnected region.

The deployment of biometric identification systems represents a significant advancement in confirming legal personality, offering numerous benefits in terms of

security and efficiency. However, it also necessitates the establishment of robust legal frameworks to address privacy concerns and ensure ethical use. The EU's comprehensive approach serves as a model for other regions, including Uzbekistan, highlighting the critical role of law in shaping the future of biometric identification.

As biometric technologies continue to evolve, it is imperative for legal systems to adapt and respond to emerging challenges. Uzbekistan's ongoing efforts to develop its biometric legal framework are commendable, and with continued alignment with international standards, it can achieve secure and effective biometric identification systems. Ultimately, the successful integration of biometric identification into legal systems depends on the synergy between technological innovation and robust legal protections, ensuring that the benefits are maximized while safeguarding individual rights.



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