LIABILITY OF E-COMMERCE PLATFORM OPERATORS: THE EXPERIENCE OF CHINA AND PROSPECTS FOR THE LEGISLATION OF UZBEKISTAN

ALIMUJIANG AIMAIER

Master's Student, "Business Law" programme, Bukhara State University

Abstract. This paper examines the legal status and liability of e-commerce platform operators in China and Uzbekistan — the point of sharpest divergence between the two legal systems identified in the author's comparative research. Based on an analysis of the Chinese E-Commerce Law of 2018 and the current Uzbek framework, it substantiates proposals for a statutory classification of operators and a graded, knowledge-based liability rule in the legislation of Uzbekistan.

Keywords: electronic commerce; platform operator; joint and several liability; notice and action; consumer protection; comparative law.

In the modern digital economy the platform operator has become the central figure of electronic commerce: it organizes the marketplace, sets its rules, processes payments and data, and holds most of the practical power over transactions between sellers and buyers. The comparative study of the Uzbek and Chinese e-commerce legislation carried out by the author shows that it is precisely the status and liability of platform operators that constitutes the point of sharpest divergence between the two systems. The question is of direct practical importance for Uzbekistan: Chinese platforms have entered the Uzbek market, domestic marketplaces are growing rapidly, and a consumer harmed by a third-party seller on a marketplace currently has weak legal recourse.

The Chinese E-Commerce Law of 2018 rests on a tripartite classification of actors set out in Article 9: platform operators, operators doing business on platforms, and other e-commerce operators, with the heaviest duties falling on the platforms. Platform operators are cast as gatekeepers: they must verify and record the identity and relevant qualifications of the sellers they host, preserve transaction records and display required information. The heart of the statute is Article 38, which establishes two liability standards. Where a platform knows or should know that the goods or services of an in-platform operator infringe the safety or other rights and interests of consumers and fails to take necessary measures, it bears joint and several liability with that operator; where it fails in its duty of qualification review or of ensuring consumer safety, it bears the so-called corresponding liability. The standards are deliberately calibrated: liability turns on knowledge rather than being strict, and the verification duties are real but bounded.

Uzbek law has only begun to regulate platforms specifically. The Law “On Electronic Commerce” No. ZRU-792 of 29 September 2022 contains no general standard of platform liability. The Resolution of the Cabinet of Ministers No. 885 of December 2024 for the first time defines categories of operators — the electronic trading platform, the order aggregator and the digital streaming service — and requires foreign operators working with Uzbek users to establish a legal entity in the country. This is a clear step towards platform-focused regulation; however, the key duties remain at the level of secondary regulation, where they are easily changed and carry less weight, and no liability rule comparable to Article 38 exists.

International experience confirms a convergent trend: the larger and more central the platform, the more the law expects of it. The European model traditionally shields a passive hosting intermediary that removes illegal content once it has knowledge of it and prohibits any general monitoring duty, but the Digital Services Act of 2022 has layered due-diligence obligations scaled to the size of the platform, moving some way towards the Chinese

position. At the same time, the Chinese “should have known” standard has itself been criticized as uncertain in application — a caution against mechanical borrowing.

On this basis the following directions for improving Uzbek legislation are proposed. First, the classification of operators should be raised from secondary regulation to the level of the Law “On Electronic Commerce” itself, following the logic of Article 9 of the Chinese statute. Second, a calibrated liability rule should be introduced: a platform which knows of unlawful goods or of an unlawful seller and fails to take necessary measures may be held responsible together with the seller, and platforms should owe a duty to verify the identity and, where appropriate, the qualifications of those who trade through them. Third, a notice-and-action procedure should be established, defining the circumstances in which a platform is deemed to be aware of a violation and giving the seller the possibility of a counter-notice. Fourth, the scope of the duties should be proportionate to the size and role of the operator.

A graded, knowledge-based model of platform liability would give Uzbek consumers a route of recourse they do not now have and would push platforms to police their own marketplaces, while a knowledge-based trigger keeps the burden within reasonable bounds. Adapted to national conditions rather than transplanted mechanically, such a model would fill the most significant gap in the current Uzbek e-commerce framework.

REFERENCES:

1. Law of the Republic of Uzbekistan No. ZRU-792 “On Electronic Commerce” of 29 September 2022 // National Database of Legislation of the Republic of Uzbekistan.

2. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 885 of December 2024 on measures to regulate the activity of electronic commerce operators // National Database of Legislation of the Republic of Uzbekistan.

3. E-Commerce Law of the People’s Republic of China, adopted on 31 August 2018, in force from 1 January 2019 (Articles 9, 38).

4. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act).

5. Wang L. Platform governance and consumer protection under China's E-Commerce Law // Tsinghua China Law Review. – 2020. – Vol. 12, No. 2. – P. 85–118.

Nigoh