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## **Digitalization in the Legal Sphere of Uzbekistan**

STUDIA I ANALIZY

**Key words:** *Uzbekistan, digitalization, law, legal activity, digitalization of the activities of courts, digital technologies, human rights, personal immunity, state activity*

**Abstract:** *The article deals with the issues of the inevitability of digitalization processes in all spheres of public and state life, including the legal sphere. It is noted that digitalization in the legal sphere, in particular in judicial activity, has its own specifics, conditioned by the peculiarity of the implementation of justice, ensuring human rights and personal inviolability. The article analyzes the main directions of digitalization of legal activity in Uzbekistan, considers their development in certain sub-areas. The article also emphasizes that the process of digitalization, being quite complex, causes the need to develop digital consciousness and digital culture not only for civil servants, but also for the whole society.*

### **Introduction**

The modern world exists in conditions of complex, fast-moving and sometimes unpredictable social relations, which often poses new problems and challenges for the state and law, which, in turn, require an adequate and prompt response on their part.

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Recently, such a phenomenon as digitalization is steadily entering our lives, covering not only the economy, but also other areas and layers of social life. The legal sphere is no exception, where digital technologies also occupy their “niche”. As emphasized in the scientific literature, these technologies affect social relations, which inevitably entails changes in law. Digitalization in terms of the scale of its impact on society is comparable to the industrial revolution. Rapid changes in social relations, their penetration into the virtual environment inevitably affect the sphere of legal regulation, which forces the law to adapt to new conditions and a new model of social development<sup>1</sup>.

## **Methodology**

The process of digitalization of all aspects of public life is undoubtedly an irreversible process, determined by the development of IT and related relations. Digitalization in the legal field is, of course, part of the global digitalization process, at the same time with certain specificity, determined by the properties of the legal sphere. The article uses such general scientific methods of cognition of objective reality as induction and deduction, analysis and synthesis, logical, systematic methods. There are also used such private scientific methods as statistical and structural within formal-legal, systemic-functional methods of cognition of legal activity.

## **Main part**

Systemic organizational and legal measures are currently being implemented in Uzbekistan on the fulfillment of government digitalization programs. The measures provided for by the “Digital Uzbekistan-2030” Strategy are being taken, approved by Decree of the President of the Republic of Uzbekistan dated October 5, 2020 No. UP-6079<sup>2</sup>. In particular, more than 220 priority projects are being implemented, providing for the improvement of the e-government system, further development of the domestic market of software products and information technologies, organization of IT parks in all regions of the country,

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<sup>1</sup> D.A. Pashentsev (ed.), *Digitalization of lawmaking: search for new solutions*, Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow 2019, p. 234.

<sup>2</sup> Decree of the President of the Republic of Uzbekistan on the approval of the Strategy “Digital Uzbekistan-2030” and measures for its effective implementation dated October 5, 2020, <https://lex.uz/docs/5031048> (22.12.2023).

as well as providing this sphere with qualified personnel. Among other things, comprehensive measures have been developed for the wide introduction of digital technologies in the sphere of public administration and the economy, contributing to the improvement of the living standards of the population.

In the country, the volume of investment in the ICT sphere by 2022 was increased by 1.3 times, and the volume of services provided by this sphere was increased by 1.25 times, ICT services per capita amounted to 621 thousand sums, and 29.6 million people were additionally employed. In 2022, 31.0 million people (total population of the country is 36 million) used Internet services, and the number of mobile Internet users amounted to 29.5 million people.

As a result of the measures taken, the republic was able to successfully advance in international rankings of world digitalization in 2022. In particular, according to the World Bank's Govtech Enablers Index, our country has risen 65 points in digital skills and innovation in public services compared to 2020. According to the GovTech Quality Index, our country has risen by 37 positions in the public services sector and entered group "a" of 198 leading countries in the field of digital transformation. Also according to the results of this year's rating of e-government (e-government survey), conducted by the United Nations every 2 years, Uzbekistan has risen by 18 positions and entered the number of countries with "high, very high level of development".

Analysis of the Government AI Readiness Index by Oxford Insights shows that in 2022 our country has risen by 14 positions in the ranking out of 160 countries. According to statistics indicated in the "Government Artificial Intelligence Rea Dines Index", developed by the British organization Oxford Insights, Uzbekistan ranked 158<sup>th</sup> among 160 states in 2019, 95<sup>th</sup> in 2020, 93<sup>rd</sup> in 2021 and 2022 – 79<sup>th</sup> (up +14) in the year.

According to the Open Data Inception analysis for 2022, among 201 countries in terms of the number of open data sources, Uzbekistan took 4<sup>th</sup> place, having 124 open sources (1<sup>st</sup> place USA – 641 sources, 2<sup>nd</sup> place France – 381 sources, 3<sup>rd</sup> place Spain – 307 and sources). Also, according to Cable.co (UK), among 233 countries, the Republic of Uzbekistan is among the countries with the lowest prices for mobile Internet. In this ranking, our country rose from 21<sup>st</sup> place (in the 1<sup>st</sup> half of 2021) to 15<sup>th</sup> place (in the 1<sup>st</sup> half of 2022). In this direction, our country is ahead of Kazakhstan, Turkmenistan and Tajikistan<sup>3</sup>.

In addition, in the Inclusive Internet Index published annually by The Economist Intelligence Unit, Uzbekistan rose 5 positions compared to the previous year (66<sup>th</sup> place in 2021) and took 61<sup>st</sup> place in 2022.

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<sup>3</sup> Data from the Ministry of Digital Technologies of Uzbekistan, <https://mitc.uz/ru/> <https://mitc.uz/ru/news/view/> (22.12.2023).

Okla published the Speedtest Global Index, which analyzes the speed of mobile and wired Internet in countries, in which our republic ranked 128<sup>th</sup> among countries in terms of modular Internet speed and 94<sup>th</sup> place in wired Internet speed by the end of 2021, and by the end of October 2022, our indicators reached 116<sup>th</sup> place (modular Internet speed) and rose to 88<sup>th</sup> place (wired Internet speed)<sup>4</sup>. Naturally, digitalization processes confidently cover the field of legal activity. Elements of digitalization are being actively introduced into the activities of judicial authorities. This process was facilitated by the implementation of the measures provided for in the Decree of the President of the Republic of Uzbekistan dated September 3, 2020 No. PP-4818<sup>5</sup>.

Among the measures and tasks implemented and being implemented to digitalize the activities of the judiciary, the following were noted:

- expanding the types of interactive electronic services provided to citizens and business entities, ensuring online monitoring of the process of considering each application, creating the possibility of free use of interactive services in court buildings;
- further expansion of electronic mutual exchange of data with ministries, departments and other organizations to ensure the prompt acceptance of information necessary for the administration of justice in the courts;
- ensuring openness and transparency of the activities of the judicial community through the introduction of special information programs;
- expanding the possibility of remote participation in court hearings, including through mobile devices and other forms of electronic interaction, as well as creating conditions for parties to receive court decisions online;
- strengthening measures to ensure information and cyber security of information systems, databases and other software products, comprehensive protection of official information and data of judicial authorities.

Consequently, in this situation the issue of ensuring the security of personal data during the digitization of judicial activities, including judicial information, becomes urgent.

From this point of view, the Senate of the Oliy Majlis of the Republic of Uzbekistan, at its 9<sup>th</sup> plenary meeting on August 4, 2022, rejected the bill “On amendments and additions to certain regulatory documents of the Republic of Uzbekistan in connection with the digitalization of judicial activities,” due to the need to ensure the security of personal data<sup>6</sup>. Since, according to the

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<sup>4</sup> [mitc.uz/ru/](https://mitc.uz/ru/), <https://mitc.uz/ru/news/view/> (22.12.2023).

<sup>5</sup> Resolution of the President of the Republic of Uzbekistan dated September 3, 2020 No. PP-4818, <https://lex.uz/ru/docs/4979899> (22.12.2023).

<sup>6</sup> The next meeting of the Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan was held, <https://yuz.uz/ru/news/dvadsat-devyatoe-plenarnoe-zasedanie->

addition to Article 475 of the Criminal Procedure Code<sup>7</sup>, a convicted or acquitted person can access an electronic version of the verdict posted on a website with limited access, through a link sent to their phone number<sup>8</sup>.

Indeed, in practice, criminal courts hear cases related to the private life of citizens or state secrets. And electronic posting of verdicts on these cases on a website is fraught with undesirable consequences, actions on the part of ill-wishers, or the use of personal data for personal gain.

In connection with these concerns, the Senate of Parliament decided to reject consideration of the bill, given that in order to implement this norm it is necessary to implement a number of organizational measures.

In particular, the need to establish a procedure for notifying participants in a court case via an "SMS message" to their phones or email addresses, and in order to analyze the effectiveness of this measure, conduct a legal experiment on the procedure for recording notification of participants in a court case.

In addition, the need to study public opinion on this issue and the possibility of introducing these innovations into practice only if effective protection of the personal data of participants in the court case is ensured.

In Uzbekistan, digitalization processes are rapidly "invading" such areas of legal activity as the activities of notaries and the legal profession. Currently, the automated information system "Notary", created by the Ministry of Justice of the Republic of Uzbekistan, operates in the republic.

The Unified Notary Information System is an automated information system designed for comprehensive automation of the processes of collecting and processing information about notarial activities and ensuring all types of information interaction (exchange)<sup>9</sup>.

This system is aimed at increasing the efficiency of providing notary services, eliminating unnecessary bureaucratic barriers in civil legal relations, including the free disposal and use of their property by private property owners, as well as the implementation of a number of targets for the digitalization of this industry.

Thanks to this system, it became possible to:

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senata-oliy-majlisa-respubliki-uzbekistan-budet-sozvano-4-avgusta-2022-year (22.12.2023).

<sup>7</sup> Criminal Procedure Code of the Republic of Uzbekistan, <https://lex.uz/acts/111463> (22.12.2023).

<sup>8</sup> *On introducing amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the digitalization of the activities of courts*, <https://yuz.uz/ru/news/4-avgusta-sostoitsya-43-e-plenarnoe-zasedanie-senata-oliy-majlisa> (22.12.2023).

<sup>9</sup> State regulation of public services in the field of notaries, <https://adliya.uz/ru/inner-page/huquqiy-xizmat-korsatishni-davlat-tomonidan-tartib> (22.12.2023).

- carry out online monitoring of notarial actions using information technology;
- remotely monitor the quality and efficiency of the provision of notary services throughout the country, as well as the proper performance of their functional duties by employees of notary offices;
- identify and prevent notarial actions that do not comply with regulations, and take measures to prevent them;
- suspend the activities of a notary if illegal actions on his part are detected;
- use modern methods of identifying citizens;
- automatically calculate the amount of payment for notarial actions and make electronic payments;
- ensure electronic exchange of information between notaries and relevant departments<sup>10</sup>.

Thus, receipts for payment for notarial services are generated automatically by the electronic system and after payment is made, an SMS notification is automatically sent to the mobile phone number of the person who applied to perform the notarial act, indicating the amount paid, the payment confirmation code and the helpline number of the Ministry of Justice.

An active notary model has also been introduced – this is a single electronic network that integrates the Notary system with the systems of other departments and organizations. Allows you to organize work according to the “One Window” principle, and for notaries themselves to receive the necessary information and supporting documents from various government bodies and organizations.

It is also important that electronic cooperation has been established between such organizations and departments, as the Supreme Court, the Ministry of Internal Affairs, the State Tax Committee, the Cadastre Agency under the State Tax Committee, the Public Services Agency under the Ministry of Justice in terms of determining civil registration records, organizing public services (JSC Regional Electric Networks, JSC Khududgaztaminot, JSC Uzsvtaminot), electronic payment systems (billing), the Ministry of Foreign Affairs and the Central Bank and others.

In addition, a special portal E-notarius.uz has been created, which has a wide range of functions and capabilities and allows citizens to independently use several types of services<sup>11</sup>.

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<sup>10</sup> Electronic notariat is an effective way to combat corruption, <https://yuz.uz/ru/news/elektronny-notariat-effektivny-sposob-borb-s-korruptsiei> (22.12.2023).

<sup>11</sup> See also: Law of the Republic of Uzbekistan “On Notaries”, <https://www.lex.uz/acts/57043> (22.12.2023).

The legal profession and the activities of lawyers, in particular, the procedure for obtaining licenses by them, are also “subject to” digitalization, according to the resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On approval of the regulations on the procedure for licensing the activities of a lawyer through a special electronic system” dated August 5, 2022 No. 432. Currently, the process of obtaining a lawyer’s license is completely digitalized.

It should be noted that the digitalization process also penetrates into other areas of legal activity, such as the prosecutor’s office, internal affairs bodies and other sub-areas. This process is also facilitated by the measures provided for by the resolution of the President of the Republic of Uzbekistan “On measures to introduce a unified system of interdepartmental electronic interaction in pre-trial proceedings” dated January 29, 2022<sup>12</sup>. In accordance with this resolution, the Unified Information System “Electronic Inquiry and Preliminary Investigation” was introduced, providing the following mechanisms for the digitalization of the activities of inquiry and preliminary investigation bodies, as well as pre-trial proceedings.

Digitalization of the activities of the court, prosecutor’s office, notary office, civil registration, advocacy and other sub-spheres is not a campaign driven by fleeting political and other goals, but an objective process dictated by the rapid development of life on a global scale.

It should be noted that the sphere of labor relations is also undergoing digitalization; the impetus for this process was involuntarily the pandemic and the associated quarantine, during which many segments of labor relations switched to remote work.

In this regard, today the scientific analysis of the process of digitalization of labor relations remains a relevant topic in science.

According to M.A. Sklyar, K.V. Kudryavtseva, the use of digital technologies has a dual impact on increasing the labor force in the economy: firstly, jobs are created in the field of information and communication technologies; secondly, under the influence of digital technologies, jobs are created in a number of sectors of the economy, primarily in the service sector<sup>13</sup>.

Indeed, the digitalization of labor relations is a global process, the orbit of which is capturing more and more countries and spheres of public life.

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<sup>12</sup> Resolution of the President of the Republic of Uzbekistan “On measures to introduce a unified system of interdepartmental electronic interaction in pre-trial proceedings”, <https://lex.uz/ru/docs/5840468> (22.12.2023).

<sup>13</sup> M.A. Sklyar, K.V. Kudryavtseva, *The global labor market under the influence of digitalization*, <https://cyberleninka.ru/article/n/mirovoy-rynok-truda-pod-vliyaniem-tsifrovizatsii> (22.12.2023).

The republic is also undergoing a process of digitalization of the economy, including the sphere of labor.

Thus, by the Decree of the President of the Republic of Uzbekistan "On approval of the strategy "Digital Uzbekistan-2030" and measures for its effective implementation" No. UP-6079 dated October 5, 2020, the Strategy of Digital Uzbekistan-2030 was approved, which provided for measures for the stage-by-stage digitalization of Uzbekistan.

Currently, according to the above-mentioned Strategy, from November 1, 2020, the powers of the Deputy Head of Digitalization (Chief Digital Officer) are assigned to one of the current deputy heads of all ministries and departments, local executive authorities. Their main tasks are:

- development and timely implementation of departmental digital transformation programs, providing for the widespread introduction of information systems and resources;
- creating the conditions necessary for the further expansion of the provision of electronic government services through mobile devices and other forms of electronic interaction;
- taking measures to ensure openness and transparency of the activities of departments, posting open data and other information on the Internet;
- ensuring information security of departmental digital infrastructure, as well as protection of electronic data and documents<sup>14</sup>.

## **Conclusion**

In connection with the digitalization of labor relations on a global and national scale, scientists have different predictions for the development of relations in the labor sphere. In their opinion, the introduction of artificial intelligence into various spheres of human activity, including the sphere of labor, will lead to some negative consequences, such as increased unemployment and so on.

Indeed, replacing humans with artificial intelligence will certainly lead to the release of jobs. As noted in the legal literature, although this issue is not very relevant for Uzbekistan at the moment, but given the inevitability of these relations in the future, It would be advisable to formulate the economic, legal, social and even psychological foundations of possible unemployment associated with artificial intelligence. For example, it is necessary to determine those

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<sup>14</sup> Указ Президента Республик Узбекистан "Об утверждении стратегии «Цифровой Узбекистан-2030» и мерах по ее эффективной реализации" № УП-6079 от 5 октября 2020 г., <https://lex.uz/docs/5031048> (22.12.2023).



types of work, the implementation of which still requires the hands and minds of a person.

Similarly, analyze the types of work that robots can perform, etc.<sup>15</sup>. This process involves the formation of digital consciousness, especially the digital thinking of the population, which poses the task of improving digital culture for education and other structures.

Thus, in conclusion, it can be noted that the process of digitalization of all aspects of life, both on a global and national scale, is an inevitable process. At the present stage of development of the Republic of Uzbekistan, digitalization processes confidently cover the legal sphere, which undoubtedly serves to effectively ensure human rights, save people's time, reduce bureaucracy and corruption, and develop digital skills of participants in legal activities.

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<sup>15</sup> E. Shayakubova, *Impact of Digitalization on Labor Relationships*, «Middle European Scientific Bulletin» 2022, No. 25, pp. 279–281, <https://cejsr.academicjournal.io/index.php/journal/article/view/1397> (22.12.2023).