



Application of information and communication technologies in legal regulation of public relations in the Republic of Uzbekistan

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ARTICLE INFO

Article history:

Received 10 august 2020
Received in revised form 20 august 2020
Accepted 25 august 2020
Available online August 2020

Keywords:

Law-making activity
Normative and legal regulation
Conceptual and categorical apparatus
Digital economy
Information and communication technologies
Information community entities
Public services
Blockchain
Mining
Cryptocurrency.

ABSTRACT

The article is devoted to improving legal policy implemented by the state in the Republic of Uzbekistan taking into account the peculiarities of introduction and development of information and communication technologies (ICT) for regulating public relations in era of economy digitalization. The significance of the development and use of new scientific methodology in implementation of lawmaking activity through the application of interdisciplinary approach in solving the problems of information sphere is substantiated.

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Применение информационных и коммуникационных технологий в правовом регулировании общественных отношений в Республике Узбекистан

АННОТАЦИЯ

Ключевые слова:

Правотворческая деятельность

Статья посвящена совершенствованию правовой политики, реализуемой государством в Республики

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Нормативно-правовое
регулирование
Понятийно-
категориальный аппарат
Цифровая экономика
Информационные и
коммуникационные
технологии
Субъекты
информационного
сообщества
Государственные услуги
Блокчейн
Майнинг
Криптовалюта.

Узбекистан, с учётом особенностей внедрения и развития информационно-коммуникационных технологий (ИКТ) для регулирования общественных отношений, в эпоху цифровизации экономики. Обоснована значимость разработки и использования новой научной методологии при осуществлении правотворческой деятельности, посредством применения междисциплинарного подхода в решении исследуемых проблем информационной сферы.

Information and communication technologies (ICT) are one of the key factors that influence on formation of modern society. ICT have direct impact on people's lifestyles. ICT are becoming increasingly determinative in many forms of economic activity in particular in such areas as education and social and labor.

In general, the interaction of public authorities and government through ICT, individualized in relation to a single subject of civil society, allows solving effectively and efficiently social issues, thereby stimulating development of national economy.

The essence of such cooperation between state and society is to transfer them to information space, where it is possible to use full potential of human knowledge, generate new ideas and gain skills in implementing promising areas of social development in order to achieve sustainable economic growth and increase material well-being. In addition, as a result of ensuring transparency of emerging renewed social relations, democratic processes are improved, responsibility for managing state is increased, observance of human rights and freedoms is guaranteed, cultural diversity is developed, and interethnic harmony is strengthened.

At the same time, stable, free and global exchange of information and knowledge requires mutual tolerance and respect for ethical aspects of different sectors of society, which requires an appropriate regulatory framework.

Okinawan Charter of Global Information Society (2000), Geneva Declaration of Principles: "Building information society is a global challenge for new millennium" (2003) and Tunis Commitment (Program for Information Society (2005) are recognized as universal acts in the sphere of using ICT at international level.

Understanding of provisions of these international documents by subject of national rulemaking comes down to the fact that the state is obliged to take a number of measures to solve the following problems using ICT, namely:

- 1) implementation of structural reforms in order to create an open competition platform for goods, jobs and services, adapted to existing labor market, providing for development of human resources and ensuring social harmony;
- 2) rational management of economy and other areas using the advantages of modern information technologies;
- 3) development of information networks that provide fast, reliable, and secure access to new technologies, their maintenance and application;
- 4) satisfaction of demand for ICT specialists who meet the requirements of information age;

5) facilitating the provision of real-time public services necessary to increase the level of accessibility of power.

Practice of implementing the requirements of international law in information sphere, using the example of the Republic of Uzbekistan, shows that with the adoption of new Constitution, the state initially secured the right of everyone to freedom of thought, word and belief. In addition, it delegated the right to seek, receive and disseminate any information, with the exception of directed against the existing constitutional system and other restrictions provided by law.

In pursuance of this constitutional norm, a significant package of laws has been adopted that meet the requirements put forward by international organizations.

A new milestone of digitalization of society was adoption by government and civil society institutions of Strategy for Action on five priority areas of development of the Republic of Uzbekistan in 2017-2021, which included, among other issues, improving e-government system, introducing modern forms of providing information concerning rights, freedoms and legitimate interests of individuals and legal entities, transition of using ICT in economy, social sphere, management system, cardinal improving the quality of education through in-depth studying computer science, creating demand time of a system of information security and protection of information, timely and adequate control of threats in information sphere.

National Agency for Project Management under the President of the Republic of Uzbekistan (Agency) was designated as an authorized body in order to organize effectively public administration system, introduce and develop digital economy, improve investment attractiveness and implement tasks outlined by the Strategy.

In final report of the activity of the Agency for 2019, the following summary indicators are given compared to 2018, in particular:

- a number of users of the Unified portal of inter active public services of the Republic of Uzbekistan (EPIGU) has increased two times;
- a number of electronic payments through EPIGU has increased more than 5 times;
- total amount of state duties, fees and other payments paid through EPIGU has increased 13 times.
- an amount of payments through Unified Billing System has increased by 70% and sum of payments has increased in two times.

In 2019, the Agency reviewed and issued conclusions on more than 150 draft regulations in the sphere of ICT. Along with this, draft Concepts of the development of Electronic government system in the Republic of Uzbekistan for 2020-2025 and Resolution of the President of the Republic of Uzbekistan providing for the approval of the Concept of National Strategy “Digital Uzbekistan – 2030” have been prepared. In addition, an automated information system “Control and monitoring the implementation of investment projects” was developed [1].

These figures confirm that it is impossible to imagine any relationship without using ICT in modern conditions, which in the near future will obviously definitely raise the problems of normative and legal regulation of the activity of the subjects of information community at all levels of data interchange.

The existing national system of legislation will not eliminate collisions arising in information sphere; therefore, the law enforcer will not be able to resolve quickly them, since responding to global challenges will due to transience become an after-fact.

In this regard, legislative acts being drafted and adopted should work in the main part in advance of preventing real and predictable threats in order to prevent significant harm to the state and society.

An analysis of current legislation of Uzbekistan in information sphere indicates that norms contained in it are largely blanket in nature and are tied to technical interpretation of conceptual and categorical used apparatus. Draft laws should comply with rules of legislative technology. It means that draft law should be presented in concise, clear, simple and pure language, excluding a different interpretation of rules in compliance with legal terminology. The use of ambiguous words and expressions, figurative comparisons, epithets and metaphors is not allowed. The concepts and terms used in draft law should be uniform in application in accordance with their meaning adopted in legislation, excluding the possibility of different interpretations. In necessary cases, in draft laws, a brief definition of legal, technical and other special terms and concepts is given, generally accepted abbreviations are applied and explanations of other abbreviations are presented. References in articles of draft law to other laws and their individual provisions are applied in cases where it is necessary to show mutual relationship of legal norms or to avoid repetition. At the same time, references can only be made to legislative acts that have entered into force. Moreover, references to invalid laws and bills, references are inadmissible [2].

Subordinate regulatory acts are also characterized by a certain procedure for their development and subsequent adoption, which should be explanatory in order to understand uniformly and apply correctly norms contained in laws. [3] Consequently, the adoption of subordinate regulatory acts also gives rise to legal consequences, that is, occurrence of responsibility of official or body that adopted it. Otherwise, any other document that has not withstood the observance of this order cannot be used to regulate relations. Official interpretation of concepts and terms used in regulatory act is given by body that accepted it. Therefore, ignoring the specified requirements of legislative technique leads to non-constitutionality of the norm [4].

Another equally important aspect is that the state for objective reasons will not be able to ensure legality based on established principles of building a system of legislation, guaranteed by the use of traditional methods of law enforcement of public relations in the era of ICT development, since in international and national rulemaking there appeared new or perfect, digital, social relations that fundamentally change the idea of building classical legal systems, by calling them transnational.

This statement is based on key objectives for rapid transition of the republic to digital economy, through:

- implementation and development of activity in the sphere of crypto-asset turnover, including mining (activity to maintain distribution platform and create new blocks with the ability to receive remuneration in the form of new units and commission fees in various cryptocurrencies), smart contracts (electronic contract, execution rights and obligations under which is carried out by automatically making digital transactions), consulting, issue, exchange, storage, distribution division, management, insurance, crowdfunding (collective financing), as well as blockchain technologies to diversify various forms of investment and entrepreneurial activity;

- training qualified personnel in the development and use of blockchain technologies with practical skills using modern information and communication technologies;

- comprehensive development of cooperation with international and foreign organizations in the sphere of activity on crypto assets and blockchain technologies, attracting highly qualified foreign experts in the field of developing blockchain technologies for joint implementation of projects in digital economy;
- creating necessary legal framework for implementation of blockchain technologies, taking into account the best practices of foreign countries;
- ensuring close interaction between government bodies and business entities in implementation of innovative ideas, technologies and developments for further development of digital economy.

Meanwhile, the establishment of priority of economic interests of subjects of information community over common sense to lose material benefits of national wealth of the state is great, including in connection with the provision of tax benefits to this area and assessment of transactions carried out by participants not within the framework of existing legislation on currency regulation [5].

Therefore, a reasonable question arises, a transfer of the most of financial and credit sphere to settlements using crypto assets will not lead to the loss of the value of national currency as a means of payment and, as a result, to the collapse of state economic system. As well as it may lead to the loss of confidence of current system of national legislation, as a guarantor of observance and protection of fundamental rights, freedoms and legitimate interests of individual, and generally accepted and approved by all members of the society, means of regulating public relations, provided, in case of violation, with judicial legal protection.

It is well known that cryptocurrency is not a financially secure mean of calculation in monetary relations; it is decentralized to be introduced into circulation as a result of the use of cryptographic methods.

If we proceed through the prism of the concepts of blockchain, mining and cryptocurrency, then the state will need to revise consistently legal superstructure of the society, that is, ensure that consciousness, culture and ideology of society are perceived, more progressive interpretation and understanding of the essence of general principles of law, taking into account the development of ICT.

Along with it, in order to make legal superstructure demanded by time as an effective tool for solving its tasks, a systematic, scientifically substantiated program of its internal development and improvement is necessary. This program should cover both law-making and law enforcement activity and reflect general strategic line of the state on creation and use of law in the process of digitalization of public relations. This strategic line and practical ways of its implementation can be called legal policy of the state in digital economy.

It seems that it should have the following goals, concretized in relation to different branches of law, namely:

- 1) determination of types of public relations subject to legal regulation;
- 2) formulation of methods of legal regulation of various types of public relations;
- 3) development of systemic requirements for organization of rule-making activity of public authorities and administration;
- 4) planning of directions of legislative and law enforcement activity for current and long term.

Moreover, each of these goals should have specific content for relevant branches of law.

At the same time, a high level of development and use of scientific foundations in lawmaking is very important for implementation of noted legal policy.

Since law has as its source material living conditions of society, future changes in legal superstructure require a comprehensive analysis of economic and social processes and anticipation of their inherent trends.

It is clear that foresight goes beyond legal system. It is not enough to know current legal norms in order to anticipate changes in social environment. It is necessary to analyze deeply economic, political, social and psychological, demographic and other phenomena in society, which together determine features of legal regulation. It is also significant the state of public consciousness, degree of development of state and public measures of social control, etc. It is essential to take into account the fact that legal norms and institutions have their own internal laws of construction and improvement. All this confirms the idea that practical solution to the problems of legal regulation of using ICT requires an interdisciplinary approach.

Taking this feature into account is the main condition for optimal construction of legal norms in order to solve a problem that is practically important for modern society, introduce and develop digital economy, to which scientific community has recently paid deserved attention in the Republic of Uzbekistan.

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