

## **Formation and development of legislation on electronic government in the Republic of Uzbekistan**

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**Abstract:** The article is devoted to the issues of legal regulation and institutional development of the electronic government system in the Republic of Uzbekistan. The analysis of legislative acts preceding the creation of electronic government in Uzbekistan is discussed and defined, as well as the analysis of the current law of the Republic of Uzbekistan "On Electronic Government", the ways of its improvement are revealed.

**Keywords:** electronic government, state and legal regulation of electronic government, public services, interdepartmental interaction of state bodies.

### **Introduction**

The formation of the institutions of national statehood of the Republic of Uzbekistan was accompanied by a gradual economic, infrastructural and technological reform of the entire sphere in terms of information technology and communications. In its turn, this required huge material and intellectual resources and created the basis for the formation of an information society in Uzbekistan. In the UN electronic government rating over the past 7 years, we observe certain dynamics in the development of electronic government in Uzbekistan<sup>1</sup>.

	<b>Year</b>	<b>Government Development Index</b>	<b>Rank</b>
.	2020	0.6665	87 of 193
.	2018	0.6207	81 of 193
	2016	0.5434	80 of 193

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.	2014	0.4695	100 of 193

To compile the world ranking of electronic government development, UNDESA experts calculate the electronic government development index (EGDI) for each country. This rating consists of 3 indicators (sub-indexes), including human capital (literacy, education, training, skills), online services (electronic services sub-index) and telecommunications infrastructure (number of Internet users, mobile subscribers, broadband Internet, telephone lines). Comparing the indicators of the sub-indices on the UN website, from 2014 to 2020, it can be seen that the first two sub-indices increased, while the telecommunications infrastructure sub-index grew with less dynamics.

The analysis of these indicators leads to reflection and research of legal regulation and institutional development of the e-government system in the Republic of Uzbekistan. In this article we will try to give an overview of the stages of the development of the legal foundations of the formation and functioning of e-government in the country, as well as to identify the challenges and issues arising in this process.

### **MEASURES TAKEN BY THE GOVERNMENT OF UZBEKISTAN BEFORE THE ADOPTION OF THE LAW ON ELECTRONIC GOVERNMENT**

The first government decisions on the need to develop an e-government system in Uzbekistan were made back in 2012. It should be emphasized that the e-government system itself was not created from scratch. This was preceded by the adoption and implementation of a number of laws, programs and concepts of a technological and organizational-legal nature. It can be said that since the beginning of 2000, the development of information and communication technologies (ICT) in Uzbekistan has acquired a programmatic character, the acts of which were adopted by decrees and resolutions of the President:

- The concept of informatization development in the Republic of Uzbekistan for 2003-2010;
- The concept of creating an integrated information system of state bodies;
- The concept of creation and development of electronic document management systems in public administration;
- Program for the development and application of free and open source software;
- Program for further implementation and development of information and communication technologies in the Republic of Uzbekistan for 2012-2014;

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- Comprehensive program for the development of the National Information and Communication System of the Republic of Uzbekistan for the period 2013-2020;
- Strategy "Digital Uzbekistan - 2030".

The main legislative acts in the field of information technologies and communications that create favorable conditions for the gradual development of the information society are the following laws: "On the radio frequency spectrum" (1992), "On Informatization" (2003), "On Telecommunications" (1999), "On Electronic Digital Signature" (2004), "On Electronic Document Management" (2004), "On Electronic Commerce" (2015), "On openness of the activities of public Authorities and management" (2014), "On Electronic Government" (2015), "On Appeals of individuals and legal entities (2017)".

The analysis of the adopted laws allows us to see a certain evolution of the legal regulation of the use of ICT in various fields of public life. A retrospective approach allows us to see that the largest number of laws regulating the use of ICT falls on the beginning of the 2000s, which, on the one hand, coincides with the introduction of new technologies in the world, and, on the other hand, the adoption of a package of international documents, including the Geneva and Tunis programs<sup>2</sup>, creating conditions for the introduction of new international standards in the field of telecommunications. It can be said that there was a kind of qualitative leap that led to a change in the economic, social, and political reality in the world, associated with the use of the latest technologies, which Uzbekistan could not stand aside from.

At each stage of ICT development, its specific goals and objectives were solved. This included the fact that the Computerization and ICT Development Program for 2002-2010 solved the tasks of increasing modern technical infrastructure, creating conditions to stimulate the development of computerization, the local industry and the export of software products, training highly qualified personnel potential and improving legislation, ensuring information security. Within the framework of the Program for further implementation and development of ICT in the Republic of Uzbekistan for 2012-2014, the following tasks were solved: (1) the formation of a national information system based on the gradual integration of information systems of state bodies, as well as legal entities and individuals, (2) expanding the list and improving the quality of interactive public services provided by state bodies to business entities and the population, ensuring broad access to relevant information resources, including in rural areas.

The comprehensive development program of the National Information and Communication System of the Republic of Uzbekistan for the period 2013-2020 is conditionally divided into two subprograms. The first is a program for the development of telecommunication technologies, networks and communication infrastructure in Uzbekistan, and the second is a program for the creation of sets of information systems and databases of "the Electronic Government" system. The program for the development of telecommunication technologies, networks and communication infrastructure was aimed at expanding fixed and mobile broadband access networks, data and voice traffic switching centers, modernizing and expanding backbone telecommunication networks, creating the necessary infrastructure for the development of multimedia services. Based on this program, the Law "On Electronic Government" was adopted in 2015.

It should be noted that the Unified Portal of Interactive Public Services of the Republic of Uzbekistan (UPIPS) started working back in 2013 and provided services to the population of the country before the adoption of the law on electronic government.

### **LEGAL CHARACTERISTICS OF THE LAW ON ELECTRONIC GOVERNMENT**

The law "On Electronic Government" was adopted in December 2015<sup>3</sup>. Since then, the introduction of various e-government mechanisms has been carried out at the legislative level and is systemic, whereas previously the procedure for providing interactive public services was regulated by by-laws. Focusing on the legal characteristics of this law we should mention that the Law consists of 5 chapters and 34 articles. The first chapter "General Provisions" reveals the purpose of this law, the basic concepts used in the law, the basic principles and the main tasks of e-government. According to the definition given by the law, "electronic government is a system of organizational and legal measures and technical means aimed at ensuring the activities of state bodies in providing public services to individuals and legal entities through the use of information and communication technologies, as well as interdepartmental electronic interaction."

All seven principles of e-government operation relate to electronic public services: equal access of applicants to electronic public services; provision of electronic public services on the principle of "one window"; unification of documents of state bodies; use of unified identifiers of electronic government; continuous improvement of the procedure for the provision of electronic public services; ensuring information security.

The second chapter of the law establishes state regulation in the field of electronic government, regulating in detail the powers of state bodies, starting with the Cabinet of

Ministers of the Republic of Uzbekistan and further along the vertical of executive authorities and local government authorities, and also defines the authorized body represented by the Ministry for the Development of Information Technologies and Communications and its rights and obligations.

The third chapter of the law is fully devoted to the provision of electronic public services and includes the types of public services, the concept of a Unified Register of electronic Public Services and the fact that the procedure for maintaining it is determined by the Cabinet of Ministers, the requirements for the request for the provision of these services and the response to the requested service, the applicant's rights to receive this service, as well as the procedure for assessing the quality of these services. Thus, the electronic public service is divided into informational and interactive. The law gave a legal concept of "electronic public service" as a public service provided with the use of information and communication technologies.

Chapter four reveals important technological issues of the infrastructure of the electronic government, which includes Central databases, a system of interdepartmental electronic interaction of information systems and information resources of state bodies and their complexes, official websites of state bodies and a unified portal of interactive public services, a data processing center and an interdepartmental data transmission network. Chapter five contains the final provisions of the law concerning the financing of activities for the formation and development of e-government, dispute resolution and liability for violations of legislation on e-government, as well as the entry into force of this law. In general, describing the law, we can say about its framework nature, which was logical at that time, both legally and technically justified. Considering that the e-government system was just being formed in 2015, many of its norms introduced new concepts and required serious both technical and organizational legal acts to implement the provisions of the law. The implementation of the law "On Electronic Government" has become a decisive factor in influencing all spheres of public life and has contributed to: (1) to increase the internal efficiency of public services, the effective use of intellectual potential and technical base, (2) to reduce the cost of maintaining state structures by 20-25% and increase the efficiency of public spending, (3) to create new mechanisms of public relations and increase the participation of citizens in government decision-making. The implementation of the law also made it possible to reform the entire structure of state management of information flows and information technologies and to form a unified information and telecommunications infrastructure for further improvement of the work of state bodies as a whole.

Due to the fact that the law "On Electronic Government" had a framework character, a number of resolutions were adopted at the government level for its implementation, which created a mechanism for implementing the provisions of this law, which are both technological and organizational and legal in nature. This includes the procedure for the provision of public services, interdepartmental information interaction of state bodies, the formation of central databases of individuals and legal entities, the creation of a unified information system for identifying users of the Electronic Government system.

Given the framework nature of this law, it certainly needed not only by-laws creating conditions for its implementation, but also required its own development in accordance with the improvement of the e-government system itself.

Thus, in accordance with the Resolution of the Cabinet of Ministers No. 728 of September 15, 2017, the Ministry of the Development of Information Technologies and Communications of the Republic of Uzbekistan becomes the authorized body for assessing the demand for public services in order to further introduce them on a unified portal. In addition, the Ministry was entrusted with the task of developing and approving criteria for assessing the demand for public services.

We see the specification of the powers of the Ministry of the Development of Information Technologies and Communications in the field of e-government, which, however, were not included in the law.

In 2017, by Presidential Decree, a Public Services Agency was created under the Ministry of Justice of Uzbekistan, which began to carry out the most important function of e-government. Since 2017, the involvement of the Ministry of Justice, represented as a Public Services Agency, in the implementation of e-government functions is an important step towards improving the provision of interactive public services and developing a unified state policy for the provision of public services<sup>4</sup>. E-government services have become available to every citizen of the republic, regardless of the possibility of access to the Internet. The increase in state bodies involved in the organization and implementation of e-government services requires a special approach to the management and coordination of this activity in conditions when the structures involved in it are subordinate to different ministries: the Ministry of the Development of Information Technologies and Communications and the Ministry of Justice.

It is the implementation of the law "On e-Government" that has shown that the management, coordination and provision of public services in the e-government system cannot be a purely technological task of the Ministry the Development of Information



Technologies and Communications requires a new level and approach in solving and ensuring a unified state policy in the provision of public services to individuals and legal entities. It can be said that from this moment on, the provision of public services is considered in legislative acts in close connection with administrative procedures.

Considering that today the Ministry of Justice participates in the provision of public services in the person of a specially created Public Services Agency, it is time to introduce this provision into the law as a separate norm, showing the rights and obligations of this structure not only at the level of a by-law.

Researchers of e-government note that at each stage of the development of this system, an adequate institutional structure is required to manage and coordinate the activities of this phenomenon, in which many state bodies and institutions participate. To establish and enforce laws, regulations and information technology governance for the development and operation of e-government, governments should establish institutions responsible for developing e-government policies and regulatory frameworks on issues such as e-services, e-security and confidentiality, as well as access to information. Therefore, there is a need to create such a central agency or similar institutional mechanism that should lead and coordinate the process of developing and adapting the law on electronic government, as well as monitoring and evaluating its impact. Such an agency should also improve the electronic legislation of its country in accordance with international conventions and best practices <sup>5</sup>. The Law on Electronic Government makes it possible to form a unified information and telecommunications infrastructure for further improvement of the work of state bodies. And therefore, one of the most important issues of the normal functioning and improvement of the e-government system is the organization of interdepartmental interaction in the provision of electronic public services. Where this is well organized, there is no need for the recipient of services to provide additional information and data, since they can be obtained through interdepartmental interaction.

In Article 4 of the law "On Electronic Government", among the main tasks of electronic government, there is no task of ensuring electronic document flow within state bodies, since this is a very important element of interdepartmental interaction that ensures the functioning of electronic government. Unfortunately, there are no norms in the law concerning monitoring, control, analysis and financing of e-government as a developing system. Probably the time has come and the stage of development when these issues can be introduced and supplemented by the law "On Electronic Government".

## Conclusion

An analysis of the institutional development of e-government in Uzbekistan and the legal regulation of this system allowed us to see some general trends:

- Uzbekistan has created its own institutionalized structure of e-government, which reflects a certain model and level of provision of public interactive services;
- This institutional structure has been given the authority to develop technology and data architecture, budget, interagency coordination and planning.
- Direct participation of the head of state in the development of a national strategy in the field of e-government;
  - The development of the e-government system is linked to and supports national development goals and the improvement of public administration;
- The e-government program has evolved from computerization and online delivery of services to organizational transformations in public administration;
- E-government requires strong coordination between various government agencies, as well as the creation of partnerships between government, the private sector and civil society;
- The style of public administration in the field of e-government should change towards governance through cooperation and partnerships between bodies and organizations;
- Centralized coordination is not enough in itself for e-government in Uzbekistan to develop and lead to constant innovations in the field of governance, service provision and citizen participation;
- E-government provides a wide range of opportunities open to the government in the development of new institutional mechanisms of public administration.

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<sup>1</sup> See.: <https://publicadministration.un.org/egovkb/en-us/Data/Country-Information/id/186-Uzbekistan>

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