



DIGITAL STATE: THEORETICAL AND LEGAL FOUNDATIONS AND TRANSFORMATION OF STATE AND LEGAL INSTITUTIONS IN THE REPUBLIC OF UZBEKISTAN

Sultamuratov Allayar Rashid ugli

Lecturer in the Department of Theory of State and Law

Tashkent State Law University, Tashkent,

E-mail: allayarsultamuratov.tsul@gmail.com

Abstract

The 12.00.01 academic specialty (Theory and History of State and Law; History of Doctrines of Law and State) examines the theoretical and legal foundations of the concept of the digital state as a new paradigm for organizing public authority. Using materials from the constitutional and current legislation of the Republic of Uzbekistan, the program explores the main areas of transformation of classical state and legal institutions: state sovereignty, lawmaking, law enforcement, human rights, and the separation of powers. It substantiates the need for a systemic revision of the traditional conceptual and categorical apparatus of state and law theory, taking into account the digital reality and the development of a national doctrine of the digital state.

Keywords: Digital state, e-government, digitalization, state and legal institutions, theory of state and law, digital sovereignty, digital rights, machine-readable law, artificial intelligence, Constitution of the Republic of Uzbekistan.

Introduction

The rapid development of information and communication technologies has led to qualitative changes in all spheres of public life, including the institutional organization of public authority. Digitalization has acquired fundamental state and legal significance, shaping a new paradigm of interaction between the state, society, and the individual. For the Republic of Uzbekistan, pursuing a course



toward building a "New Uzbekistan," a theoretical and legal understanding of the digital state is of strategic importance, as confirmed by the adoption of the "Digital Uzbekistan - 2030" Strategy [10] and the updating of the Constitution in 2023 [1]. A conceptual understanding of these processes within the framework of specialty 12.00.01 presupposes a rethinking of traditional categories—state, sovereignty, legal system, sources of law, legal relations, and legal liability.

1. The relationship between e-government and digital state

There is no uniform understanding of the concepts of "electronic government" (e-government) and "digital state" in domestic and foreign doctrine, which necessitates their distinction as two qualitatively different levels of digitalization of public authority. According to Article 4 of the Law of the Republic of Uzbekistan dated December 9, 2015 No. ZRU-395 "On electronic government" [6], the latter is defined as a form of organizing the activities of state bodies based on the automation of state functions, the provision of electronic services and electronic interdepartmental interaction. This normative definition corresponds to the instrumental approach dominant in the doctrine: electronic government is a set of information technology tools that ensure the service and management function of the state, but do not affect the essence of the state and legal institutions themselves. The implementation of this model in Uzbekistan is embodied in the functioning of the Unified Portal of Interactive Government Services (my.gov.uz) and the "one-stop shop" principle.

The digital state is a more profound concept, in which digital technologies act not only as a tool but also as a medium for implementing state and government functions. It is characterized by the systemic integration of data as a new object of legal regulation; the algorithmization of public decision-making; the formation of a digital infrastructure as an object of the sovereign rights of the state; and the emergence of new legal configurations—the digital identity, digital profile, and artificial intelligence as a quasi-subject of legal relations [25]. The conceptual transition from "e-government" to "digital state" is reflected in the "Digital Uzbekistan - 2030" Strategy [10], which envisages the formation of a digital economy, infrastructure, education, and healthcare. E-government relates to the digital state as a part and a whole, as a tool and a paradigm.



2. Transformation of the institution of state sovereignty

In the context of the transborder nature of digital relations, the traditional concept of sovereignty, based on the territorial principle, is experiencing significant pressure [21]. The category of "digital sovereignty" has been introduced into scientific circulation - the ability of the state to independently determine policy in relation to the national segment of the information and communications infrastructure, data circulation, the use of artificial intelligence technologies and ensuring information security. This category is normatively expressed in the Law of the Republic of Uzbekistan dated April 15, 2022 No. ZRU-764 "On Cybersecurity" [8], enshrining the principle of priority for protecting the interests of the individual, society and the state in cyberspace (Article 6) and the principle of priority for the participation of domestic producers in the creation of a cybersecurity system (Article 8). An additional guarantee is the requirement to localize citizens' personal databases within the country (Articles 27¹ and 20 of the Law "On Personal Data" [7]). Digital sovereignty should not be viewed as an independent form of sovereignty, but as a modern manifestation of state sovereignty in a new technological environment.

3. Digitalization of lawmaking and enforcement

Digitalization gives rise to new forms of law-making activity: the concept of machine-readable law is developing; experimental legal regimes (regulatory sandboxes) are emerging; and public law procedures are being formalized through smart contracts and algorithmic platforms [22]. In the Republic of Uzbekistan, corresponding trends can be observed in the activities of the National Legislation Database (lex.uz), the introduction of electronic rule-making (regulation.gov.uz), as well as in the practice of adopting programmatic and strategic acts with digital implementation indicators (Strategy "Digital Uzbekistan - 2030" [10]; Strategy for the Development of Artificial Intelligence Technologies until 2030 [11]). This changes the concept of the form (sources) of law, requiring theoretical qualification of program code, algorithms, and strategic documents in the system of sources of law [24].

The introduction of artificial intelligence and predictive analytics systems into the activities of law enforcement agencies raises fundamental questions for the



theory of state and law: the permissible limits of automation of legally significant decisions; the subject of legal liability for decisions made using AI; and the relationship between the principles of individualization and a formalized algorithmic approach. The legal basis for the use of AI in the Republic of Uzbekistan is laid down by the Law of January 21, 2026, No. ZRU-1115 [9], which introduced a special Article 7¹ into the Law "On Informatization". In parallel, pilot projects for the implementation of AI in the judicial system are underway on the my.sud.uz platform, which is updating doctrinal discussions about the limits of the algorithmization of justice and the preservation of human discretion as the core of law enforcement activity [16; 20].

4. Digital rights in the human rights system

Digitalization is giving rise to a new generation of human rights – digital rights, including the right to access the Internet, the right to protect personal data, the right to digital identity, the right to be forgotten, and the right to explanation of algorithmic decisions [23]. The constitutional enshrinement of these rights in the Republic of Uzbekistan was carried out in the Constitution as amended in 2023 [1]: Article 33, for the first time, stipulates the obligation of the state to create conditions for ensuring access to the global information network Internet; Article 31 guarantees the inviolability of private life, personal and family secrets, and the protection of personal data. As academician A.Kh. Saidov notes, digital rights require a rethinking of the very concept of human rights in the context of the formation of a global information society [14]. The position according to which digital rights have a convergent nature seems justified – they simultaneously modify classical rights and form new subjective powers unknown to traditional doctrine.

5. The principle of separation of powers in the digital environment

The integration of digital platforms into public administration poses risks of blurring the boundaries between branches of government: algorithmic regulation can combine elements of rulemaking (rules embedded in software code), law enforcement (automated decisions), and control (data monitoring). In Uzbekistan, the institutional response has been the introduction of the positions



of deputy heads of digitalization (Chief Digital Officer) in all ministries and agencies in accordance with Presidential Decree No. UP-6079 [10], as well as the creation of a specialized Ministry of Digital Technologies. Nevertheless, the theoretical and legal development of a mechanism for checks and balances in the digital environment remains an open task, particularly in terms of parliamentary oversight of the executive branch's algorithmic decisions.

6. Fundamental problems of the general theory of state and law

The analysis of digital transformation reveals a number of fundamental problems of the general theory of state and law. First of all, this is the problem of the legal personality of artificial intelligence systems: discussions about the possibility of recognizing AI systems as legal entities (the concept of an “electronic person”), actively conducted in the domestic doctrine by the works of S.S. Gulyamov [16], I.R. Rustambekov [17], Kh.T. Azizov [18], as well as in the foreign literature by U. Pagallo [26] and M. Hildebrandt [27], require a revision of the classical doctrine of legal entities. The Law of January 21, 2026 No. ZRU-1115 [9] does not yet resolve the issue of the legal personality of AI, but introduces a fundamental rule: information resources created and operating on the basis of artificial intelligence must not cause harm to a person, his life, health, freedom, honor and dignity. This norm reflects a human-centered concept of AI regulation, consistent with the European approach laid down in the EU AI Regulation [29] and the 2022 UNESCO Recommendation on the Ethics of AI [30].

Secondly, there's the issue of the legitimacy of algorithmic decisions: delegating public decision-making to autonomous systems raises questions about the source of their legal force and the compliance of this practice with the principle of popular sovereignty and the democratic legitimization of public authority. Thirdly, the problem of digital inequality is becoming more pressing, giving rise to a new type of legal inequality that requires a state and legal response. Finally, the digital environment is creating new forms of deviation (cybercrimes, information manipulation, deepfake technologies): Uzbek lawmakers responded by introducing a new part two to Article 46² of the Administrative Code,



establishing fines of 50 to 100 basic calculation units for the illegal processing of personal data using artificial intelligence technologies.

Conclusion

The above allows us to formulate a number of conclusions. The digital state does not represent a quantitative expansion of e-government, but a qualitatively new stage in the evolution of the state and legal organization of society. Its formation is accompanied by the transformation of all key state and legal institutions - state sovereignty, lawmaking, law enforcement, human rights, separation of powers. The Republic of Uzbekistan, consistently forming the national regulatory framework of the digital state (from the Law "On Informatization" of 2003 [3] to the Law on the Application of AI of 2026 [9]), is faced with the task of developing a national doctrine of the digital state. An adequate theoretical and legal understanding presupposes the development of an updated conceptual and categorical apparatus; clarification of the system of sources of law taking into account machine-readable norms and algorithms; formation of the concept of digital legal capacity; development of the doctrine of digital rights and their legal guarantees; rethinking the mechanism for implementing the principle of separation of powers in the context of algorithmic public administration.

References

I. Normative legal acts of the Republic of Uzbekistan

1. The Constitution of the Republic of Uzbekistan - Tashkent: Adolat, 2023.
2. Constitutional Law of the Republic of Uzbekistan dated May 1, 2023 No. ZRU-837 "On the Constitution of the Republic of Uzbekistan" // National Database of Legislation of the Republic of Uzbekistan, 01.05.2023, No. 03/23/837/0271.
3. Law of the Republic of Uzbekistan of December 11, 2003 No. 560-II "On Informatization" (as amended and supplemented).
4. Law of the Republic of Uzbekistan dated December 11, 2003 No. 562-II "On Electronic Digital Signature".
5. Law of the Republic of Uzbekistan dated April 29, 2004 No. 611-II "On Electronic Document Management".



6. Law of the Republic of Uzbekistan dated December 9, 2015 No. ZRU-395 "On Electronic Government".
7. Law of the Republic of Uzbekistan dated July 2, 2019 No. ZRU-547 "On personal data" (as amended on January 14, 2021 No. ZRU-666 and on November 28, 2023 No. ZRU-880).
8. Law of the Republic of Uzbekistan dated April 15, 2022 No. ZRU-764 "On Cybersecurity".
9. Law of the Republic of Uzbekistan dated January 21, 2026 No. ZRU-1115 "On amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the regulation of relations arising from the use of artificial intelligence."
10. Decree of the President of the Republic of Uzbekistan dated October 5, 2020 No. UP-6079 "On approval of the Strategy "Digital Uzbekistan - 2030" and measures for its effective implementation."
11. Resolution of the President of the Republic of Uzbekistan dated October 14, 2024 No. PP-358 "On approval of the Strategy for the development of artificial intelligence technologies until 2030".
12. Resolution of the President of the Republic of Uzbekistan dated April 28, 2020 No. PP-4699 "On measures for the widespread implementation of the digital economy and e-government."
13. Decree of the President of the Republic of Uzbekistan dated November 26, 2025 No. UP-233 "On the organization of activities of the International Center for Digital Technologies".

II. Doctrinal sources of the Republic of Uzbekistan

14. Saidov A.Kh. Digital rights as inalienable human rights // Works on intellectual property. - 2022. - Vol. 43, No. 4. - P. 8–22.
15. Saidov A., Tadjihanov U., Odilkoriev H. Fundamentals of the state and law: textbook. - Tashkent: Sharq, 2002. - 512 p.
16. Gulyamov S.S. Cybersymbiosis of Human Judges and Artificial Intelligence: Problems and Potential Solutions for Integration and for the Successful Modernization of the Judicial Systems of the BRICS Countries // Theoretical and Applied Mathematics. — 2024. — Vol. 10, No. 2. - P. 249–261.



***Modern American Journal of Business,
Economics, and Entrepreneurship***

ISSN (E): 3067-7203

Volume 2, Issue 5, May, 2026

Website: usajournals.org

*This work is Licensed under CC BY 4.0 a Creative Commons
Attribution 4.0 International License.*

-
17. Rustambekov I.R., Gulyamov S.S. Digital law is the imperative of the times: formation of a new generation of cyber-lawyers in the Republic of Uzbekistan // Pravda Vostoka. - 2026. - February 14.
18. Azizov H.T. Problems of legal regulation of copyright on works created by artificial intelligence in the civil law of Uzbekistan // Science and Innovation. - 2024. - Vol. 3, No. 5.
19. Yokubov Sh. Is the legal system of the Republic of Uzbekistan keeping up with artificial intelligence? // Society and Innovation. - 2025. - Vol. 6, No. 12/S. - P. 202–210.
20. Usmanov L. Judicial practice and artificial intelligence: prospects for introducing AI into the judicial system of Uzbekistan // Eurasian Journal of Law, Finance and Applied Sciences. - 2025. - Vol. 5, No. 5. - P. 42–49.

III. Foreign and comparative legal literature

21. Khabrieva T.Ya., Chernogor N.N. Law in the context of digital reality // Journal of Russian Law. - 2018. - No. 1. - P. 85-102.
22. Talapina E.V. Law and digitalization: new challenges and prospects // Journal of Russian Law. - 2018. - No. 2. - P. 5-17.
23. Zorkin V.D. Law in the digital world // Rossiyskaya Gazeta. - 2018. - May 29. - No. 7578.
24. Pashentsev D.A. Russian law-making tradition facing the challenge of digitalization // Journal of Russian Law. - 2019. - No. 8. - P. 5-13.
25. Digital law: textbook / edited by V.V. Blazheev, M.A. Egorova. - M.: Prospect, 2020. - 640 p.
26. Pagallo U. The Laws of Robots: Crimes, Contracts, and Torts. — Dordrecht: Springer, 2013. — 200 p.
27. Hildebrandt M. Smart Technologies and the End(s) of Law. — Cheltenham: Edward Elgar, 2015. — 304 p.
28. Floridi L. The Fourth Revolution: How the Infosphere is Reshaping Human Reality. — Oxford: Oxford University Press, 2014. — 248 p.