

Transition from Traditional Public Administration to Digital Public Administration and Adaptation of Public Administration to Emerging Technologies

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Abstract

Nowadays, modern technologies are rapidly entering every sphere of the state and society. At the same time, both the state and the people, who are the only source of state power, are equally interested in the formation of the state administration apparatus with the introduction of modern technologies and the implementation of almost all types of state services. Because the advanced technologies create a basis for the implementation of many works and processes related to state activities without requiring excessive time and effort. It's no secret that in the current globalization process, there are people who use modern technology as a weapon or use it to achieve their destructive goals. The tasks facing the state, such as rapid monitoring of such situations and achieving efficiency, effective use of technological tools as much as possible, solving emerging problems with optimal solutions, require adaptation to rapidly developing technologies and legal regulation of the use of technological tools.

Keywords: E-Government, State Administration, E-Democracy, Chargeback, Human Rights, Information Technology, Normative-Legal Document, Cybersecurity

I. Introduction

The state considers the provision of human rights and freedoms as the ultimate goal of its activity. Therefore, each country uses all means and opportunities to ensure that its people enjoy a decent lifestyle, ensure the rule of law in society, and protect democratic rights and freedoms. At the end of the twentieth century and the beginning of the twenty-first century, the state was confronted with one of such tools, electronic techniques and robotic technologies, and at the same time, developing and developed countries are changing their national legal systems in terms of technological attacks and their impact on national interests, social relations. Taking into account the role, is improving.¹ The fact that each new technology creates new opportunities for humanity causes the laws to lose their importance and effectiveness more and more. This

¹ AllahRakha, N. (2023). Ensuring Cyber-security in Remote Workforce: Legal Implications and International Best Practices. *International Journal of Law and Policy*, 1(3). <https://doi.org/10.59022/ijlp.43>

requires that the creators of rights agree with global processes and create with modern technologies.²

Consequently, in practice, a number of problems arise in the transition to the electronic state management system. In addition to state organizations and institutions, law enforcement agencies and the judiciary are facing urgent problems in the transition from traditional procedures to modern working methods. It embodies some problems in the quality of work and realization of functional goals and tasks of each sector as a problem for the state and society. Modern society is experiencing deep socio-economic changes.³ One of the most important factors of the ongoing changes is the fourth industrial revolution, the core of which is digital transformation. It affects all areas of people's lives: our daily lives, the system of social relations, education and health care, the nature and structure of employment.

Everyday life is becoming more and more technological. Digital transformation creates new types of communication between people, organizations, society and government. A high-tech digital environment is being formed, in which everyone becomes a participant of the social changes taking place under the influence of digitization to one degree or another. There's scope of digitalization in various spheres of society.⁴ He activated the processes of introduction of digital technologies in the fields of education, health care, trade and household services, public administration. Remote work and online education, remote use of services have become commonplace in the lives of Russians and have significantly changed their preferences, habits and even lifestyle.

II. Methodology

I used a doctrinal methodological method in the coverage of this article. In this article, a proposal and discussion is made regarding the age at which the opportunities of modern technological tools are used in the application of law in the national legal system and the elimination of the gaps that arise in the law through technological tools. Also, the adaptation of the legal system of a number of countries to modern technological tools and a number of programs in the world experience are discussed. In addition, the article analyzes the experience of using modern technological tools in the implementation of the judicial system and legal services of several countries.

² Babaev Isa. (2023). Integrating System Analysis, Information Management, and Decision-Making: Legal Perspectives and Challenges. *International Journal of Law and Policy*, 1(5). <https://doi.org/10.59022/ijlp.85>

³ Xudaybergenov, A. (2023). Toward Legal Recognition of Artificial Intelligence Proposals for Limited Subject of law Status. *International Journal of Law and Policy*, 1(4). <https://doi.org/10.59022/ijlp.55>

⁴ Ollanazarova Mamura Muzaffarovna. (2023). Analyzing the Legal Labyrinth: Current Trends in Genetic Research and Their Legal Perspectives. *International Journal of Law and Policy*, 1(5). <https://doi.org/10.59022/ijlp.84>

III. Result

The fact that the peoples of the world live in peaceful harmony compared to the rest of the twenty-first century, has led to the improvement of relations between the peoples and the potential growth of mutual cooperation. This, in turn, necessitated the acceleration of globalization processes at a record level. At the same time, the countries are competing with each other in many fields and are making extensive use of modern technologies in order to become hegemonic. It is a matter of fact that every state that aims to conduct the state administration in a democratic way and realize an active civil society cannot deny the use of technologies. For example, in the Republic of Uzbekistan on December 9, 2015, the law "On Electronic Government" was adopted.⁵ The purpose of this:

- To ensure the efficiency, speed and transparency of the activities of state bodies, to strengthen their responsibility and executive discipline, to create additional mechanisms to ensure the exchange of information with the population and business entities;
- Creating opportunities for applicants to interact with state bodies in the framework of electronic government throughout the country;
- Within the framework of assigned tasks, forming the databases of state bodies, the Unified Interactive State Services Portal, and the Unified Register of Electronic State Services;
- Introduction of the "one-stop" principle in the public administration system due to the formation of electronic document circulation, mutual cooperation of state bodies and information exchange mechanisms between their databases in the implementation of mutual relations with the population and business entities;
- Transfer of business entities to the use of electronic document circulation, including the use of electronic document circulation in the processes of submitting statistical reports, customs clearance, issuing licenses, permits, certificates, as well as in the processes of obtaining information from state bodies;
- Expanding the use of business entities' use of systems for selling and purchasing products through e-commerce, the Internet global information network, as well as the introduction of automated systems for accounting, controlling and paying for utility services;
- Non - cash electronic payments, implementation of public procurement, development of remote access systems and other electronic forms of activity in the banking and financial sector.

⁵ Government of Uzbekistan. (2015). Law of the Republic of Uzbekistan of December 9, 2015 No. ZRU-395 about the electronic government. Retrieved from <https://cis-legislation.com/document.fwx?rgn=81271>

The need to adopt this law was related to keeping pace with the countries that are not stopping development and to fulfill the functional tasks of the state before the people quickly and qualitatively, eliminating the corrupt factors. Digitization of the public administration system, creating an enforcement mechanism with a reduction in the human factor, first of all, prevents corruption offenses, as well as other types of crimes that threaten public administration, such as bribery, abuse of office. Secondly, it ensures the quick and high-quality implementation of the work performed by the civil servant or law enforcers. Thirdly, it ensures the accountability of state bodies and officials to the people creates the basis for openness and transparency.⁶ The state traditionally acts as a guarantor of the established political, economic and social order, so it is more conservative and cautious in the choice and application of modern computer technologies, following the principle of "do no harm". Therefore, as some researchers have stated, the state may lag behind the current trends in the development of digital technologies, and society may underestimate and even negatively perceive the state's efforts to strengthen digital sovereignty.

Modern technologies are the most effective and reliable means of implementing democratic governance. As an example, let's look at the professional activity of the legislative chamber of the Oliy Majlis of the Republic of Uzbekistan. "In accordance with the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, voting at the meetings of the Legislative Chamber can be carried out using the electronic system of vote counting or secret ballots." This system ensures that the deputy's vote is cast in secret.⁷ This is a currently effective way of directly implementing democratic processes. In fact, the purpose of making it unclear who will cast the vote is which side the representative of the people stands on, and if he votes against or supports it, there is a high probability that his actions will be related to someone's displeasure and pressure. Many years ago, countries faced the problem of secret balloting, and now this problem has been solved by vote counting technology.

At the same time, it is not a secret that some individuals "circumvent" the rules of procedure established by the state through modern technologies. This causes various ambiguities in the legislation. For example, in the history of mankind, the first manifestations of the crime of theft were manifested in simple and uncomplicated ways, such as secretly entering the warehouse and residence of others and robbing property. This crime has become a complex form of secretly robbing other people's property through computer technology. This, in turn, requires the criminalization of

⁶ Vasiliev, V. P., Dekhanova, N. G., & Kholodenko, Yu. A. (2020). Factors and tendencies of social differentiation: new risk. *Sotsiodynamics*, 5, 43–55.

⁷ AllahRakha, N. (2023). Artificial Intelligence strategy of the Uzbekistan: Policy framework, Preferences, and challenges. *International Journal of Law and Policy*, 1(1). <https://doi.org/10.59022/ijlp.27>

this form of theft by the state, the improvement of the state's national criminal legislation, and the criminalization of new types of acts.⁸

IV. Discussion

"On August 23, 2023, the head of the Scientific-Methodological Center of Digital Forensic Expertise of the Academy of Law Enforcement and prosecutor Ghairat Musayev and Hagani Gadzhiyev informed about a new type of fraud in electronic payment systems in Uzbekistan and warned the country's population especially, called on entrepreneurs to be aware." The name of this new type of action was "charjбек". Chargeback (English chargeback) is the process of returning funds to the payer as a result of payments (transactions) made by the payer for goods or services, as a result of non-delivery of goods or services.⁹ For example, for example, a customer buys a mobile phone of the latest model worth 10 million soums from an online store using a bank card. After a long time, the owner of the card, that is, the buyer calls the bank and asks the bank to refund the payment (makes a chargeback) on the basis that he did not perform such an operation.

The bank takes this money from the seller's account and returns it to the customer. The seller cannot prove who made the purchase, as it turns out that he did not take additional steps to identify the customer. At the moment, law enforcement agencies have not developed a clear methodology for checking and preventing fraudulent cases using chargebacks. The Academy of Law Enforcement reported that there are currently no special procedures for detecting cases of abuse of this mechanism and protecting the legal interests of entrepreneurs in banks.¹⁰ Such cases are an example of the negative impact of modern technologies on the current legal system. Of course, any act that harms any human rights and freedoms, legal interests should be reflected in the positive law of the state as a crime. But information technology and the cyber world are expanding at such a rapid rate that the processes of developing laws and regulating relations related to nanotechnology lag far behind these processes. Because the creation of laws and their adoption is a complex process that requires more time and effort.

The use of information technologies according to the standards of dynamic changes in the modern era is not a new phenomenon for the state. It is more legitimate to talk about the transition to a new stage of digitization of public administration, which involves the introduction of modern digital solutions, including artificial intelligence, big data, virtual and augmented reality technologies, into the management

⁸ AllahRakha, N. (2024). Cybercrime and the law: Addressing the challenges of digital forensics in criminal investigations. *Mexican Law Review*, 16(2), 23-54.

⁹ Gulyamov, S., & Raimberdiyev, S. (2023). Personal Data Protection as a Tool to Fight Cyber Corruption. *International Journal of Law and Policy*, 1(7). <https://doi.org/10.59022/ijlp.119>

¹⁰ AllahRakha, N. (2024). Transformation of Crimes (Cybercrimes) in Digital Age. *International Journal of Law and Policy*, 2(2). <https://doi.org/10.59022/ijlp.156>

practice of state bodies and organizations, as well as the Internet of Things.¹¹ Their active use will change the system of state power and management and the character of the government's relations with households and business communities, will have a positive effect on the quality and efficiency of public administration, and will serve to create a dynamic digital environment. At the same time, the digital transition is an ambiguous, contradictory process that affects a wide subject area of public administration.

In addition, this process is expensive. It can be seen that if the digitalization of public administration has a significant economic effect, allows to increase the quality of decisions made by state bodies, the opportunities to use state and communal services provided to citizens and business entities, the active use of modern digital technologies, digital government formation should become the absolute priority of the Russian state. Therefore, "digitalization" of the state cannot be limited only to the public sector. A more active use of tools that match the quality of the digital environment is necessary.¹² It is necessary to monitor the attractiveness of existing public digital platforms and services for consumers and to create comprehensive digital platforms that can integrate the most promising ones. The opinion was expressed that the development and introduction of digital systems of inter-agency cooperation, the formation of unified databases and digital platforms will allow to gradually abandoning the idea of decentralization in the theory and practice of public administration.¹³

According to Professor Odilkariyev, "The object of legal relationship is the real good, concrete thing, process, actions, which are the focus of the attention, interest, and behavior of the subjects participating in the legal relationship. For example, housing is the object of the contractual relationship of buying and selling housing; the object of the crime of murder is human life; insulting someone can result in civil, administrative and criminal liability. The object of this legal relationship is a person's honor, dignity, reputation. These modernized objects, including human-made objects that provide convenience and advantages to people, can also be interpreted as objects of rights."¹⁴

In recent years, modern technological gadgets began to enter the Republic of Uzbekistan because the need for such items is increasing according to the needs of the

¹¹ Saidakhror, G. (2024). The Impact of Artificial Intelligence on Higher Education and the Economics of Information Technology. *International Journal of Law and Policy*, 2(3), 1–6. <https://doi.org/10.59022/ijlp.125>

¹² Mamanazarov, S. (2024). Intellectual Property Theories as Applied to Big Data. *International Journal of Law and Policy*, 1(7). <https://doi.org/10.59022/ijlp.164>

¹³ Gusev, A. V., & Dobridnyuk, S. L. (2017). Iskusstvennyy intellekt v meditsine i zdravookranenii. *Informatsionnoe obshchestvo*, (4–5), 78–93.

¹⁴ Odilov, J. (2024). Digital Use of Artificial Intelligence in Public Administration. *International Journal of Law and Policy*, 2(3), 7–15. <https://doi.org/10.59022/ijlp.161>

population. At the same time, the programming profession, the most common of modern professions, is also gaining popularity.¹⁵ The tech world is growing at a time when cyber -relationships are still waiting to be legally regulated, and are at the forefront of unregulated relations in society. Nevertheless, due to the fact that this type of relationship is becoming more and more widespread in the Republic of Uzbekistan, it directly interferes with human rights and freedoms, and the risk of causing actual problems is increasing, on April 15, 2022, Law 764 "On Cyber Security" was adopted. Numerous The laws were adopted. This law served to eliminate new types of cyber problems that have arisen in society. Because this normative-legal document acts as a program to put in place many of the issues listed above that are waiting to be resolved. In particular, according to Article 3 of the Law, a number of terms in this field were given legal status and clarified.

According to it, " informatization object - information systems of different levels and purposes, telecommunication networks, technical means of information processing , rooms where these means are installed and used; cybercrime - a set of crimes committed using software and technical means in cyberspace for the purpose of acquiring information, changing it, destroying it, or disabling information systems and resources; cyberspace - a virtual environment created with the help of information technologies; cyber threat - a set of conditions and factors that threaten the interests of individuals, society and the state in cyberspace; cyber security was defined as the state of protection of the interests of individuals, society and the state against external and internal threats in cyberspace.¹⁶

Conclusion

The advanced technologies also serve to make relations and processes between legal subjects more complex. Technology will continue to move forward, but the adaptation of public administration and the legal system to it is far behind this process. Today, in the world community, one can meet scientists who have conducted research in this direction or expressed their opinions. In particular, world scientists I. V. Ponkina, AIRedkina, MARojkova, IAFilipova have published a number of works devoted to the problems of legal regulation of technologies with artificial intelligence. I. V. Ponkin and AIRedkina stated that researchers still do not agree on what kind of legal regulation artificial intelligence should be: 1) a foreseeable universal-total or 2) a specific sun that is being created aimed at regulating artificial intelligence systems, especially since this field is constantly evolving and it is not clear what this development will lead to over time.

¹⁵ Cupi, D. (2024). The Role of the Albanian Media as Mediator and Creator of Collective Memory. *International Journal of Law and Policy*, 2(1). <https://doi.org/10.59022/ijlp.146>

¹⁶ AllahRakha, N. (2024). Demystifying the Network and Cloud Forensics' Legal, Ethical, and Practical Considerations. *Pakistan Journal of Criminology*, 16(2), 119-132. <https://doi.org/10.62271/pjc.16.2.119.132>

Regulation of artificial intelligence is formed based on a certain approach. There are two main approaches that have a large number of supporters:

- Legal (official);
- Technological

The legal approach is, like the law itself, conservative, and the technological approach, on the contrary, like technological development. From the point of view of supporters of a conservative legal approach, in case of damage caused by a robot, it is correct to assign responsibility for the actions of the robot to the person who started it.

Transition to digital public administration requires the fulfillment of a number of key fundamental conditions, including technological and personnel readiness for digital transformation, primarily the use of native software and digital services. It is necessary to clearly define the priorities of digitalization of public administration. In our opinion, these should include the following areas of use of digital technologies in the activities of state authorities and management bodies, for example:

- Digitization of communications in the state administration system itself;
- Development and implementation of measures for the implementation of a number of directions of state policy, for example, measures of regulation and control by the state;

Digital technologies have revolutionized the provision of public services, enabling more effective communication within state administration systems and between the government and society. This advancement opens up additional avenues for enhancing digital interactions with users of public services. In this regard, F. Yusifov emphasizes that the digital transformation of the public administration system should be focused primarily on improving the quality of public services provided to citizens.

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