

## Digitalization of Public Control

Yakubov Shuxrat Ummatalievich<sup>1</sup>

<sup>1</sup>Doctor of Laws (DSc), Associate Professor, Tashkent State Law University

### Abstract:

This article proposes a modern, new idea of increasing the effectiveness of public control. This is "electronic public control". As digitalization leads to a positive outcome in all areas, this method further enhances public scrutiny. Increases practical significance. So far, the scientific basis for the digitization of public control has not been studied in depth. Because this is a new direction. This research was conducted on the basis of observation, generalization and axiomatic methods. Public oversight practices were followed. The existing legal framework and their practical implementation were studied. As a result, some problems with the implementation of public control were identified. In particular, the failure of laws and its causes. Simple and effective methods of citizen control have not been implemented. Legal mechanisms for electronic reporting are not fully formed. The practice of organizing public discussions through digital technologies has not been formed. In general, real-life situations were not taken into account in the exercise of public control. Public control needs to be digitized to address these issues. Convenience should be created for ordinary citizens. Strong control over the activities of the state body, its official must be established. This ensures the rule of law. The article makes suggestions and recommendations based on the analysis of existing problems in this area.

**Key words:** electronic public control, electronic reporting, public discussion, digital technology, objects and subjects of public control.

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There is a growing need for the widespread introduction of modern information technologies in public administration [1]. Another such topical issue today is the introduction of modern digital technologies into public scrutiny.

First of all, let's think a little about public control and its practical significance. Public control is a special type of control over the activities of government agencies by citizens and the general public [2]. It is a relatively modern, democratic, and effective control [3]. It is effective against state control [4].

Public oversight plays an important role in ensuring the rule of law [5]. The effective implementation of public control ensures the legitimacy of the activities of government agencies [6].

Information and communication technologies, digitalization are developing rapidly. New forms of their application are emerging. Citizens' access to technology is

expanding. This highlights the need to digitize public scrutiny.

So far, this issue has been virtually unexplored. True, in the research of the Russian scientist SM Zubarev one can find opinions related to this topic. It mainly analyzes the public discussion of the law-making process and the use of digital technologies in these processes [7].

In contrast, we have focused more on the digitization of public control over the activities of government agencies and their officials. The role of electronic public oversight in ensuring the rule of law has been the subject of our research.

The rapid, wider development of technology, according to some scholars, is greatly influenced by the global information network - the Internet, which "claims to enter the law as a new entity." [8] "From a global perspective, humanity today is going through an interesting period of change in the world economy, in

people's lives, in the fundamentals of life. All this technology is explained by the fact that computers are connected to each other via the Internet. It is estimated that today about five billion devices are connected to the global "spider web". Their number is expected to reach twenty billion in the next five years." [9]

The study analyzed the results of public oversight conducted in recent years. It was carried out using information and communication technologies. As a result, it was observed that they are more comprehensive, effective and efficient than those conducted in traditional methods. In particular, the most effective means of influencing government officials today are electronic resources, digital technologies and social networks.

In this regard, the digitization of public control is becoming a necessity. There is also a need to study the scientific, theoretical and practical aspects of "electronic public control".

Electronic public control is the introduction of modern information technologies in the process of public control. This is a new form of control over the activities of public authorities and their officials by the subjects of public control, using the opportunities of digital technology.

The introduction of digital technologies in the process of public control is widely observed in practice today. For example, there is a growing attempt to constantly monitor, evaluate and monitor the compliance of citizens with the rule of law in the activities of government agencies and their officials. Recently, there has been a widespread discussion of the activities of employees of various government agencies through social networks, expressing their views on the legitimacy of their actions.

Or, the illegal actions of some officials are spreading through social media and causing great controversy. The population demands an official response from government agencies. In turn, officials of government agencies are adapting to

comply with the legal requirements of the subjects of public control, to take appropriate measures, to go out through the media and make explanations and statements on the relevant situation.

As long as the state body pays serious attention to these processes, responds quickly to public opinion, effectively uses modern approaches in working with citizens, their prestige among the population is growing.

Such new social relations, which are emerging in practice, also contribute to the formation of the legal framework of the industry. A practical example is the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 16, 2020 No 444 "On measures to further develop the system of e-government, as well as the introduction of electronic reporting of government agencies and organizations."

According to him, from September 1, 2020, the procedure for electronic reporting to the public on the activities of public administration bodies, their territorial divisions, governors on a semi-annual and annual basis has been introduced. Reports: first posted on the official website, official pages on social networks, published in the central (regional) print media; then online broadcasts in the form of briefings and press conferences are organized through the official website of the organizations and the social media accounts of their first leaders [10]. This is a very important reform, which will create a wide range of conditions for public oversight of the activities of public administration bodies, as well as local government officials. Allows subjects of public control to monitor, analyze and evaluate the activities of public officials.

The following is another example of the formation of organizational and legal mechanisms of electronic public control in practice. On August 12, 2020, the draft resolution of the President of the Republic of Uzbekistan "On measures to radically

improve the system of use of service vehicles in public authorities" was posted on the electronic portal for discussion of normative legal acts [11]. Item 7 reads: "The Anti-Corruption Agency of the Republic of Uzbekistan together with the Ministry of Information Technologies and Communications has until January 1, 2021 to post photos and videos on violations in this area, which will allow the public to exercise public control over the use of service vehicles. create a special web portal and introduce a system of rapid response to each reported case. This also means the implementation of public control through electronic means through the creation of a special electronic web portal.

Or, Uzbekistan has created an electronic platform "E-Anticor.uz", which allows you to monitor and evaluate the activities of public authorities in the fight against corruption.

An important step in this direction is the establishment of special mobile software that allows the Anti-Corruption Agency to report corruption cases.

In recent years, Uzbekistan has begun a serious fight against corruption. A special law was passed. A separate agency was established. Incentives have been introduced to report corruption.

On December 31, 2020, the Regulation "On the Procedure for Incentives for Persons Reporting Corruption Offenses or Other Assistance in Combating Corruption" was adopted. This Regulation was submitted for public discussion before its adoption. Citizens showed great interest in it and many supported the project.

Article 37 of the UN Convention against Corruption provides for incentives for those who report corruption-related crimes.

Legislation in the United States, the United Kingdom, Canada, Korea, Romania, Serbia, Kazakhstan, Kyrgyzstan, and other countries also provides incentives for those who report corruption-related offenses.

Such measures taken by these countries to

combat and prevent corruption have had a positive impact on the broad involvement of citizens, increasing their activism, as well as a sharp decline in the number of corruption-related crimes.

In Kazakhstan alone, 708 people were fined 99 million tenge for reporting corruption offenses from the state budget in 2017-2019. tenge (2.4 billion soums), in the 1st quarter of 2020, 44 people received 7.2 million soums. tenge (176.6 million soums) [12].

The following procedure has been established in Uzbekistan: Incentives for citizens, non-governmental commercial organizations, government agencies and citizens' self-government bodies for reporting corruption offenses. According to him, citizens and civil servants can report to the relevant authorities about corruption offenses that are being prepared, committed or have been committed in any area.

The incentive is based on the social risk of corruption offenses, from 3 to 25 times the basic amount of the budget, and up to 15 percent of the bribe (damage) if the amount of bribe or damage exceeds 100 times the BHM [13].

Information technology should also be widely used in these reporting and incentive processes. It then expands further under public scrutiny. In general, the procedure for reporting and encouraging violations should be digitized.

We believe that the forms of control over the activities of government agencies and their officials should continue to be digitized. In particular, it is important to create opportunities for public control entities to implement the forms of public control reflected in the law on the basis of digital technologies [14].

Article 6 of the Law of the Republic of Uzbekistan "On Public Oversight" defines the following eight forms of public oversight: appeals and inquiries to government agencies, participation in open board meetings of government agencies; public discussion, public hearings, public

monitoring, public expertise, public opinion research, hearing reports of public officials by citizens' self-government bodies [15].

If we analyze the digitization of appeals and inquiries sent to government agencies as a form of public control. First of all, it is necessary to create conditions for the content and quantity of requests to be tracked on the basis of digital technologies. To do this, it is necessary to create a separate page or a special electronic platform on the official websites of each government agency. It should cover the content of the appeals and inquiries received through it and the results of their resolution.

If the process of sending appeals and inquiries to government agencies is systematically digitized, practical work in this area will be open to the general public. When the population is informed about the results, the current issues and concerns of the population will be resolved quickly.

So far, there are many problems in areas where public control is not digitalized. For example, a study by the Center for Development Strategy found that the use of legal forms of public oversight and the achievement of tangible results were unsatisfactory. In particular, norms such as public hearings, public monitoring, public expertise are almost not implemented. Also, the practice of hearing reports of executive authorities, other organizations and institutions by mahalla citizens' assemblies has not yet been established [16].

In our opinion, the reasons for this are that no liability has been established for non-compliance with the law. For example, in 2017, amendments were made to the Law of the Republic of Uzbekistan "On Local Government" to "hear reports of relevant prosecutors, heads of territorial divisions of the Ministry of Internal Affairs". However, due to the lack of liability, these legal norms almost do not work in practice. The reports of the officials are presented only in name, and in some

places, these rules have been completely forgotten.

We believe that special attention should be paid to this issue in electronic reporting mechanisms. First of all, the legal mechanisms for electronic reporting should be strengthened at the level of laws, not in by-laws. At the same time, it is necessary to establish measures of inevitable legal liability for untimely fulfillment of the obligations set out in them.

The emergence of various social networks is creating opportunities for the digitization of some forms of public control as the level of their use by citizens increases. For example, modern technologies can be used effectively in the process of holding public hearings to analyze current issues in public life, the rule of law in the activities of public authorities [17].

It is worth noting the experience of public discussion of draft regulations, which can be considered as the most positive practice in this area today. A special electronic platform created for this purpose - the portal for the discussion of regulatory legal acts of the Republic of Uzbekistan (<https://regulation.gov.uz>) is becoming a very important forum for discussion in this regard.

As of January 20, 2021, 8532 draft normative legal acts have been posted on this portal, 570 of which are Laws; 251 - Presidential Decree; 692 - Presidential Decree; 2442 - Resolution of the Cabinet of Ministers; 3036 - Governor's decision; 1441 is a draft order or decision of various government agencies.

If we analyze them by sectors, 908 - on education, science and culture, 887 - on transport, 668 - on labor and employment, 248 - on housing, 241 - on taxes and fees, 237 - on banks, 239 - on business and more than 3400 on various other issues. During the discussion of these documents, a total of 35,478 suggestions were received from the public [18].

It is worthwhile to identify and publish a

list of citizens who submit the most and meaningful proposals on draft regulations through this electronic portal, as well as a list of the most exemplary and non-exemplary government agencies to consider the proposals of the participants [19].

In the practice of Uzbekistan, a special portal of electronic collective appeals has been created. In particular, in accordance with the Resolution of the President of the Republic of Uzbekistan dated January 22, 2018 No PF-5308, the introduction of electronic collective appeal to the chambers of the Oliy Majlis, regional, district and city Kengashes of People's Deputies through a special web portal "My opinion" [20].

The web portal "My opinion" was created to expand the opportunities for citizens to participate in the management of public and state affairs in Uzbekistan, to ensure the transparency of the representative bodies of state power, the viability and effectiveness of laws.

Launched on April 20, 2018, the web portal "My Thoughts" once again demonstrated the socio-political activity of our citizens. This can also be seen in the nearly three years of operation of the web portal.

As of January 20, 2021, 4,173 applications have been submitted for posting on the My Opinion web portal. 89 of them were put up for vote. Of the applications received, 19 were in the process of support and 40 were in the process of examination [21].

The fact that 26,838 comments were made by citizens on the issues submitted for discussion through the web portal shows the interest of citizens in important issues of public life. In general, the above indicators increase the importance of public discussion, as well as the need to further improve its legal framework [22].

Of course, it is important to determine the prospects for the implementation of public control through information technology, taking into account the digitalization of all sectors in the future [23]. However, it is

necessary to analyze some of the factors that hinder these processes and take appropriate measures to eliminate them.

It should be noted that the quality of Internet communication in Uzbekistan is not at the required level [24]. There are problems with digitization, especially in remote areas [25].

Another shortcoming is the incomplete provision of material and technical base and electronic resources of the subjects of public control. Modern technologies are required for quality electronic control. This issue also needs to be addressed.

Imperfect legal framework and organizational and institutional structures. Although there is a separate law on public oversight, most of its norms are declarative in nature. For example, the composition of objects, subjects is not fully defined. Or, this law is not in line with current practice, the requirements of digitization. The basic and most effective types of public oversight in place are not regulated by law. Another problem is the fact that there are still officials in public administration who do not count on the population and the public. Of course, their number is declining day by day. However, it must be acknowledged that it exists.

It is also possible to point out shortcomings in some government agencies, such as transparency and incomplete cooperation with the public.

In our opinion, in the current situation in Uzbekistan, it is important to address the following issues for the widespread introduction and implementation of electronic public control, the development of its organizational and legal framework:

**First,** Appropriate amendments to the Law of the Republic of Uzbekistan "On Public Oversight", taking into account the introduction of relatively effective, modern forms of public oversight (eg, electronic, remote, etc.) due to updates in public life, the widespread use of modern information technology in governance and additions should be made.

At the same time, the legal mechanisms for

the electronic implementation of public control, the order of use of various electronic platforms should be clearly defined in this law. The law should also reflect the rights and obligations in the field of public control through special web portals for posting photos and videos of violations in this area, as well as the procedures and rules for electronic reporting of government agencies.

**Secondly,** Given the growing need to strengthen the legal framework for public hearings, as well as the need to do so electronically, it is advisable to develop and adopt a new draft law on public hearings, aimed at its perfect legal regulation. We think. First of all, it should regulate the procedure for conducting and participating in the electronic public discussion, the main directions and scope of issues to be discussed, the time and duration of the discussion, the rights and obligations of participants and other important social relations.

**Third,** In order to increase the effectiveness of the "reporting" form of public control, the Code of Administrative Responsibility of the Republic of Uzbekistan should be supplemented with measures for "failure of officials to report to local councils, citizens' assemblies in a timely manner."

**Fourth,** To further develop the organizational and technical base of electronic public control, it is necessary to create special electronic platforms, software systems. It should create all the necessary facilities and opportunities for the subjects of public control to establish control over the activities of public administration bodies and their officials.

In short, the introduction of modern information and communication technologies in the process of public control, the development of its organizational and legal framework serves to ensure the rule of law in public administration, further increase the responsibility of government agencies and their officials and protect the rights and

legitimate interests of citizens.

## REFERENCES:

- [1] Digital government and its effectiveness in public management reform: A local government perspective. September 2005. Public Management Review 7 (3): 465-487. DOI: 10.1080 / 14719030500181227
- [2] Makarova Oksana Valerevna Utilization of the potential of civil society in osushchestvlenii obshchestvennogo kontrolya in Rossii and zarubejnyx gosudarstvax // Journal of zarubejnogo zakonodatelstva and sravnitel'nogo pravovedeniya. 2018. №2 (69). URL: <https://cyberleninka.ru/article/n/ispolzovanie-potentsiala-grazhdanskogo-obschestva-v-osushchestvlenii-obschestvennogo-kontrolyav-rossii-i-zarubezhnyh-gosudarstvax>.
- [3] Mixeeva T. N. Obshchestvennyy kontrol s pozitsiy konstitutsionnogo prava grazhdan na uchastie v upravlenii delami gosudarstva // Aktualnye problemy rossiyskogo prava. - 2018. - №. 10 (95).
- [4] Goncharov V. V. O sootnoshenii obshchestvennogo kontrolya s inymi formami kontrolya vlasti (konstitutsionno-pravovoy analiz) // Yuridicheskie issledovaniya. - 2018. - №. 9.
- [5] Starodubova O. E.. "General control: legal support. Journal of Russian law 2 (194) (2013).
- [6] Zubarev S. M. The concept and nature of general control over the efficiency of state bodies // Administrative law and process. - 2011. - №. 5. - S. 7-13.
- [7] 7. Zubarev S. M. New technologies of general control: reality or illusion? // Bulletin of the University of Perm. Yuridicheskie nauki. - 2019. - №. 43.
- [8] Talapina E.V. Law and digitization: new challenges and perspectives. State and law in the modern world:

- problems of theory and history. Journal of Russian law № 2. - 2018. - C. 6-8.
- [9] Umarov O. Digital technologies pave the way for the development of innovation. <http://xs.uz>.
- [10] National Database of Legislation, 17.07.2020, No. 09.20.444.1077. <https://lex.uz>.
- [11] Portal for discussion of normative legal acts of the Republic of Uzbekistan (№ ID-20761). <https://regulation.gov.uz>.
- [12] Nurmatov R. Are those who report corruption encouraged? <http://hudud24.uz>.
- [13] Regulations on the procedure for rewarding persons who have reported a corruption offense or otherwise assisted in the fight against corruption. National Database of Legislation, 31.12.2020, No. 09/20/829/1693. <https://lex.uz>.
- [14] <https://www.researchgate.net/project/electronic-public-control-essence>
- [15] Law of the Republic of Uzbekistan "On Public Oversight" // National Database of Legislation, 13.04.2018, No. 03/18/474/1062. <https://lex.uz>.
- [16] Tulyakov E. The result is important, not the process, in public scrutiny. Official website of the Center for Development Strategy. <https://strategy.uz>. 29.01.2020.
- [17] Zulfqorov Sh.X. Participation of deputies and the general public in the preparation of draft laws and control over the implementation of laws in our country // Bulletin of legal sciences / Вестник юридических наук / Review of law sciences. [doi.org/10.34920/rls.1.2020.22-26](https://doi.org/10.34920/rls.1.2020.22-26).
- [18] Portal for discussion of normative legal acts of the Republic of Uzbekistan. <https://regulation.gov.uz>.
- [19] Usmanov M.Sh., Djavakova K.V. General control - an effective means of achieving the supremacy of the Constitution and the law. Pravda Vostoka № 253 dated 13.12.19.
- [20] Collection of the legislation of the Republic of Uzbekistan. - 2018. - № 4. Article 68.
- [21] My opinion is the Collective Appeals Portal. <https://meningfikrim.uz>. [https://www.researchgate.net/publication/347994411\\_Suhrat\\_AKUBOV\\_Davlat\\_va\\_fukarolik\\_zamiati\\_institutlari\\_amkorliyin\\_ukukij\\_mehanizmlari\\_Monografia\\_-\\_T\\_LESSON\\_PRESS\\_nasrieti\\_2018](https://www.researchgate.net/publication/347994411_Suhrat_AKUBOV_Davlat_va_fukarolik_zamiati_institutlari_amkorliyin_ukukij_mehanizmlari_Monografia_-_T_LESSON_PRESS_nasrieti_2018)
- [22] Sodikov A. The ways to optimize the use of information technologies in the norm making the ways to optimise the use of information technologies in the norm making // Legal Information Bulletin / Vestnik yuridicheskix nauk / Review of law sciences. 2020, special issue. –B. 21-24.
- [23] Uzbektelecom is like a sleeping giant. Why is the quality of the Internet poor in Uzbekistan? <https://kun.uz>
- [24] Will the Internet speed increase in Uzbekistan in 2019? <https://xs.uz>
- [25] Najimov, M. (2017) "Theoretical and methodological aspects of the institution of public control," Review of law sciences: Vol. 1: Iss. 1, Article 3. Available at: [https://uzjournals.edu.uz/rev\\_law/vol1/iss1/3](https://uzjournals.edu.uz/rev_law/vol1/iss1/3)