

# State Functions in The New Realities of The Digital Society

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## Annotation:

At the present stage, the informational function of the state possesses the key characteristics of the main functions of the state and extends across all branches of government. This article addresses the significance of the informational function of the state as an established area of governmental activity in the context of ongoing digitalization processes. The paper proposes considering the informational function as an independent domain of state activity that requires comprehensive legal regulation.

**Keywords:** Informational function, digitalization, legal regulation, e-government system, branches of government.

The formation of the information society serves as a prerequisite for the country's gradual transition to the next stage of development, the technological foundation of which is the industry for creating, processing, storing, and transmitting information. As emphasized in all international documents dedicated to the information society, the state plays a leading role in its formation. It is the state that coordinates the activities of various subjects of social relations in the process of development; promotes the integration of people into new information and technological communities; fosters the development of information industries; and ensures the protection and realization of human rights in the conditions of the information society.

Although the term "*information society*" is absent in Uzbekistan's normative and legal acts and program documents, it is widely used in academic and international legal literature to denote the current stage of world development.

A crucial role in the processes of digital transformation is played by the active digitalization of governance in the most significant areas of state activity, as the state becomes a key subject in the formation of new types of relationships, including its regulatory and protective functions.

The digitalization of society, the creation of databases and knowledge bases, nationwide information systems, and the formation of a unified information space objectively lead to a transformation of the functions of the state.

The content of the state's information function includes lawmaking and administrative activities in the field of information, various organizational and legal aspects of informatization, the state-legal mechanism for the protection of personal data, the formation of information law as a branch of Uzbekistan's national legal system, and the state's key activities in the sphere of information policy and information security.

According to I.L. Bachilo [1], the main directions of implementing the information function of the state include: creation of information (adoption of normative acts); maintenance of information of state significance (registration, monitoring, control); ensuring transparency of state authorities; collection, processing, protection, and safeguarding of information necessary for the performance of state functions; establishment and regulation of specialized structures in the field of information — such as mass media, television, radio, print media, archives, and libraries (mass information and knowledge dissemination); information exchange among state authorities; use of information for internal state purposes; and information processing and creation of new information (executive decision-making) [2].

In theoretical and legal research conducted in Uzbekistan, several works have been devoted to the functions of the state, examining this category within the theory of state and law. In recent years, scholarly publications have emerged that explore the information function of the state more deeply. However, there is still no unified view among legal scholars as to whether a new function of the state — the *information function* — has indeed emerged, exists, and is developing, nor consensus on the definition and construction of the term "*information function of the state*."

The transformation of the information function of the state is primarily due to changes in the nature, significance, and role of information, as well as in the methods of its creation, dissemination, and use in society. These changes are linked to the development of information technologies, which in turn have influenced the legal regulation of information and its transmission processes. Today, this transformation has become one of the goals of reforming the system of public administration, public and social service delivery, and the financial sector — all moving toward modernizing the relationship between government and citizens, and society as a whole.

A clear example of the development of the state's information function is the transition to a service-oriented, client-centered state — now known as *e-government*. This concept implies the use of ICT to improve the efficiency of public administration, as well as interaction between citizens, business entities, and civil society institutions with government structures.

For instance, the **Law of the Republic of Uzbekistan “On Electronic Government” (2015)** [3] is aimed at creating convenient mechanisms for citizens to interact with the *E-Government* system, improving business conditions, enhancing government efficiency, increasing the country's investment and tourism attractiveness, and expanding ICT use across various spheres of social life.

Article 14 defines new powers of the Cabinet of Ministers of the Republic of Uzbekistan, such as implementing a unified state policy in the field of e-government; approving and monitoring state programs; ensuring the functioning of e-government in accordance with its core principles; establishing procedures for interagency electronic interaction; approving regulations for e-government services; and developing methods for assessing the quality and effectiveness of e-government service delivery.

Article 15 introduces new functions of the authorized body, including coordinating government activities in the field of e-government; monitoring and reporting on interagency electronic interactions; maintaining the e-government infrastructure; assessing the quality and efficiency of electronic public services; and forming the technical basis of e-government according to standards for data collection, storage, processing, transmission, and exchange.

New functions and powers of government bodies in the field of e-government are reflected in Article 16. These include participation in the implementation of unified state policy on e-government; the development and integration of information systems and resources, as well as electronic public services; ensuring citizens' ability to access e-government services at their choice; maintaining the uninterrupted operation of information systems and databases necessary for providing electronic services; and enabling applicants to track the progress of service delivery through various interaction channels.

Considering that information encompasses all stages of governmental activity, it can be argued that under modern conditions, the state possesses an information function, and, consequently, the informational activities of its institutions are of significant importance.

With the introduction of the *Electronic Government* system, the unified state policy in the field of informational interaction between the state and citizens, legal entities, and civil society structures has undergone major changes. In other words, the informational function of the state has acquired an electronic and interactive character—both within the system of state authorities and in their relations with society.

The specific features of information as a resource influence the structure of the state's informational function, leading to the redistribution of its elements and their partial overlap with other areas of governmental activity. The informational function of the state is most vividly and widely manifested in the activities of executive authorities, which regularly carry out informational processes—often without distinguishing them as an independent direction of their work.

Thus, the informational function of the state is expressed through the activities of governmental bodies across all branches of power and is implemented in the following directions:

**Creation of information** – the state directly creates normative and legal acts, the data for which are collected externally (e.g., <https://regulation.gov.uz>, <https://project.gov.uz>);

**Maintenance of state-significant information** (e.g., *e-ijro*);

**Transparency of public authorities for citizens** (<https://my.gov.uz>);

**Collection, processing, protection, and safeguarding of information necessary for the execution of state functions** (<https://petition.gov.uz>);

**Creation and regulation of specialized structures in the information field** (<https://davreestr.uz>, <https://hrm.argos.uz>);

**Information exchange among government agencies** (*e-hat, e-hujjat*);

**Use of information for internal state purposes** (to fulfill all other governmental functions);

**Preservation of information at various stages of the information process** (<https://lex.uz>);

**Processing and creation of new information** (e.g., executive and judicial decisions: <https://my.sud.uz>, <https://publication.sud.uz>);

**Monitoring and control functions** (*e-ijro*).

The transition to digital technologies has marked a close integration of all state functions with the technological sphere, without which their implementation has become increasingly difficult in modern conditions. As a result of such transformations, legal regulation of various state functions has become inseparable from the technological component, reflecting the depth of their integration. For example, the **Law “On Appeals of Individuals and Legal Entities”** [4] introduces electronic forms of appeals and videoconferencing as interactive means of communication between citizens and public authorities alongside traditional methods.

Since 2017, Uzbekistan’s judicial system has implemented electronic filing of claims, online court hearings, remote case tracking, electronic payment of state duties, and automated case distribution among judges across instances. The volume of virtual interaction is growing every year and is becoming predominant. The **Law “On Electronic Digital Signature,”** first adopted in 2004, was revised in 2022 [5] to adapt to new technologies.

The formation of a digital (electronic) state is being implemented through the digitalization of all branches of government — the **legislative** (digital parliament), **executive** (digital government), and **judicial** (digital justice) — as well as through the introduction of digital technologies into supervisory and other governmental functions. These processes necessitate appropriate legal support and effective regulatory frameworks.

Progressive digitalization creates not only new opportunities for subjects of legal relations but also challenges for legal regulation in the performance of state functions within the digital society. These challenges are primarily expressed in the conceptual and theoretical development of the category “*state function in the sphere of digitalization*” amid the ongoing global digital transformation.

It should be noted that state functions represent key directions of governmental activity, driven by the objective need to unite citizens bound by stable relationships to effectively address common societal challenges. The content of these functions is determined by the nature of the historically formed society.

At present, state functions are manifested through the state’s digital interactions with society, business, and citizens — often in an intuitive manner, lagging behind in legal formalization. Therefore, state functions must evolve in a timely way based on scientific forecasting and anticipation of new civilizational models of digital development.

Certain distinctions between modern digital society and its traditional predecessors allow us to speak of the inexhaustible potential of digital information as a fundamental category capable of describing, storing, and processing vast amounts of data about technical, natural, and social systems. The specialization and pluralism of these systems demand from the state’s functional activity a more extensive and intensive digital information exchange, ensured through the institutionalization of state subsystems responsible for information provision [6].

It should be emphasized that digital society, which defines the dominant trend of post-industrial development, is based on intensive digital information exchange aimed at optimizing state functions — particularly in providing electronic public services and ensuring administrative procedures through a unified, digital information space of the state.

It is well known that state functions cannot and should not remain static or immutable. As the main directions of state activity expressing its essence and social purpose through its inherent forms and methods, they must correspond to the real needs of the digital society.

The **Constitution of the Republic of Uzbekistan** establishes the foundations of informatization, such as the right to seek, receive, and disseminate any information, and the right to access the global Internet, guaranteed by the state. The state is responsible for ensuring openness, transparency, legality, and efficiency in the work

of executive bodies, and for improving the quality and accessibility of public services. However, the rights enshrined in the new Constitution represent the foundation for the future digital society.

This study is based on the theoretical concept that state functions are defined as a specific mechanism of influence on social relations and processes, covering the main directions of its activity, including the formation of the digital society.

The key document establishing state policy for the development of the digital society up to 2030 is the **“Digital Uzbekistan” Strategy** [7]. This strategy includes nationwide programs that outline system-forming measures for digital transformation across the republic.

One of the central components is the **“Roadmap” for implementing the “Digital Uzbekistan — 2030” Strategy (2020–2022)**, along with the **“Program of Measures for Further Improvement of Electronic Public Service Delivery.”** For instance, since September 1, 2021, centers have been established in every district and city — based on existing digital infrastructure — to train broad segments of the population, especially youth and women, in digital technologies. By the end of 2022, every settlement in the country was to be provided with Internet access at speeds of at least 10 Mbit/s.

A thorough study of these measures is aimed at effectively preparing for database management within the framework of the digital government after 2030.

Equally important within the context of digital transformation are the **regional digital transformation programs (2020–2022)** and **sectoral digital transformation programs (2020–2022)**. Moreover, an essential tool for building a digital society is the creation of the **Government Portal of the Republic of Uzbekistan**, which serves as the official information resource of the Cabinet of Ministers of the Republic of Uzbekistan on the Internet. The establishment and maintenance of the government portal are regulated by the **Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 188 (June 3, 2016) “On Further Measures for the Implementation of the Law of the Republic of Uzbekistan ‘On Electronic Government’”** [8].

The Government Portal of the Republic of Uzbekistan functions as a system-forming element of the electronic and informational interaction infrastructure among state authorities, as well as between legal entities and individuals.

It seems necessary and economically justified to develop and adopt relevant subordinate regulatory legal acts governing the legal regimes of digital interaction between citizens, businesses, and society, including the definition of state functions within the framework of implementing state policy in the field of the digital economy. Examples of such documents include the **Decree of the President of the Republic of Uzbekistan “On Additional Measures for the Implementation of the Digital Economy, E-Government, and Information Systems in Public Administration of the Republic of Uzbekistan”** dated December 13, 2018, No. UP-5598 [9], as well as the **Resolution of the President of the Republic of Uzbekistan “On Measures for the Broad Implementation of the Digital Economy and E-Government”** dated April 28, 2020, No. PP-4699 [10].

As a result of creating modern opportunities and promoting digital transformation in Uzbekistan under the initiative of the President of the Republic of Uzbekistan Sh. Mirziyoyev, **IT Park** has been successfully operating [11]. On January 10, 2019, the **Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On Measures to Create a Technological Park for Software Products and Information Technologies”** No. 17 was adopted [12].

In accordance with the **“Digital Uzbekistan – 2030” Strategy**, and to create favorable conditions for the accelerated introduction and widespread application of artificial intelligence (AI) technologies in the country, as well as to ensure the availability and high quality of digital data, the **Presidential Resolution “On Measures to Create Conditions for the Accelerated Introduction of Artificial Intelligence Technologies”** was adopted on February 17, 2021, No. PP-4996 [13].

The **Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On Measures to Improve Information Security on the Global Internet”** dated September 5, 2018, No. 707 [14], established the principles for implementing the state function of ensuring information security to protect the interests of individuals, society, and the state. This resolution aims to consolidate the state’s role in ensuring the security of the information space under digital development as one of the key conditions for the development of an independent state.

In this context, the state can maintain its traditional functions in guaranteeing information security while adapting to the evolving digital impact on legal relations. It should be noted that Uzbekistan demonstrates a positive trend in strengthening information security, especially within government agencies. However, the adoption of a specialized law regulating issues of information security would serve as a starting point for implementing innovative digital methods of data protection using international legal mechanisms.

Despite the purposeful efforts undertaken to digitize society, there remains an insufficiently deep theoretical and legal elaboration and legislative regulation of the fundamental mechanisms of digitalization across industries and regions. Moreover, the incomplete implementation of certain measures under the Strategy is largely due to the lack of coordinated legal support between interrelated normative acts.

The absence of timely legal regulation of digitalization in various sectors and regions may lead to several negative consequences, such as:

Diverse interpretations and inconsistent understanding of issues related to digitalization;

Legal conflicts between different parties, including organizations, government bodies, and civil society institutions;

Insufficient protection of personal data and privacy of individual information;

Lagging behind in development and innovation amidst rapidly changing technologies and digital transformation.

Without proper legal regulation, there is also a risk of deepening **digital inequality** among certain social groups, particularly in regions lacking access to digital technologies that could otherwise be supported by the state.

In the sphere of Uzbekistan's international relations, the absence of a unified legal framework for digitalization could complicate cooperation with other countries and hinder the signing of international legal agreements and other forms of integration.

All these factors highlight the **importance of a systematic legal framework for digitalization** that balances the interests of all stakeholders and contributes to the sustainable development of a digital society.

To further identify trends in the development of digital legislation regulating state functions during the formation of the digital society, **a theoretical and legal analysis** of Uzbekistan's regulatory framework is essential, focusing on the correlation of various approaches and the monitoring of law enforcement practices. This approach necessitates the development of **detailed state functions** that will form the legal foundation of the new digital model, with clearly defined responsibilities for specific executors — government institutions, business entities, and academic and educational organizations.

The development and implementation of modern regulatory legal acts are **key factors contributing to the comprehensive development of the digital society**. Legal norms create the foundation for regulating information relations between members of society, business structures, and state bodies. In turn, this enhances the quality of legal regulation amid the digitalization of socio-economic processes, maintaining a balance of interests among all participants in the information space, and promoting the sustainable development of society as a whole.

The **informational function of the state** today reflects and integrates the overall manifestations of socio-economic, political, and spiritual transformations occurring within the life of the information society.

The informational function of the state can be defined as **“a general social function representing the direction of state activity aimed at developing the information sphere, encompassing the totality of relations associated with the creation, preservation, processing, and transmission of information in all fields.”**

At the current stage of development, the informational function of the state is based on **digital technologies** and has become one of the core state functions, permeating all spheres of social life and fundamentally transforming the nature of legal relations.

A **comprehensive and internally consistent legal system** on digitalization issues, consolidated in a single legal document, would serve as a **key indicator of the readiness of a legal state to develop a digital society**. The **“Digital Uzbekistan – 2030” Strategy** serves as a programmatic document implementing the state's informational function and driving digital transformation. It encompasses a wide range of factors — from the development of technological infrastructure to the training of specialists and the creation of a legal framework.

The implementation of the “**Digital Uzbekistan – 2030**” Strategy demonstrates the systematic interaction between government agencies and non-state entities. The state executes this program in accordance with its inherent functions, ensuring alignment with the real needs of society. The adoption of this Strategy reflects the **gradual and transparent nature** of the processes being carried out while emphasizing the **central coordinating role of the state** in their realization.

Under the influence of digitalization and the use of **artificial intelligence**, the informational function of the state leads to a transformation in the principles of social organization, the emergence of new forms of interaction between citizens and the state, and the adaptation of law to these new relationships — where technology becomes the dominant factor. If the state is defined as a system consisting of interconnected legal and political institutions, then the **digitalization of public administration** results in profound **institutional changes**.

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