CONSTITUTIONAL AND LEGAL FOUNDATIONS OF THE EXERCISE OF STATE POWER IN THE CONTEXT OF DIGITAL TRANSFORMATION

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ABSTRACT

The article examines the impact of digital technologies on the organization and exercise of state power from a constitutional and legal perspective. It highlights the influence of e-government, interagency electronic cooperation, and digital public services on the principles of legality, separation of powers, openness, transparency, and accountability. The article substantiates that, alongside improving the efficiency and convenience of public administration, digitalization also raises legal issues related to personal data protection, digital inequality, and ensuring effective oversight of decision-making. Finally, the article puts forward proposals aimed at ensuring constitutional principles in digital governance.

KEYWORDS: digital transformation, state power, Constitution, separation of powers, e-government, legality, openness, accountability, personal data.

1. INTRODUCTION

Digital technologies are transforming the forms and substance of relations between the state and society. The transition of public services to electronic formats, information exchange between government bodies, and the development of open data platforms create opportunities to accelerate administrative processes and make public services more convenient for citizens. At the same time, the exercise of state power through digital tools makes issues concerning its constitutional limits, the distribution of powers, and respect for citizens' rights increasingly relevant.

The Constitution of the Republic of Uzbekistan establishes that the people are the sole source of state power and that state power is divided into legislative, executive, and judicial branches [1]. These provisions apply equally to digital forms of public administration. In other words, the introduction of technological tools does not alter the constitutional powers of government bodies or allow them to act beyond the limits established by law.

The purpose of this article is to analyze the constitutional and legal foundations of exercising state power in the context of digital transformation, highlight the significance of existing legal safeguards, and substantiate proposals for strengthening legality, openness, and accountability in digital governance. The object of the study is state-power relations arising in the process of using digital technologies, while the subject is the constitutional and legislative provisions regulating these relations.

2. RESEARCH METHODOLOGY (METHODS)

The article employs formal legal, systematic analysis, and comparative legal methods. The formal legal method was used to examine the relevant provisions of the Constitution of the Republic of Uzbekistan and the laws “On E-Government” and “On Personal Data.” Systematic analysis made it possible to consider digital governance institutions in their interconnection with the principles of state power. Within the framework of the comparative legal approach, recommendations issued by international organizations on digital government were taken into account as general benchmarks.

The research is based on the analysis of regulatory legal acts and academic literature. No empirical surveys, interviews, or statistical observations were conducted. Therefore, the conclusions presented in the article are based not on quantitative indicators but on the analysis of legal provisions and theoretical approaches. This circumstance should be taken into account when evaluating the research findings.

3. RESEARCH RESULTS (RESULTS)

First, digital transformation changes not so much the substance of state power as the means and procedures through which it is exercised. For example, submitting electronic applications, accessing public services remotely, and exchanging information electronically between government agencies make it possible to perform traditional administrative functions using new technological formats. However, each of these processes must remain within the limits of the relevant powers, legal grounds, and procedural requirements.

Second, e-government serves as an organizational and legal mechanism that simplifies interaction between government bodies and citizens. The Law “On E-Government” establishes the legal framework for providing public services through information and communication technologies, as well as for interagency electronic cooperation [2]. The effectiveness of this mechanism should be assessed not merely by the transfer of services into electronic formats, but also by whether they are lawful, understandable, secure, and accessible to everyone.

Third, digital governance creates new requirements for implementing the principle of separation of powers. Even when government bodies use unified information systems, each body must operate within the scope of its constitutional powers. The existence of a technical platform or database does not grant one government body the right to assume the legally established powers of another. Therefore, it is important to clearly define user roles, levels of access to information, and decision-making powers within digital systems from a legal perspective.

Fourth, openness and transparency in the digital environment require information about the activities of government bodies to be provided in a timely, understandable, and accessible format. The publication of open data expands the opportunities for citizens, mass media, and researchers to monitor government activities. However, openness must not be ensured at the expense of violating the right to privacy or other legally protected forms of confidentiality.

Fifth, personal data protection is an integral requirement of digital public administration. The Law “On Personal Data” establishes the legal framework for the processing and protection of such data [3]. Government bodies must process data only for lawful purposes, to the extent necessary, and in accordance with established procedures. Breaches of data security may negatively affect both citizens’ trust in the state and their rights and freedoms.

4. DISCUSSION

The analysis demonstrates that the key issue in digital governance is not the introduction of technology on the widest possible scale, but rather its use in accordance with constitutional principles and human rights. The speed of a digital service does not, in itself, guarantee its legality or fairness. For example, when a citizen’s application is processed automatically, the legal basis for the decision, the competent authority responsible for making it, and the procedure for appealing against it must be clearly established.

Digital inequality also requires particular attention. Limited access to the internet, digital devices, or relevant skills may reduce the ability of certain citizens to use electronic services. Therefore, alongside the development of digital services, it is advisable to preserve traditional channels for submitting applications, provide advisory and practical assistance to the population, and take measures to improve digital literacy.

In the author's opinion, the following areas are important for strengthening constitutional safeguards in digital governance: first, clearly identifying decision-making powers and the responsible official within government information systems; second, expanding citizens’ opportunities to receive information about instances in which data concerning them are accessed or used; third, ensuring a simple and understandable procedure for appealing administrative decisions made electronically; and fourth, maintaining alternative service delivery options for individuals who are unable to use digital services.

5. CONCLUSION

Digital transformation is creating new forms of exercising state power. However, its constitutional essence remains unchanged: government bodies must serve the interests of the people, comply with the Constitution and laws, and act within the scope of their established powers. E-government and digital platforms can contribute to the more effective performance of these tasks, but they cannot replace legal safeguards.

The study has led to the following conclusions:

1. Digital technologies do not abolish the constitutional principles of state power; rather, they modernize the means through which these principles are implemented.
2. In electronic governance, the limits of authority and responsibility for decisions made must be clearly defined.
3. Openness must be balanced with the requirements of personal data protection.
4. Electronic public services must be practically accessible to all citizens.

5. Guarantees for appealing and reviewing electronic decisions must constitute an important component of digital governance.

On this basis, it is proposed that the procedures governing the use of digital systems by government bodies be defined more precisely, including mechanisms for regulating access to information, decision-making procedures, identification of responsible officials, notification of citizens, and appeal procedures. Such an approach will help transform digital transformation from a process of merely technical modernization into an instrument for ensuring constitutional legality and protecting citizens' rights.

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