

Implementation of Mechanisms for Checking the Election Results in the Digital Election System

Irisa Shodiyeva Soatmurod qizi

Student at Tashkent State University of Law, Faculty of Private Law

Abstract: This article comprehensively analyzes the main trends of the implementation of election result in the digital election system, the benefits to the states in performing their functions, the implementation problems and the impact on efficiency. This mechanism increases the productivity of the organizational work in the elections, the quality of service and provides an opportunity to reduce costs. However, it is no secret that financial barriers, lack of technical knowledge and problems related to data security may prevent it. Therefore, theoretical and practical recommendations were developed for the effective implementation of the mechanisms of verification of election results through the digital election system in the Republic of Uzbekistan.

Keywords: digital election, election, verification of election results, artificial intelligence, block chain, digital service productivity, voters, digital sovereignty, data security, cyber security.

INTRODUCTION

The process of verifying the election results is one of the most important components of the implementation of the digital election system. In recent years, the implementation of many reforms in the world under the idea of "digitalization of every sphere" proves the effectiveness of digital elections. But at the same time, it also demands that the problems arising in this process should be regulated in a comprehensive manner. In particular, until now, reforms are being carried out on the legal mechanism of checking election results in the digital election system in Uzbekistan, and efforts are being made to create a legal basis for the implementation of these mechanisms in the national legal system.

The purpose of this study is to learn the implementation process and advantages of the mechanism of verification of election results on the example of foreign experience, as well as to conduct analyzes on the implementation of this mechanism in Uzbekistan.

To achieve that goal, the following tasks are set:

- Analysis of the mechanism of verification of election results in the digital election system and its main features;
- to determine the advantages of using this mechanism in the countries of the world;
- study of problems in the implementation of the mechanism of verification of election results;
- assessment of the effectiveness of the election results verification mechanism in the conduct of elections;
- development of recommendations on the effective introduction of the mechanism of verification of election results in the digital election system into the practice of Uzbekistan.

The data analyzed as a result of the research allows making practical recommendations on using a more effective method of checking election results in the digital election system. This, in turn, serves to enrich scientific knowledge in the field.

METHODS

In this study, the comparative legal analysis, logical interpretation and systematization method were chosen as the main method. Based on this study, digital relations in foreign experience, including the ideas promoted in the world in the digital election system, and doctrinal approaches of researchers related to these mechanisms were analyzed. In addition, in this scientific article, methods such as the study of events and phenomena occurring in the field, systematic analysis, logic, generalization, deduction, comparative legal and statistical data were widely used. Also, the theoretical foundations of the topic were studied based on scientific articles, books and other sources related to jurisprudence. Databases such as Google Scholar and Hein Online were used. During the analysis, a search was conducted using keywords such as "digital election", "digital election system", "modern election" and sources published in the last 10 years were selected with priority. This could help to identify existing and potential problems. In monitoring foreign experience, the experience of countries that have achieved success with digital election systems, including the country of Estonia, was studied. Their election processes and the functioning of mechanisms for verifying election results were thoroughly analyzed.

RESULTS

It is known that elections and voting process are one of the most important political rights for humans. Because through it, people can have the opportunity to directly influence the politics of the country where they live. After all, as stated in Article 36 of the Constitution of the Republic of Uzbekistan: "All citizens of the Republic of Uzbekistan shall have the right to participate in the management and administration of public and state affairs, both directly and through representation. They may exercise this right by way of self-government, referendums and democratic formation of state bodies, as well as public control over activities of state bodies."¹. From this we can know that the election process is extremely important and worthy of attention for every citizen.

However, the rapid development and digitalization of the world has an impact not only on the economy, but also on law and politics. By studying the digital election system, we will focus on the appearance of the mechanism of electronic verification of election results, which is a component of it. First of all, we aim to analyze its benefits and problems that may arise during its use, as well as its legal basis.

Here, we define the concept of "digital election system". We will summarize the content of this concept separately. By "digital", we can understand the development or virtualization of a field using the Internet. To be more precise, the term "digital election system" refers to the effective use of digital technologies in the organization of the election process, the submission of documents by the participants of the election process to the election commissions, the adoption of decisions of the election commissions, as well as other activities related to the organization and conduct of elections. So, the introduction of this system requires the introduction of certain mechanisms. However, we can see many advantages of this process. In particular, according to Guido Schryen, electronic or digital election can be useful with its following features:

- 1) this system allows the elderly and persons with disabilities to exercise their political rights without going to the polling stations, and it also makes it easier to check the election results;
- 2) lowers the cost of elections;
- 3) reduce electoral fraud through coding mechanisms that make possible fraud difficult;

¹ Republic of Uzbekistan. (2023). Constitution of the Republic of Uzbekistan, Article 36.

4) helps to fully realize democracy.²

Other researchers, Alvarez R. Michael and E. Zad Hall, continue this idea and express their opinion that the electronic voting system will provide the world with a voting mechanism that is digital, fast and online. [Alvarez, R. Michael/Hall, Thad E. (2004): Point, Click, and Vote: The Future of Internet Voting. Brookings Institution Press.]

Based on the above, we can define the useful aspects of these mechanisms as follows:

- 1) Transparency: allows for the implementation of election results in an open and transparent manner;
- 2) Speed: calculates election results quickly, accelerates announcement;
- 3) Accuracy: reduces errors in counting votes and makes information more accurate;
- 4) Convenience: voters exercise their political rights simply by using convenience. So, the benefits of these mechanisms are as follows, and their implementation can provide convenience to people and prevent excessive spending and waste.

But unlike some researchers, others cite some controversial aspects of these mechanisms, like any technology, including lack of transparency, technical and technological difficulties, and the cold attitude of individuals towards technologies.³

Based on this, we can say that in the implementation of mechanisms for checking election results in the digital election system, the first thing is the issue of security. Because at a time when the purpose of the election is to ensure democracy, failure to ensure personal information and cyber security may show that these mechanisms are not useful. As a result, people's trust in the state, its politics, and legal system weakens. Or technical situations that occur at some stage of the election process, which do not depend on human will, are also among them.

DISCUSSION

We have considered that the digitalization of the verification of election results in the digital election system will have a significant impact on the states. We learned that digital election systems, in turn, are an integral part of modern democratic processes, and their introduction increases the transparency and reliability of the election process. The experience of the Finnish state clearly shows this.

The Finnish experience

The mechanism of electronic voting (internet voting) has been used in Finland since 2005. According to data, more than 9,000 Estonians used internet voting during the 3-day election process held that year.⁴ But it is also true that after the national elections in 2007, Estonia was the victim of a serious cyberattack. This shows that technological programs are still weak. Nevertheless, Estonia, as one of the first countries to introduce digital elections, has developed its own digital election system and is an example for countries around the world.

Based on research, it is said that Finland's population size also helped to implement this mechanism faster and more efficiently. Given the demographic aspect, Cyprus, Luxembourg or Malta would also be successful if they were to implement this mechanism. Various attempts have been made to digitize the electoral process in other European countries such as the Netherlands, Norway, France, Great Britain, Switzerland, Germany and Romania. However, due to technical, economic or political reasons, all of these countries have been delaying the introduction of a suitable generalized electronic voting system.

² "Security Aspects of Internet Voting". Dr. Guido Schryen. Journal article.

³ Marian Stoica. "E-Voting Solutions for Digital Democracy in Knowledge Society".

⁴ Marian Stoica. "E-Voting Solutions for Digital Democracy in Knowledge Society"

The Romanian experience

In 2003, the first attempt of electronic voting will take place in Romania. In this case, a referendum is used to approve amendments to the Constitution. True, although this election was held mainly among military personnel, electronic voting is still open for Romania, especially for citizens living abroad.

The Russian experience

The "Mobile Voter" mechanism has been introduced in Russia, measures are being taken to organize digital polling stations, and the issue of introducing digital IDs for journalists is being studied.⁵

Each of the above-mentioned reforms is definitely the first step towards digital elections. Because this mechanism not only allows citizens to exercise their rights without going to the polling stations, but also creates an opportunity to find out the election results online faster and more effectively. Governments of many of the listed countries, such as Finland, pay a lot of attention to security issues when implementing a digital election system. Their work on cyber security measures and personal data protection will be the basis for the successful operation of digital election systems in the future. If we want to introduce such mechanisms in Uzbekistan, it will be necessary to implement various reforms. And it is no exaggeration to say that the first steps have been taken on this path. It is known that based on the changes introduced in 2023, the election system in the Republic of Uzbekistan is now implemented through a mixed election system⁶. As proof of this, we can cite the important political process that took place on October 27, 2024. In this regard, firstly, if it is considered that 50% (75) of the seats of deputies in the Legislative Chamber of the Oliy Majlis are elected on the basis of the majority system, and the remaining 50% (75) are elected proportionally, that is, by voting for the party, secondly, modern information about this system - it is the introduction of communication technologies. In particular, about this process, the Deputy Chairman of the Senate of the Malaysian Parliament, Nur Jazlan Bin Mohamed, emphasized that "Uzbekistan is one of the leading countries in the field of elections with digitization and electronicization of election processes".⁷ Also, PQ-3961 of October 4, 2018 "On measures to introduce modern information and communication technologies into the election process" was adopted.⁸ Of course, it is necessary to increase the role of modern technologies in political processes and the quality of elections, to ensure that their results are clear and fair without any human factor.

Most importantly, in order to ensure the "Uzbekistan - 2030" strategy, the Decision of the Central Election Commission "On approval of the regulations of the "E-election" information system" was adopted. According to it, through the effective use of digital technologies in the organization of the election process, the submission of documents to the election commissions by the participants of the election process, the adoption of decisions of the election commissions, as well as the implementation of other processes related to the organization and conduct of elections in electronic form are put into practice.

Because the legal basis of the digital election system is important in any case. Reforms in Uzbekistan, for example, amendments to the Election Code and the adoption of other normative legal documents, are a solid foundation for the creation of a digital election system. However, there are shortcomings and obstacles in the implementation of the legislation. The regulatory

⁵ Fadeev, V. I., Rautkina, N. I., & Mironov, N. M. (2006). Munitsipalnye vybory v Rossiyskoy Federatsii. M.: Norma, 40.

⁶ available at: [https://www.xabar.uz/uz/mahalliy/jariy-yilgi-saylovs-aratash-saylov- system-based-transferred](https://www.xabar.uz/uz/mahalliy/jariy-yilgi-saylovs-aratash-saylov-system-based-transferred)

⁷ available at: https://saylov.uz/oz/press_service_in/representatives-of-international-electoral-bodies-highly-assessed-the-past-election-processes

⁸ "Measures to introduce modern information and communication technologies into the election process" on events" Decision No. PQ-3961, 2018.

legal documents necessary for the use of the digital election system must be constantly updated. This, of course, provides legally consistent and clear mechanisms. At the same time, a number of problems may arise in the process of introducing the digital election system in Uzbekistan. That is, the above-mentioned legal mechanisms cannot fully cover this process. Therefore, first of all, it is necessary to pay great attention to the issue of safety. Failure to ensure cyber security can undermine the election process. If the security of personal data is not ensured, there is a possibility that citizens will not trust the electoral system. This, of course, reduces the effectiveness of democratic processes. In order to prevent such situations, the government of Uzbekistan should introduce security measures and constantly improve them.

The process of entering the digital election system of Uzbekistan should be aimed at ensuring the active participation of citizens. The introduction of digital election systems should be based on the principles of ease and convenience in managing the election process. For example, according to some researchers, electronic voting systems can be convenient and cost-effective. Such systems also help reduce fraud and promote democracy. That is why digital election systems may be important for Uzbekistan in the future.

Finally, in order to increase citizens' trust in digital election processes and ensure the security of technologies, it is necessary to study their attitude to digitalization and introduce cyber education and skills development programs. This, of course, will help to strengthen the participation of citizens in the electoral process. Therefore, it is necessary to take into account many factors for the successful implementation of digital election systems in Uzbekistan. Among them, we can include cyber security, legal frameworks, improving the cyber culture of citizens and studying international experiences. In particular, it is considered important to introduce legal mechanisms and verification mechanisms for quick resolution of problems arising during the election process.

CONCLUSION

The implementation of the digital election system and the mechanisms for verifying its election results is analyzed. The most important goal is to ensure the principles set forth in the Constitution of the Republic of Uzbekistan and the Election Code of Uzbekistan.

The implementation of the digital election system is important in modernizing the election process, increasing transparency and creating convenience for citizens. The experience of a number of countries such as Finland clearly shows this. Because this system, that is, electronic voting process, will greatly help citizens in exercising their rights. These experiences can be an example for Uzbekistan. But the process of entering the digital election system of Uzbekistan is causing a number of problems. Security is one of the most pressing issues. Inadequate cyber security is expected to undermine the electoral process. Therefore, it is necessary to ensure the reliability of personal data and the election process. At this point, it is necessary to regularly reform the normative legal documents and the improvement of the legal system.

We have considered the advantages of the digital election system not only in the quick and accurate calculation of election results, but also in making the election process more transparent, as an example of international experience. We have learned that creating conveniences for citizens and reducing frauds serve to develop democracy. Therefore, it is safe to say that taking the necessary measures for the successful implementation of the digital election system has proven to be a very effective method.

In conclusion, it is necessary to take into account a number of factors in the process of introducing a digital election system in Uzbekistan. These include cyber security, legal frameworks, raising citizens' cyber awareness and culture, and studying international experiences. Measures to improve security, transparency and citizen trust will increase the effectiveness of the digital election system. In the future, Uzbekistan will successfully implement digital election systems, actively involve citizens in political life and develop democratic values.

REFERENCES:

1. Republic of Uzbekistan. (2023). Constitution of the Republic of Uzbekistan, Article 36.

2. Cabinet of Ministers. (2017). Resolution No. 630 "On measures to create and maintain a unified electronic list of voters of the Republic of Uzbekistan".
3. President's decision. (2018). Decision No. 3961 "On measures to introduce modern information and communication technologies into the election process".
4. Republic of Uzbekistan. (2023). Constitutional Law "On Amendments and Additions to Certain Legislations of the Republic of Uzbekistan aimed at further improving the procedure for conducting elections and referendums".
5. Central Election Commission. (2023). Decision "On approving the regulations of the e-election information system".
6. Dr. Guido Schryen. Security Aspects of Internet Voting.
7. Alvarez, R. Michael/Hall, Thad E. (2004): Point, Click, and Vote: The Future of Internet Voting. Brookings Institution Press.
8. Marian Stoica. E-Voting Solutions for Digital Democracy in Knowledge Society.
9. Фадеев, В. И., Рауткина, Н. И., & Миронов, Н. М. (2006). Муниципальные выборы в Российской Федерации. М.: Норма, 40.