

МЕМЛЕКЕТ ЖӘНЕ ҚҰҚЫҚ ТЕОРИЯСЫ МЕН ТАРИХЫ ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА THEORY AND HISTORY OF STATE AND LAW

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The rule of law and digital transformation of public administration

The purpose of the article is to consider the importance and necessity of achieving an optimal balance between ensuring the fundamental rights of the individual and the principles of the rule of law in the context of the rapid development of information and communication technologies, digitalization of all spheres of public life and public administration. Since as a result of widespread digitalization, the individual, society and the state interact in a new format of digital reality. Despite the obviousness of the thesis put forward, a legal analysis of the digitalization processes taking place in Kazakhstani society, the identification of risks and threats to individual rights, along with the development of recommendations for ensuring the principles of the rule of law, is necessary. The methodological basis of the study was general scientific conceptual approaches, as well as approaches and methods that are inherent in modern legal science. As one of the main methods, discourse analysis of regulatory documents and scientific materials was used, which made it possible to study the existing opinions and results in matters of interaction between the individual, society and the state. The achieved results are expressed in the fact that the authors considered the role of the state in relations with citizens and other institutions of civil society that function in the new digital reality. Particular attention is paid to the responsibility of the state for the correct construction of an information society based on modern digital technologies. As a result of the study, the authors come to the conclusion that the creation of digital reality has both positive and negative aspects that affect the functioning of state power and the principle of the supremacy of law. The authors state the need to strengthen information security issues, since the digital reality created on the basis of information and communication technologies requires careful legal regulation and protection.

Keywords: The rule of law, supremacy of law, human rights, digitalization, principles of law, e-government, digital technologies.

Introduction

The widespread introduction of information and communication technologies has created a digital world that influences the existing institutions of society, in terms of transforming the mechanism of relationships between the individual, society and the state. This is what we see in public administration, where openness and transparency of the activities of government bodies has become one of the priorities, and of course in the format of interaction with them, both citizens and civil society institutions.

The process of digitalization has given impetus to the active participation of citizens in the management of state affairs, and to the strengthening of public control over the activities of government bodies. Most

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countries have undertaken digital initiatives and created all the conditions for expressing opinions (for example, publishing draft legal acts), consulting citizens (for example, on tax, pension and labor legislation) and providing citizens with the opportunity to participate in decision-making and online voting (using Internet applications). This is due to the opened-up communication opportunities due to the introduction of new technologies, the development of the Internet with an increase in users. Citizens take part in the discussion and examination of draft legal acts on online platforms; express their point of view on the actions of government and administration bodies in social networks, exercise public control in accordance with the law, etc. It should be noted that the participation of citizens in the above processes is quite effective due to the fact that the opinions of Internet users are taken into account by government and administration bodies, since the state itself has become an active subject of digitalization and informatization.

The Republic of Kazakhstan has adopted a number of program documents in the field of digitalization that are aimed at distributing the efforts of government bodies to solve the main problems of digitalization in the areas of: developing a legal framework, providing public services, ensuring information security, protecting the rights of citizens and their personal data. In particular, the Concept of Cybersecurity (“Cyber Shield of Kazakhstan”) [1], Strategy “Kazakhstan-2050”: a new political course of an established state [2], the Concept of Development of Public Administration in the Republic of Kazakhstan until 2030 [3], the Concept of Legal Policy of the Republic of Kazakhstan until 2030 [4] and others. The designated documents indicate a change in the role of the state in relations with citizens and other civil society institutions, which also function in the new digital reality. This is due to the fact that the state itself is being transformed into an era of total digitalization and information openness, which is expressed in the creation of the Electronic Government portal (eGov.kz) with the ability to receive public services in a new format and the development of electronic document management.

The development of information and communication technologies and the formation of an information society have led to the emergence of an innovative direction in public administration and, in general, the basis for interaction between the state, society and the individual — electronic government (e-government). In these conditions, regardless of the principles and objectives, the reform of national governments is aimed at introducing information and communication technologies into the sphere of public administration to improve internal and external socio-economic and political interaction, increase the efficiency and quality of public services.

At the same time, the digitalization process has brought not only positive aspects to the life of society, but also left open a number of questions that require answers. Firstly, society must be prepared for further strengthening of digitalization processes and expansion of citizens’ participation in the management of state affairs. Secondly, interaction of citizens, civil society institutions and the state in the format of digital space will require constant improvement, since this is a new format of relationships. Thirdly, building a client-centric state that will be focused on the individual requires strengthening information security issues, since the digital profile of the citizen being formed requires protection.

This article is devoted to the study of the identified issues.

Methods and materials

In order to obtain the most reliable scientific results, this study used a methodological toolkit determined by its subject.

The methodological basis of the study was philosophical, general scientific conceptual approaches, as well as approaches and methods that are inherent in modern legal science.

Using a dialectical approach, the legal forms of implementing the functions of the Republic of Kazakhstan as a legal state in their development and interaction were considered, changes that occurred in the context of digitalization were identified, and elements of the principle of the supremacy of law were considered. It determined the use of such a general scientific approach as an activity-based one, which made it possible to interpret the implementation of public administration through socially significant actions of subjects. Thanks to the techniques and means of structural and functional analysis, through the structure of legal activity and the interrelations between its elements, the legal forms of implementing the functions of the Republic of Kazakhstan as a legal state were characterized. Within the framework of the synergetic approach, the Republic of Kazakhstan was characterized as a dynamic system, the functions of which as a state governed by the rule of law are formed under the influence of both internal and external factors, and a choice is made and a new system is created in new digitalization processes. As one of the main methods, discourse analysis of regulatory documents and scientific materials was used, which made it possible to study the existing opin-

ions and results in matters of digitalization and interaction in these conditions of the individual, society and the state, and also made it possible to develop recommendations for improving the norms of the current legislation in the field of public administration of digitalization.

The work uses the provisions of the concepts of a democratic, legal, social state, which determine the model of the modern state of the Republic of Kazakhstan, which stipulates the content of Article 1 of the Basic Law of the country. The entire research process was accompanied by logical techniques (analysis, synthesis, induction, deduction, abstraction, generalization, analogy, modeling), which made it possible to clarify a number of provisions of the classical theory of the rule of law in the new conditions of digitalization.

In recent years, research in this area has increased, as the process of using information and communication technologies is gaining momentum. The researchers substantiate the need for “analyzing the specific relationships between good governance and the supremacy of law, as well as guaranteeing the observance of citizens’ rights without abuse and corruption, taking into account the wave of digital technologies during the current Fourth Industrial Revolution” [5; 14.]. It is also assumed that there are: “positive and negative aspects in the process of the influence of digital technologies used in the information society on democracy, human rights and the supremacy of law in general” [6; 991], which can be agreed with when analyzing this aspect of the problem in our country. This thesis is confirmed by other researchers who believe that “the growth of digital technologies has led to the emergence of digital private and public powers that create significant social risks, challenge human rights and change the supremacy of law” [7; 3]. The increase in the number of studies of this kind indicates the growing relevance and significance of this issue in the context of Kazakhstan's realities.

Results

In the early 90s, a new era began in the Republic of Kazakhstan, which was marked by important transformations in state building, which was enshrined in Article 1 of the Constitution of the country: “The Republic of Kazakhstan asserts itself as a democratic, secular, legal and social state, the highest values of which are man, his life, rights and freedoms” [8].

According to the constitutional and legal norm, the Republic of Kazakhstan in its functioning and development is guided by the basic principles of a legal and democratic state, recognizing man and his rights as the highest value. And this suggests that in order to build a truly legal state, it is necessary to ensure and protect the fundamental rights and freedoms of man and citizen, extolling the universal value over the interests of the state.

In the legal literature, there are many approaches to defining the rule of law, identifying its features and essence, but they all agree on one thing: it is based on law and justice. In particular, Yu.A. Tikhomirov said that the persistent need for a just state gave rise to the idea of a rule of law [9; 17].

We believe that it is no coincidence that the Head of State K.Zh. Tokayev, speaking in 2022 with the Address to the people of Kazakhstan, entitled it “A Just State. A United Nation. A Prosperous Society”, focusing on increasing the population’s trust in the state, which is the cornerstone in the context of digitalization and information openness. After all, the modern digital world is changing the established principles of communication, on the one hand, making it possible to freely, openly and promptly express one’s point of view, and on the other hand, strengthening the state’s ability to subject an online opponent, such as an Internet user, to complete control and isolation (blocking). In other words, the new digital reality, under the influence of rapidly developing information technologies, is changing the interaction between the state, citizens and civil society institutions, increasing the degree of participation in government decision-making, and at the same time providing an opportunity to control state power, which has always been the only dominant force. It is necessary to recognize that although state power is the dominant factor in the governance of the rule of law, it is stabilized by the principles of the supremacy of law and the protection of human rights. And as researchers note: “Despite the achievements of science and technology since the industrial revolution, no technological force has significantly changed this tripartite order” [7; 4]. However, the development of information and communication technologies and the emergence of the global Internet significantly affect human rights, state power and the supremacy of law. Studying the process of digitalization and its impact on state power, it is necessary to recognize the validity of the thesis that “the introduction of electronic technologies — the common good of the present and the future — should be carried out subject to compliance with the principle of the supremacy of law — also a generally recognized constitutional value” [10; 77.]. Since in modern Kazakhstani society, which is in line with the influence of digital information technologies and the Internet, the state and law are under pressure, which is reflected in

all spheres of public life. The state introduces new digital technologies by creating a legal basis for their functioning, and at the same time bears responsibility for the correct construction of an information society based on modern technologies applied everywhere in all spheres of the economy, politics and in the development of legislation. The e-government portal operating today in Kazakhstan is the initial stage of the introduction of digital technologies that significantly affect all subjects of this process (individual, society and the state). This thesis is noted by researchers who believe that “e-government is the first step towards building a government on new digital technologies” [11; 25]. Agreeing with this opinion, we state that the modern world presents new conditions for the further development of digital reality, which we are obliged to introduce into public life and government activities to avoid falling behind high-tech nations. And it is quite reasonably and fairly indicated in the legal literature: “the development of digital government practices contributes to the development of digital democracy” [12; 6]. This is precisely the digital world where digital tools should be the flagship in management procedures with the participation of all members of society and in the possibility of limiting the institutions of power.

In Kazakhstan, a lot of work has been done to expand informatization and implement the concept of “electronic government”, which has improved the system of state governance and reached a fundamentally new, higher level — the formation of Kazakhstan as a “digital state”. And this is not just a change in the term “electronic” to “digital”, but a focus on changing the substantive characteristics of state governance, creating a simplified format for interaction with citizens of the country. In recent years, there have been many studies devoted to the transformation of electronic government into digital, on the basis of which it is possible to derive general characteristics that will be modernized: increasing the influence of the global Internet on the life of modern society and state development in general; increasing the share of Internet technologies in the daily implementation of citizen rights and in interaction with government agencies; enhancing citizen participation in the management of public affairs, including changing the methods of participation, which will be facilitated by digital technologies. The growing role of the global Internet in the life of society and the state, the gradual increase in its influence on the rights of citizens, the expansion of the possibilities of its use in the political and legal system of the modern state, prompted the need to study it, in connection with which the hypothesis of a “digital state as a form of post-state world order” was put forward in the legal literature [13; 103]. In solidarity with it, we believe that the vector for the development of a digital state is the future for all countries, since digital technologies are increasingly being introduced into the process of communication between citizens and government bodies every day, as well as in the expansion of electronic governance. And the coordination of powers is deduced as the main principle of electronic governance [14; 18]. The category of “electronic government” was initially reflected in the repealed Law of the Republic of Kazakhstan dated January 11, 2007 No. 217-III “On Informatization”, and then in the adopted new Law of the Republic of Kazakhstan dated November 24, 2015 No. 418-V “On Informatization”. The differences in the normative provisions of the said acts on what constitutes the category of “electronic government” are seen in the change of its essence from “state management system” to “information interaction system”. The importance of such terminological clarification is that the country’s progress towards the creation of a digital government will ultimately allow the constitutional characteristics of the Kazakh state to be filled with updated content and will lead to the creation of a new format of interaction, based on the principle of open, transparent and direct dialogue between the state and all subjects of civil society.

The tasks of the electronic government: ensuring the process of information communication between all government bodies, developing unified databases of information; implementation of services by government bodies using electronic means in a simple form and without restrictions; supporting the development of an electronic market for goods and services in order to increase the competitiveness of domestic industries at the global level; developing electronic democracy; improving the standard of living of the population; introducing an electronic voting system and electronic legal proceedings, etc. The content of e-government lies in the integration of all governmental structures through the use of internet technologies into a unified system that aligns internal processes with a single user interface. This is why the user is given the opportunity to interact not with multiple separate units sequentially, but with a single electronic intermediary that represents all departments.

So, we can say with confidence that the electronic government of any country is aimed at solving three interrelated key issues: providing citizens and businesses with effective means of receiving various electronic services; providing the state apparatus with effective means of decision-making and rendering administrative services; organizing electronic interaction between authorities, citizens and businesses. At the same time, e-government also plays a major role in improving quality, improving the supply system, analyzing and evalu-

ating decisions, and ensuring control over the activities of government agencies. Such a diverse role of e-government in modern society is especially important from the standpoint of building a legal state associated with the technologies of the digital age, since a modern state is obliged to ensure the maintenance and reasonable adaptation of the principle of the supremacy of law in public administration, namely such aspects as: legality, fairness and expediency of the exercise of state power; equality of all before the law and the court; protection of the individual and fair justice; openness and transparency of the exercise of state power; compliance with the norms of the Constitution and the implementation of constitutional control, etc.

The rule of law, which is developing in line with the modern digital reality, is an important condition for the implementation of the idea of a client-centric (client-oriented) state, perceiving it as the goal of implementing the democratic principles of state building. In addition, the conceptual frame of digitalization processes has become the model of a “listening state”, which emphasizes feedback from the public, taking into account its ideas, opinions and criticism.

Special attention in the context of considering the digitalization of all spheres of public life and public administration deserves the provision and protection of human rights. Foreign researchers also draw attention to this, believing that “these days, the boundaries between physics, digital technologies and biology are erased, the Internet is easy to use, the legal system does not respond in time, legal and technical control is weak, and actions are taken that violate human rights and interests” [5; 16].

The main target of violations is the right to privacy of citizens, since personal information about a citizen (the so-called “digital profile”) is the main element of the electronic public administration mechanism. The totality of personal data of each citizen of the Republic of Kazakhstan, located on the web portal of the “electronic government”, includes the most complete information about the person, his/her life activity and is differentiated depending on the state bodies providing certain public services. Undoubtedly, the web portal “Electronic Government” has the ability to accumulate information about a citizen from almost all portals of state bodies, which allows it to be quickly transferred at the request of the applicant. In addition, the system of collecting personal data, its storage and use is automated, since the volume of personal data that the Electronic Government has is very extensive. At the same time, despite the careful legal regulation of the technical process of personal data circulation, there is a periodic threat of violation of the confidentiality of stored information, which causes concern among citizens. Despite all the efforts of the state, the level of legal regulation and protection of personal data has a number of errors that do not allow for the full safety of the collected confidential information for the functioning of the electronic government. The researchers see the reason for the poor protection of personal information in the fact that the traditional legal concept does not take into account the new circumstances of the digital reality and does not distinguish between online and offline environments, which has led to the emergence of opportunities to violate the privacy regime.

Discussion

As of today, the situation in the field of personal data protection has become one of the key factors of social concern in Kazakhstan, affecting the effectiveness of ensuring the information security of the state. This has become especially noticeable against the background of recent years, when almost every few months the media started talking about leaks of confidential data of Kazakhstanis. That is, the confidentiality of personal data is often violated in ways that the owner of this data does not know about, which indicates the latency of this problem. As a rule, these are customer databases that are sold or transferred by employees of companies, banks, government agencies, etc. for various reasons, as well as personal data obtained through blackmail, threats, espionage. This may be resentment for dismissal from work, pursuit of profit, a desire to ruin the reputation of the organization and much more. It is precisely this personal data, obtained illegally, and not as a result of a technical failure or data leak, that is in high demand on the sales market.

Many Kazakhstanis are not informed about such illegal distribution of personal data until they encounter adverse consequences, which are manifested in the illegal use of data by strangers or organizations. Essentially, this involves receiving advertising emails and notifications from various companies where a person has never registered or made a purchase, yet their email or mobile phone number is in the company’s client database. Moreover, this is the most harmless of the encountered violations of personal data of Kazakhstanis, since their illegal use brings quite a lot of moral, material, financial losses. In particular, as a result of unauthorized access to personal data, their illegal use is becoming increasingly widespread among various fraudsters and cybercriminals. Basically, these are illegal manipulations with personal data in the field of banking services: issuing a loan to a third party, gaining access to and using other people’s payment cards, bank accounts, electronic digital signatures, etc. However, in addition to such violations that threaten the well-being

of an individual citizen, the illegal receipt and use of personal data can also turn into a problem for ensuring the national security of the state. As a rule, such situations are typical in the field of espionage in the field of personal data of citizens. For example, on February 20, 2024, information appeared on social networks that data of Kazakhstanis was found in a leak of Chinese government documents [15]. A completely natural question arises: where does personal information about citizens of a neighboring state come from in Chinese government documents, for what purpose and how was this information collected? At present, the national security agencies of the Republic of Kazakhstan, together with the Ministry of Digital Development, Innovation and Aerospace Industry, are trying to understand the current situation. Neither the state bodies of Kazakhstan nor the technical infrastructure of organizations engaged in their collection, accumulation and storage were prepared for such resonant situations in the sphere of personal data.

Thus, the state, as the initiator of the introduction of information and communication technologies in the management process, must ensure the security of all entities involved, making the sphere in which all the information necessary for the effective exercise of state power secure. This is particularly important since the management of digital platforms raises key constitutional issues. After all, in connection with the development of digitalization in public administration, we are talking not just about the organizational and technical design of functions, but about the emergence of digital power that accumulates the ability to influence with the help of information resources. Researchers also point to this, believing that when managing digital platforms, it is necessary to take into account the values of the supremacy of law and the constitutional rights of the individual [16].

Thus, the question of legitimacy in the management of digital platforms arises. Today, the operator of the information and communication infrastructure of the “electronic government” is JSC “National Information Technologies”, created in accordance with the Resolution of the Government of the Republic of Kazakhstan dated April 4, 2000 No. 492 “On the development of a single information space in the Republic of Kazakhstan”. However, the need to modernize the eGov portal by placing it on a large platform was discussed, since it currently serves about 400 different information systems. Various options for solving this issue were considered, including the possibility of transferring the e-government portal to companies specializing in this area. This will lead to a situation where the volume of data controlled by governments will be significantly less than that of companies in the field of information technology. Of course, such a decision caused controversy in society, since the question of the legitimacy of managing a digital platform and violating the confidentiality of information with limited access arose, and, therefore, it was about transferring digital power into private hands, which would pose a threat to national security. We are already witnessing similar threats in the form of cyberattacks on personal data, which are subsequently used for cyber fraud.

Conclusions

A modern legal state in its development must take into account the potential of digital technologies and establish interaction with citizens and civil society institutions in accordance with the requirements of digital transformation. In addition, there is a need to modernize the functional characteristics of government agencies taking into account the new digital reality, in the context of general transformation processes in the state and legal life of society.

It is appropriate to emphasize that the process of digitalization in the state is not the task of a separate subject of state power, or one of the spheres of social development, since the scale and substantive depth of the process is aimed at the general transformation of all spheres of public life, which inevitably entails the restructuring of the entire technological environment of processes.

In this regard, the state must have a clear understanding of the direction of global scientific and technological progress in order to develop a strategic plan for its own advancement, outlining key indicators for the coming years. The technological gap with leading nations could significantly impact the qualitative aspects of state-building.

Emphasizing the correctness of the Republic of Kazakhstan's decision, made during the implementation of the State Program for the Formation and Development of the National Information Infrastructure (approved by the Presidential Decree on March 16, 2001), to introduce electronic governance methods in the field of public services, we highlight the predominance of positive outcomes. In this regard, the society is faced with a new strategic goal, which consists in building a digital government, which will take a long time. In this context, a number of important trends in the development of digital reality should be taken into account in improving public administration: 1) it is necessary to take into account the achievements of digitalization processes and their further development when modernizing the activities of government agencies; 2) it

is necessary to improve the legal acts of the state for their functioning in the digital reality, since it must be adapted to the working conditions taking into account digital technologies; 3) it is necessary to expand the involvement of citizens and civil society institutions in the online process of managing public affairs, developing legal regulation of such participation, otherwise the Internet users already involved in this, instead of constructive public opinion, will fill the media space with critical statements; 4) expanding the participation of citizens and civil society institutions in public administration in the online space should be accompanied by the formation of appropriate mechanisms for influencing government structures; 5) government bodies and authorities should strive to change the format of their work, namely, to move away from the role of an ordinary official-holder of information, and become an intermediary capable of promptly, openly and transparently identifying and solving problems in the digital reality with the participation of stakeholders; 6) when building interaction between the state and civil society institutions, it is important to move away from hierarchy and verticality, giving priority to horizontal relationships, which will allow a faster transition to the plane of a client-centric state; 7) It is essential to enhance citizens' trust in government agencies and civil society institutions, which will allow for more constructive interaction based on partnerships; 8) it is obvious that in the national sphere of ensuring the protection of citizens' rights in the context of the introduction of digital technologies, there are a number of open issues that require resolution on the basis of a fundamentally new state policy in the field of information security and taking into account the improvement of the legal framework providing for liability for violation of the information rights of an individual. The activities of the rule of law in the context of ongoing digitalization must take into account the need to create digital legislation aimed at the effective protection of the individual, his rights and freedoms as the most important element of an open civil society.

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Құқықтық мемлекет және мемлекеттік басқарудың цифрлық трансформациясы

Мақаланың мақсаты ақпараттық-коммуникативтік технологиялардың қарқынды дамуы, қоғамдық өмір мен мемлекеттік басқарудың барлық салаларын цифрландыру жағдайында жеке тұлғаның негізгі құқықтары мен құқықтық мемлекет қағидаттарын қамтамасыз етудің онтайлы теңгеріміне қол жеткізудің маңыздылығы мен қажеттілігін қарастыру. Өйткені кеңінен таралған цифрландыру нәтижесінде жеке тұлға, қоғам және мемлекет цифрлық шындықтың жаңа форматында өзара әрекеттеседі. Ұсынылған тезистің айқындығына қарамастан, қазақстандық қоғамда болып жатқан цифрландыру процестерін құқықтық талдау, жеке тұлға құқықтарына төнетін тәуекелдер мен қатерлерді анықтау, құқықтық мемлекет қағидаттарын қамтамасыз ету саласында ұсынымдар әзірлеу талап етіледі. Зерттеудің әдіснамалық негізі жалпы ғылыми тұжырымдамалық тәсілдер, сондай-ақ қазіргі құқықтық ғылымға тән тәсілдер мен әдістер. Негізгі әдістердің бірі ретінде нормативтік құжаттар мен ғылыми материалдарға дискурстық талдау қолданылды, бұл жеке тұлға, қоғам және мемлекеттің өзара әрекеттесу мәселелерінде бар пікірлер мен нәтижелерді зерттеуге мүмкіндік берді. Қол жеткізілген нәтижелер авторлардың жаңа цифрлық шындықта жұмыс істейтін азаматтармен және азаматтық қоғамның басқа институттарымен қарым-қатынаста мемлекеттің рөлін қарастырғанынан көрінеді. Заманауи цифрлық технологияларға негізделген ақпараттық қоғамды дұрыс құру үшін мемлекеттің жауапкершілігіне ерекше назар аударылады. Зерттеу нәтижесінде цифрлық шындықты құру мемлекеттік биліктің жұмыс істеуіне және заң үстемдігі принципіне әсер ететін оң және теріс аспектілері бар деген қорытынды жасалған. Ақпараттық қауіпсіздік мәселелерін күшейту қажеттілігі айтылған, өйткені ақпараттық-коммуникациялық технологиялар негізінде құрылған цифрлық шындық мұқият құқықтық реттеу мен қорғауды қажет етеді.

Кілт сөздер: құқықтық мемлекет, құқық үстемдігі, адам құқықтары, цифрландыру, құқық қағидаттары, электрондық үкімет, цифрлық технологиялар.

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Правовое государство и цифровая трансформация государственного управления

Цель статьи — рассмотреть важность и необходимость достижения оптимального баланса между обеспечением фундаментальных прав личности и принципами верховенства закона в условиях быстрого развития информационно-коммуникационных технологий, а также цифровизации всех сфер общественной жизни и государственного управления. В результате широкомасштабной цифровизации индивид, общество и государство взаимодействуют в новом формате цифровой реальности. Несмотря на обоснованность выдвинутой гипотезы, требуется юридический анализ процессов цифровизации, происходящих в казахстанском обществе, выявление рисков и угроз правам личности, а также разработка рекомендаций в области обеспечения принципов верховенства закона. Методологической основой исследования являются общенаучные концептуальные подходы, а также подходы и методы, присущие современной юридической науке. В качестве одного из основных методов использован дискурсивный анализ нормативных документов и научных материалов, что позволило изучить существующие мнения и результаты по вопросам взаимодействия между личностью, обществом и государством. Достигнутые результаты заключаются в том, что авторы исследовали роль государства в отношениях с гражданами и другими институтами гражданского общества, функционирующими в новой цифровой реальности. Особое внимание уделено ответственности государства за правильное построение информационного общества на основе современных цифровых технологий. В результате исследования авторы приходят к выводу, что создание цифровой реальности имеет как положительные, так и

отрицательные стороны, влияющие на функционирование государственной власти и соблюдение принципа верховенства закона. Автор утверждает необходимость усиления работы в области информационной безопасности, так как цифровая реальность, созданная на основе информационно-коммуникационных технологий, требует тщательной правовой регламентации и защиты.

Ключевые слова: верховенство закона, права человека, цифровизация, принципы права, электронное правительство, цифровые технологии.

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