DIRECTIONS FOR IMPROVING HIGHER EDUCATION LAW UNDER *CONDITIONS OF DIGITAL EDUCATION*

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Abstract*. The article analyzes the changing nature of the legal regulation of higher education under conditions of digital transformation. It examines the impact of the 2026 reforms introducing a unified digital platform of state governance on the higher education sector, as well as issues concerning the legal status of online learning, remote monitoring, and electronic document management. The author proposes seven directions for improving higher education law.*

Keywords*: digital education, electronic document management, unified digital platform, legal status of online learning, remote monitoring, cybersecurity, right to education.*

Introduction. The 2026 reforms in Uzbekistan introducing a unified digital platform of state governance are fundamentally transforming not only the administrative sphere but also the higher education system. Under the Presidential resolution on the development of the digital government system, internal document circulation, decision-making, and the provision of public services by state bodies are now carried out electronically through the unified platform and its digital components. Higher education institutions, as subjects providing state educational services, are not exempt from this general digitalization process - admission procedures, document circulation, assessment, and the issuance of diplomas are gradually shifting to electronic form.

The legal problem here is that the pace of technical digitalization considerably outstrips the pace of legal regulation. This situation represents a specific manifestation, within the field of education, of the broader phenomenon known in legal scholarship as "regulatory lag": a new technology is first introduced into practice, while the legal framework requires time to adapt to it. The difficulty lies in the fact that legal disputes arising during this lag period (for instance, a challenge to the results of an online examination) must be resolved on the basis of existing

general norms, which often fail to fully protect the student's rights. For example, the legal equivalence of online and in-person learning formats, the procedural guarantees of remote examinations, and the protection of a student's personal data within digital systems have not yet received a coherent normative foundation. The purpose of this thesis is to identify these legal gaps and to propose concrete directions for adapting higher education law to the digital environment. The research methodology relies on the formal-legal analysis of normative acts, as well as a comparative study of foreign theoretical approaches in the field of digital law.

Main part. Before analyzing the impact of digital transformation on education law, it is important to distinguish its two principal dimensions: the technical-infrastructural dimension (platforms, software, servers) and the legal-institutional dimension (the regulation of rights and obligations implemented through these technical means). State policy often prioritizes the first dimension, leaving the second behind - a general tendency also observed in Uzbekistan's experience. Five problem areas within this legal-institutional dimension are examined below.

The first problem area concerns the legal equivalence of the online learning format. The difference in legal status between traditional (classroom-based) education and online education is not sufficiently clear in current normative acts. If a student performs independent work through an online platform, the credit calculation, assessment criteria, and forms of monitoring for this activity may differ from those applied in a classroom setting, yet the legal consequences of such differences remain undefined.

The second problem area concerns the procedural guarantees of remote monitoring and examinations. In the traditional examination process, a student's rights - to file an appeal, to know the composition of the examination committee, to observe the examination process — are clearly regulated. Under remote (online) examination conditions, however, the question of how technical monitoring tools (proctoring systems, camera-based supervision) are to be balanced against the student's right to personal inviolability remains open.

The third problem area concerns the protection of students' personal data within digital systems. Within the unified digital platform, the principle of open integration has been introduced to facilitate information exchange between the information systems of state bodies and organizations. While this reduces bureaucratic obstacles on one hand, it raises, on the other, the pressing question of which systems a student's personal data (academic results, health status, disciplinary sanctions) may be transferred to, and under what conditions.

The fourth problem area concerns the legal force of electronic documents (diplomas, transcripts, academic certificates) and their international recognition. Although the legislation on electronic digital signatures has created a general foundation, a specialized regime for electronic documents specific to higher education still needs to be developed separately.

The fifth problem area concerns the legal status of digital education platforms themselves (such as Onlineedu and S-testing). Such platforms are regarded not as state institutions but as technical tools, yet the decisions made through them (for instance, the formation of a ranking based on test results) directly affect the legal status of students - this raises the question of the liability of such platforms.

A sixth problem area is the legal status of artificial intelligence tools in the educational process. In recent years, AI-based assessment, plagiarism detection, and adaptive learning-material systems have entered higher education practice. Such systems can directly affect a student's academic results (for example, by flagging work as "not original"), yet the student's right to appeal such a decision, and the question of who bears responsibility for an AI error (the software developer, the institution, or the faculty member), remain entirely unaddressed in current legislation. This may become one of the most pressing legal gaps of the future.

As a seventh aspect, the transition to electronic document circulation itself requires a specific legal procedure: the equivalence of electronically formatted student files, orders, and graduation documents to paper originals in terms of legal force, the period and procedure for their archiving, and the mechanism for restoring a student's rights in cases of technical failure (server breakdown, data loss) must be separately developed. While the principle of integration under the unified digital platform is being implemented, it is precisely the legal consolidation of these practical-technical guarantees that will determine the reliability of the system.

In addition, the alignment of cybersecurity requirements with education-law norms in the digital learning environment deserves separate consideration. The general requirements established for state information systems in the field of information security and cybersecurity also apply to the systems of higher education institutions that store student data; however, the aspects of these general technical requirements specific to education (for example, the protection of data belonging to underage applicants, or the degree of confidentiality of academic grades) should be clarified in a dedicated normative act.

Conclusion. Based on the analysis conducted, seven directions are proposed for adapting higher education law to the digital environment: first, to normatively establish the legal equivalence of online and traditional forms of education; second,

to develop special rules guaranteeing a student's procedural rights (appeal, personal inviolability) in the process of remote monitoring; third, to define clear conditions and limits for the transfer of students' personal data between digital systems; fourth, to develop a special procedure concerning the legal force and international recognition of electronic documents related to higher education; fifth, to normatively consolidate the legal status of digital education platforms and the student's right to appeal their decisions; sixth, to clearly define the distribution of liability (software developer - institution - faculty member) in assessment processes involving artificial intelligence tools; seventh, to normatively establish backup mechanisms for restoring students' rights in cases of technical failure within electronic document circulation.

In conclusion, it should be noted that digital transformation does not in itself generate legal problems - the problem arises from the natural gap between the pace of technical renewal and the pace of legal regulation. In this regard, foreign experience - such as the European Union's General Data Protection Regulation (GDPR), developed not prior to but in parallel with technological change- may serve as a useful model for national legislative work. Ultimately, improving digital education law should not be a one-time legislative act, but should be organized as a continuous process of monitoring and renewal that keeps pace with technological change.

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