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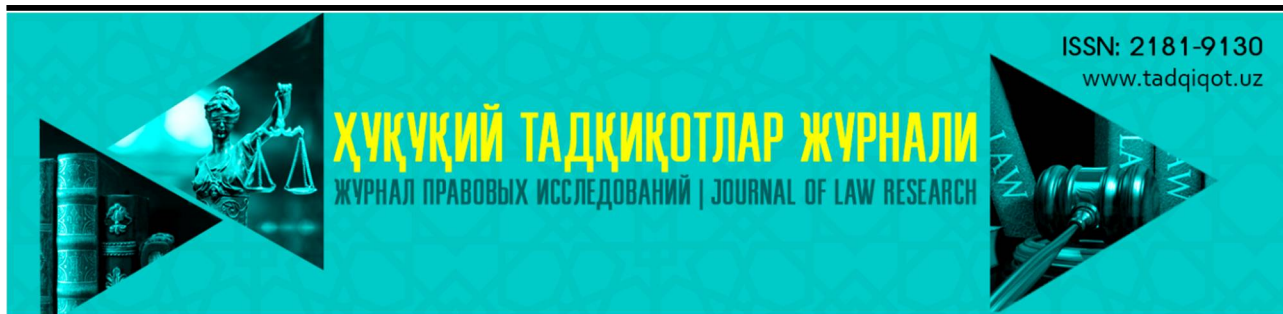
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**EXPERIMENTAL LEGAL REGIMES IN THE DIGITALIZATION OF LAW**

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**ANNOTATION**

This article analyzes the approaches of legal scholars to the concept of the regulatory sandbox - «Regulatory Sandbox» and puts forward the idea that a comprehensive study of competencies, rights, and obligations in the field of experimental legal regimes allows for a better understanding of the essence of the issue regarding the application of experimental legal regimes and their effective implementation in practice. The article also addresses the introduction of regulatory sandboxes in Uzbekistan.

**Keywords:** Experiment, legal experiment, regulatory sandbox, legislative acts, smart regulation, digital technology, experimental legal regime, subjects of the legal experiment.

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**HUQUQNI RAQAMLASHTIRISHDA EKSPERIMENTAL HUQUQIY REJIMLAR**

**ANNOTATSIYA**

Ushbu maqolada huquqshunos olimlarning “Regulatory Sandbox” kontseptsiyasiga bo'lgan yondashuvlari tahlil qilinadi va eksperimental huquqiy rejimlar sohasidagi vakolatlar, huquqlar va majburiyatlarni har tomonlama o'rganish eksperimental huquqiy rejimlarni qo'llash va ularni amaliyotga samarali tatbiq etish masalasining mohiyatini yaxshiroq tushunishga imkon beradi, degan g'oya ilgari suriladi. Maqolada, shuningdek, O‘zbekistonda tartibga soluvchi qum qutilarini joriy etish masalasi ko‘rib chiqiladi.

**Kalit so‘zlar:** Eksperiment, huquqiy eksperiment, normativ-huquqiy hujjatlar, qonun hujjatlari, aqlli tartibga solish, raqamli texnologiya, eksperimental huquqiy rejim, huquqiy eksperiment sub'ektlari.

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**ЭКСПЕРИМЕНТАЛЬНЫЕ ПРАВОВЫЕ РЕЖИМЫ В ЦИФРОВИЗАЦИИ ПРАВА**

## АННОТАЦИЯ

В данной статье анализируются подходы ученых-юристов к понятию нормативной песочницы - «Regulatory Sandbox» и выдвигается идея о том, что комплексное изучение компетенций, прав и обязанностей в сфере экспериментальных правовых режимов позволяет лучше понять суть вопроса применения экспериментальных правовых режимов и их эффективной реализации на практике. В статье также рассматривается вопрос внедрения регуляторных песочниц в Узбекистане.

**Ключевые слова:** Эксперимент, правовой эксперимент, регуляторная песочница, законодательные акты, умное регулирование, цифровые технологии, экспериментальный правовой режим, субъекты правового эксперимента.

Today, in a rapidly developing world, it is difficult to imagine every aspect of life without modern technology. In particular, many areas of jurisprudence are also intensively integrating with innovative technologies. The connection between digital technologies and jurisprudence, as well as their role in solving various cases and experiments, is becoming practically significant today.

The regulatory sandbox, which is a type of legal experiment, has begun to be widely used in pilot projects. Several legal experiments have been conducted in foreign countries to create regulatory sandbox mechanisms in the field of digital technology. Initially, they were successfully implemented in the United Kingdom in 2016 and later introduced in the United States, Australia, Singapore, the UAE, China, Malaysia, Thailand, Indonesia, Bahrain, Switzerland, and Canada.

A regulatory sandbox is a special experimental legal regime for innovative projects. The regulatory sandbox allows for exemptions from certain legal norms that may hinder the development of new innovations. [1]

Experimental legal regimes and the digitalization of law represent two important aspects of the modern legal system. Experimental legal regimes allow states to conduct various legal experiments to determine the effectiveness of new laws and policies. Digitalization of law, in turn, involves the use of digital technologies to create, store, transmit, and manage legal information.

The digitalization of law can influence experimental legal regimes by providing new opportunities for conducting experiments and assessing their results. For example, digital technologies can be used to collect and analyze data on the implementation of new laws, enabling a more accurate assessment of their impact on society.

However, the digitalization of law can also present new challenges and risks, such as cybersecurity threats and data misuse. Therefore, it is important to develop appropriate legal mechanisms to protect information and ensure transparency and accountability when using digital technologies in the legal sphere.

After testing the regulatory sandbox in the United Kingdom, a number of research studies were conducted, and as a result, scholars concluded that the regulatory sandbox is part of the «smart regulation» method. This term was adopted by researchers from the Faculty of Law, Economics, and Finance at the University of Luxembourg and the University of New South Wales (Australia), who, in collaboration with the European Banking Institute, prepared a research paper summarizing various regulatory approaches currently in effect.

Today, new technologies and services are constantly emerging to simplify production, communication, and everyday life. At the same time, legislators are likely to lag behind technological development, and as a result, technological innovations may exist and evolve outside the scope of legal regulation for years.

By creating special conditions through a regulatory sandbox, companies developing new products and services, as well as government authorities, can test these innovations without violating existing legislation. If testing is successful, they can then bring these innovations to market.

The regulatory sandbox mechanism is widely used in information technology to facilitate effective decision-making. The «sandbox» has been used for working with computer viruses, allowing applications to run in a secure environment known as a «regulatory sandbox.» [2]

Regulatory sandboxes represent newer and more specific types of experimental legal regimes that involve close cooperation between public and private entities. They provide a safe testing ground for innovations by either temporarily applying a different regulatory regime to a small group of firms or offering compliance recommendations.

Many antivirus software developers incorporate regulatory sandboxes in their products to proactively protect users from unknown threats. For example, Kaspersky Lab uses a «safe environment» technology that allows suspicious applications to run in an isolated environment.

In developed countries, regulatory sandboxes have gained popularity in various industries, particularly in fintech, where they have rapidly transformed financial markets, introduced new technologies, and developed regulatory frameworks for implementing advanced projects.

The regulatory sandbox in the United Kingdom was created by the Financial Conduct Authority (FCA), the country's financial regulator. The sandbox provides companies with the opportunity to test new products, services, technologies, and business models in a controlled environment, allowing for an assessment of their impact on the market and potential risks to consumers.

Companies participating in the sandbox receive temporary permission to conduct experiments, allowing them to test their innovations on a limited group of customers. Regulators, in turn, can monitor the process and assess its impact on the market and consumers. This approach speeds up the process of introducing innovations to the market, as companies can avoid lengthy approval procedures for launching new products or services.

This approach contributes to the development of the financial sector by enabling companies to quickly adapt to changing market and consumer needs. Additionally, the sandbox helps regulators gain a better understanding of new technologies and business models, thereby facilitating more effective regulation of innovations in the financial sector. This regime originated in the UK fintech industry but has since expanded to other areas.

For example, in Singapore, regulatory sandboxes are widely used in the energy sector, while in Russia, they are employed as a special legal regime for introducing digital technologies.

Uzbekistan is also actively implementing a special legal regime known as the «regulatory sandbox» for testing new financial operations, technologies, and services in a controlled environment. As of January 1, 2023, a special legal regime called the «regulatory sandbox» was introduced in Uzbekistan. This was established by the Presidential Decree of the Republic of Uzbekistan dated November 9, 2022, No. UP-244 «On measures to simplify state regulation of entrepreneurial activity.» The decree sets the boundaries of state regulation of entrepreneurial activities.

Regulation is permitted under the special legal regime as follows:

Non-compliance with certain legal norms in the production, testing, and implementation of new goods and services through special regulatory acts, limited by a specific period, region, or entity;

Conducting unauthorized activities without permit procedures, including obtaining licenses, state secrecy, and information access, except for documents restricted by law.

The special legal regime is introduced through an agreement between competent authorities and the initiator, tailored for each project. The contract defines the requirements and conditions for project implementation, including execution conditions, a list of legal norms that do not apply to the region, the target group, and the initiator, as well as criteria (indicators) for evaluating project results.

The duration of the special legal regime for each project is up to three years.

Based on the results of the special legal regime's application, competent authorities must, within one month, analyze the feasibility of implementing the approved products and services and prepare a draft law amendment if the implementation of the product or service is justified.

Following the analysis of projects where the regulatory sandbox system was implemented, the draft law «On the Special Legal Regime» should be prepared by 2025.

What business structure is being tested in the regulatory sandbox?

In the «regulatory sandbox,» business entities can test new products and services based on the results of modern technologies or other intellectual activities. However, experiments are conducted in a controlled, limited environment. That is, the duration of the experiment and the location where it

is conducted are clearly defined. Initially, the «regulatory sandbox» was intended only for medical and pharmaceutical activities, transportation, including autonomous vehicles, e-learning and distance education technologies, financial markets, remote commerce, industry, construction, as well as public and municipal services. However, a decision was later made not to limit the scope of the «regulatory sandbox» In our opinion, restricting the «regulatory sandbox» is senseless and wasteful.

The primary task of regulatory authorities is to determine the form and design of legal experiments most suitable for technological innovations, especially those frequently emerging in the digital economy. A key feature of legal experiments in the field of digital innovations is the necessity to act as quickly as possible when there is no certainty about the effectiveness of the proposed innovation. In a traditional context, authorities have the time necessary for experiments and discussions at all levels of competence until the technology reaches a more mature stage. [3] However, in the case of an experimental legal regime, various risks associated with specific innovations for society and the economy will exist.

It would seem that in the case of technological innovations, the regulatory sandbox mechanism would be the most optimal legal experiment tool.

Despite the many advantages of using «regulatory sandboxes,» several problems can be noted in their implementation. These problems, in our view, are as follows:

There is no unified regulation for implementing the «regulatory sandbox.» This means that even within a single country, different states apply different implementation methods.

There are no criteria for evaluating the effectiveness of experimental legal regimes.

The legal aspects of implementing the «regulatory sandbox» are not covered by national legislation.

The main premise for introducing special rules for «sandboxes» is that technological development often progresses faster than general norms anticipate. In this regard, states are constantly looking for ways to be more flexible and contribute to sustainable and effective development in various fields[6-8]. As Klaus Schwab, the founder and permanent president of the World Economic Forum, rightly points out, «A new regulatory framework is needed, without which innovative technologies cannot be applied with confidence» The old legislation is insufficiently adapted to the described problems.

Under such circumstances and considering that it is impossible to establish adequate regulation for most innovations without practical experience, states seek ways to test new approaches without radical changes to the legislation.

By definition, sandboxes are casuistic regulatory spaces. They aim to adapt existing rules to specific innovation challenges by allowing temporary deviations, additional recommendations, or regulatory conveniences[9-10]. Nevertheless, existing «sandboxes» are also defined by many common elements because a «sandbox» does not imply unlimited «rule-breaking» These elements include:

Establishing strict participation rules, including the obligation for applicants to demonstrate readiness for testing. Applicants should not be at an early stage of the innovation process.

Justification for using «sandboxes» Currently, «sandboxes» are not a standard regulatory option for products and services. Therefore, when creating a «sandbox,» it is necessary to clearly understand that without such experiments, a particular product or service would not be able to enter the market within a reasonable period under safe conditions.

Bringing benefits to consumers and limiting consumer risk.

Ensuring that «sandboxes» stimulate genuine innovation, as they do not allow the application of solutions that are not sufficiently new or are similar to existing products and services.

Short but pre-determined sandbox duration (three to six months for each group).

Participation in the «sandbox» group is small and selective.

Orientation toward stimulating innovation and entrepreneurship through deregulation. [4]

The presented conclusions allow us to highlight the main forms of legal experimentation used in the development of digital innovations. As a means of optimizing the regulatory environment tailored to a specific technology, the regulatory sandbox mechanism appears to be the most

convenient experimental legal mechanism for digital innovations emerging in an economy that rapidly evolves in short-term cycles. [5]

From the perspective of digital development, leading countries actively use this mechanism and draw initial conclusions from regulatory experiments. In our opinion, the «regulatory sandbox» is part of «smart regulation» and can be considered a means of applying the legal experiment method as a separate mechanism for its implementation. The purpose of examining the “regulatory sandbox” concept in this article is to highlight its relationship with legal experimentation and its impact on legal regulation.

Overall, the experimental legal regime and legal digitalization can interact with each other, creating new opportunities and challenges for the development of the modern legal system.

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