

Problems of understanding and legal regulation of e-government in Russia

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Abstract — For about 20 years, Russia has been actively implementing the Concept of the Development of E-Government. At different stages, both positive and negative results were achieved. Currently, the next stage, which is aimed at improving the legislation in the field of regulation of state electronic services, is being implemented. There are still a number of issues that are decelerating the development of e-government. Within the framework of this paper, the authors analyze foreign and national approaches to determining the essence of e-government and its legal regulation. As conclusions, the authors note that e-government is not only a private technological solution, but it represents an effective mechanism for the global introduction and dissemination of information and communication technologies in all state and public spheres of activity.

Keywords — *digital economy, e-government, public services, information society.*

I. INTRODUCTION

Humanity is at a new stage in its development, which is regarded as the fourth industrial revolution [1]. The key content of digitalization in this era is the creation, first of all, in the basic sectors of the economy (manufacturing and agriculture), of high-performance export-oriented sectors, which developed through the introduction of modern technologies and provision of highly qualified personnel.

This stage of human development may be safely called the era of new technologies that are already beginning to affect all spheres of human life.

Within the framework of this paper, the authors attempt to analyze the formation and development of the legal regulation of e-government as an element of the digital economy of Russia. Generally, it may be noted that the digital economy, in accordance with the Strategy for the Development of the Information Society in the Russian Federation for 2017-2030 (approved by Decree of the President of the Russian Federation No.203 dated 9 May 2017), is defined as an economic activity, in which the key production factor include digitized data, the processing of large volumes and the use of

the analysis of the result of which may significantly increase the efficiency of various types production, technology, equipment, storage, sale, delivery of goods and services, compared with traditional forms of economic management.

It is worth noting that the active development of information technologies in the public services sector began in 2000, when Russia, having signed the Okinawan Charter of the Global Information Society, committed to promote efforts to strengthen policies and regulatory frameworks in the field of information technology development, including the provision of public services as well. In addition, it was determined that in order to achieve these goals, it is required to build work on the active use of information technologies in the public sector and to facilitate the provision of real-time services necessary to increase the level of accessibility of power for all citizens. Apparently, this is due to the fact that the information dependence of the state, society, and law gives rise to a change in the functions of the management system, the creation of new state institutions and the system of legal regulations in the information field [2].

However, despite the attempts of the Russian legislator to comply with the development of modern society and information technology, to our great regret, the legal regulation in this field is not to the adequate extent available. The lack of proper legal regulation is based on the use of modern information technologies, the transfer of information in electronic (virtual) form, new digital objects, the identification of digital objects, etc.

II. RESEARCH METHODOLOGY

The research methodology is determined by the specifics of legal regulation of the digital economy and e-government. A complex of general scientific (dialectic analysis and synthesis, systemic-structural approach) and special methods of cognition are used in the paper. The formal legal method is justified by the need to analyze the provisions of regulatory legal acts regulating various aspects of e-government. The comparative legal method made it possible to compare trends

in the legal regulation of the sphere under study in foreign countries, identify general and special features, as well as determine the direction of development of the Russian legislation. In studying the ranking of states according to the level of development of e-government, a statistical method was used, which involved a comparison of the qualitative indicators of different states.

III. RESULTS OF THE RESEARCH

Public administration has become an active field for digital technology. The use of information technology in public administration is largely associated with the innovative direction, which received the name of “electronic government”.

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Generally, the Concept of E-Government is determined by three following configurations that are known to world practice:

- the government-to-government configuration (G2G). Possible projects in this field include: the creation of interdepartmental networks, corporate and state databases, registries for the introduction of electronic document management, etc. As a result, the search for information is facilitated; financial, time, and labor resources are saved; the reliability, completeness, and efficiency of the accumulated information is increased;
- the government-to-population configuration (G2C). This includes the provision of information about free jobs, the issuance of birth certificates, registration and voting of voters, medical information, etc.; and
- the government-to-business configuration (G2B). Focus on business may be traced in the conduct of public procurement, issuing licenses and permits, etc.

Nevertheless, when defining e-government as one of the elements of the digital economy of the Russian Federation, it should be noted that the Russian translation of the English concept of “e-government” is not entirely accurate, since it may also be translated as “e-management.” It is electronic management that most accurately reflects the essence of the phenomenon under study and in such meaning, it is used throughout the world. Meanwhile, Russian scientists, referring to the UN interpretation, define e-government as “the government’s use of the Internet and the World Wide Web to provide information and services to citizens” [3].

It should be noted that the Russian legal literature knows many papers, in which the nuances of this terminology are discussed in fine detail: e-government (whether to write it in quotation marks or without), e-state, e-management, etc. Meanwhile, in Russia today, the terms “E-Government”, “E-State”, “E-Management” are different. These concepts have not been defined, which gives rise to discussions in the scientific doctrine and in the media, as well as numerous disputes in judicial arbitration practice [4].

For example, in Clause “e” of Article 3 of the aforementioned Strategy, another definition has appeared, particularly, “e-government infrastructure,” which is defined as the aggregate of state information systems, software and hardware, as well as communication networks located in the territory of Russia, which ensure the interaction of state bodies, local governments, citizens, and legal entities in the provision of services and electronic functions.

Considering the development of e-government in Russia, it is impossible to ignore the experience of foreign countries in determining the essence of e-government. It seems that this will allow achieving the goal set and conducting a qualitative comparative study in this area.

Thus, it should be said that the development of e-government in the world took place in the context of the reform of public management within the framework of the concept of the “New Public Management” [5].

Moreover, an analysis of foreign literature shows that scientists are actively discussing the essence of e-government in the context of its effectiveness and usefulness to society.

Thus, R. Osborne in his study comes to the justified conclusion that one of the directions of the new public management is Good Governance, which includes the following characteristics:

- citizen participation in power;
- rule of law;
- transparency of power;
- responsiveness;
- consensus orientation;
- equality and inclusion;
- effectiveness; and
- accountability of power to citizens [6].

L. Sundberg, in turn, noting that e-government is a field of research that studies the use of information and communication technologies (ICT) in the public sector, comes to the following: “Such initiatives are often associated with the promises of a transformational government, which is more efficient and which uses modern technology to enhance democratic participation. Some e-government initiatives do not bring the promised benefits and attract the majority of citizens. Some researchers argue that many of the initiatives have been driven by technology rather than the core values of government, which led to a weakening of democracy” [7].

The studies of foreign scientists considering information technology in public management from the point of view of their social value also draw interest. Thus, D. Valle-Cruz gives five factors, by which it is possible to determine the degree of social value:

- anti-corruption strategies;
- access to public information;

- transparency platforms; and
- social networks.

At the same time, the author comes to the conclusion that reasonable strategies and technologies should be guided by the creation of public value through anti-corruption strategies, open data, access to information and data confidentiality. The efforts of governments should be aimed at preventing corruption, ensuring the transparency of government, disclosure of data, and the proper handling of confidentiality of information. Technology is an important mechanism for increasing social value. [8].

At the same time, the natural question arises: do citizens (society) receive the very level of satisfaction from the development and implementation of the E-Government Concept, which in essence, replaces live communication with a public servant in the provision of public services, despite the positive trends?

In this regard, it may be noted that the foreign literature contains a number of studies that are devoted to the said issues.

Thus, the conclusions of L. Ma and Y. Zheng, which attempted to answer the question in their study of whether citizens were satisfied with e-government, draw particular interest. An analysis of more than 28,000 respondents in 32 European countries yielded the results that showed e-government was warmly welcomed by citizens, suggesting. Particularly, the correlation of the effectiveness and satisfaction of electronic government in the field of electronic services and electronic participation was more visible than the correlation of electronic information. The results also showed that benefits of e-government perceived by citizens were mainly related to the use of online services. The universal criteria of e-government may be called reliable indicators of satisfaction of citizens, although their sensitivity varies depending on the purpose of using e-government. The various benefits that citizens perceive from e-government are primarily obtained through online services, not through electronic information or participation, and the government should pay more attention to the development of electronic services in order to bring more benefits to its users [9].

Here, it is worth agreeing the opinion of D. Valle-Cruz that smart strategies and technologies should focus on the formation of public value through anti-corruption strategies, open data, access to information, and data privacy. Governments should focus on preventing corruption, ensuring government transparency, disclosing data, and properly handling confidential information. Technology is an important mechanism for increasing the social value of production [8].

Thus, summing up the opinions of foreign authors, it is possible to come to the following conclusions regarding the essence of e-government and its role in providing public services to citizens:

- the benefits of e-government envisage citizens receiving public services online;

- social value envisages the most important principles of a democratic state implemented through e-government (reducing corruption, transparency of public services provided, citizen participation in government, etc.).

Having examined some aspects of the development of e-government in foreign countries, we will move on to the topic of the current state of e-government in Russia.

For a more complete understanding of the topic, it is required to pay attention to the fact that the UN regularly (every two years) publishes a rating of states by the level of development of electronic government (E-Government Development Index) within the framework of the E-Government Survey [4].

Regarding the development and state of e-government in Russia, the UN notes that in 2018, the Russian Federation ranked 32nd out of 193 countries (in 2016, Russia ranked 35th). It is also worth noting that the top five leaders are Denmark, Australia, the Republic of Korea, Great Britain, and Sweden.

The United Nations uses three main indicators to formulate a general index of a state:

- Online Service Component;
- Telecommunication Infrastructure Component; and
- Human Capital Component.

Of the three components mentioned, online services are rated the highest in Russia (0.9167), and the level of telecommunications infrastructure is the lowest (0.6219). The level of development of human capital is 0.8522.

Thus, Russia's successes in the development of e-government are not questioned; meanwhile, not all of the goals set in the program documents have been fully achieved.

In turn, the history shows it obvious that the first program document at the level of the Government of the Russian Federation has become the Federal Target Program "Electronic Russia (2002-2010)" approved by Decree of the Government of the Russian Federation No.65 dated 28 January 2002 . The tasks set in that period were concentrated around the formation of e-government infrastructure. The implementation of these tasks was conceived based on the following principles:

- the maximum reduction of administrative barriers on the route to the implementation of ICT in compliance with the constitutional rights of citizens and the interests of state security;
- the openness of the concept of reform of public discussion;
- the refusal to duplicate similar activities in other programs; and
- the reduction of budget expenditures, maximum savings, and rationalization of budget costs.

In addition, the very "Strategy for the Development of the Information Society in the Russian Federation" approved by

Decree of the President of the Russian Federation No.212 dated of 07 February 2008 considered the share of public services, which the population may receive using information and telecommunication technologies in the total volume of public services in the Russian Federation of 100%, control indicators.

It is safe to say that this goal has not been fully implemented in Russia by 2019. Thus, for example, currently, it is still difficult to obtain the following services through the State Services portal: registering a child in school, obtaining a passport of a citizen of the Russian Federation, and others.

Generally, the problems of digitalization of Russian society are as follows:

- The large territory, the presence of inaccessible areas and settlements with low quality Internet and mobile communications.
- A large number of low-income populations. The relationship between population incomes and the state's position in the e-government development ranking is indicated in the UN E-Government Survey. And although such the relationship is not always revealed, it seems that this factor still influences the process of digitalization of society in Russia.
- Inadequate development of the computer equipment industry in Russia. Thus, the entire "digital society" is built base on foreign equipment and technologies. This, therefore, creates a direct threat to the information security of Russia. The fear of new technologies observed in Russian society is partly related to this as well.
- High costs for the provision of two different unrelated schemes for the provision of public services: digital (electronic) and conventional (documentary). The existing Russian legislation does not contain the "digital-by-default" principle, which is used in the UN literal states. Thus, assistance to the population in accessing digital public services is provided in Singapore, and receiving a document in person at a personal appointment is an additionally paid service [10].

The Russian legislation, by contrast, focuses primarily on traditional mechanisms of public management. Thus, the reform of the legislation and administrative regulations of public authorities should be placed among the priority tasks of the development of the digital economy in the Russian Federation.

IV. CONCLUSIONS

A brief insight into the formation and development of e-government in Russia and the thesis of the debate on the problem of its understanding allows us to draw certain conclusions:

- in Russia, the development of e-government has been taken place through serious political reforms that significantly increased the openness, transparency,

accountability of the government, and the quality of the provision of services of state bodies to citizens;

- the development of information support for the political process has brought into play the processes of modernization of public management and the development of e-government technologies [11]; and
- the development of e-government, the final stage of the digital transformation of public management, which allows governments to implement socially oriented policies aimed at increasing the openness, transparency, legitimacy of the political process and civic participation [12].

Summarizing the above, it may be noted that e-government is an integral part of the digital economy in a modern state. Nowadays, the trend in the development of e-government in Russia is the automation of public services: tax fees and payments, business incorporation, online certificates of child birth, marriage, etc.

At the same time, we support the opinion that e-government is not only a private technological solution, as it follows from the provisions of the first conceptual and strategic documents devoted to e-government, but also an effective mechanism, facility, a way of large-scale information transformation of the state and society through the global implementation and distribution of information and communication technologies in all state and public spheres of activity [13].

References

- [1] K. Shvab, N. Devis «Tekhnologii Chetvertoy promyshlennoy revolyutsii». M.: Eksmo, 2018.
- [2] S.M. Vorob'yev, S.A. Komarov «Risunki v otkrytoy tsivilizatsii: teoretiko-pravovoye osmysleniye». Teoriya gosudarstva i prava. S. 20-36, Mart. 2019.
- [3] Obsledovaniye elektronnoy pravitel'stva OON, 2018 god. URL: <https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2018> (data obrashcheniya 29.09.2018).
- [4] Ye.A. Palekhova «Ponyatiye informatsii i tsifrovoy ekonomiki: pravovyye aspekty». Predprinimatel'skoye pravo. Prilozheniye "Pravo i Biznes". S. 46-49, Feral'. 2019.
- [5] S.V. Kobzeva «Demokratizatsiya gosudarstvennogo upravleniya i elektronnoy pravitel'stva». Informatsionnoye pravo. S. 4-9, Fevral'. 2018.
- [6] R. Osborn (red.). «Novoye gosudarstvennoye upravleniye? Novyye perspektivy v teorii i praktike gosudarstvennogo upravleniya ». N.YU.: Rutledge, 2006. S. 87-104.
- [7] L. Sundberg, «Elektronnoye pravitel'stvo: na puti k elektronnoy demokratii ili demokratii v opasnosti?». Nauka o bezopasnosti. tom 118, s. 22-32, oktyabr' 2019 g.
- [8] D. Valle-Krus «Obshchestvennaya tsennost' uslug elektronnoy pravitel'stva cherez poyavlyayushchiesya tekhnologii». Mezhdunarodnyy zhurnal upravleniya gosudarstvennym sektorom. Tom 32, vypusk 5, s. 473-488. Iyul' 2019 g.
- [9] L. Ma, YU. Chzhen. «Effektivnost' natsional'nogo elektronnoy pravitel'stva i udovletvorennost' grazhdan: mnogourovnevnyy analiz v yevropeyskikh stranakh». Mezhdunarodnyy obzor administrativnykh nauk. tom 85, vypusk 3, str. 506-5261, sentyabr' 2019 goda.
- [10] Ye.V. Kholodnaya. «O nekotorykh perspektivakh razvitiya elektronnoy gosudarstvennogo upravleniya v usloviyakh tsifrovoy transformatsii». Gumanitarnyye yuridicheskiye issledovaniya, S. 193-199, Aprel', 2018.

- [11] S.V. Kobzeva «Demokratizatsiya gosudarstvennogo upravleniya i elektronnoho pravitel'stva». Informatsionnoye pravo, S. 4-9, Fevral', 2018.
- [12] Dzh. Shkabatur. «Prozrachnost' s (bez) podotchetnost'yu: otkrytoye pravitel'stvo v Soyedinennykh Shtatakh». Yele, Law & Policy Review. tom 31. Vypusk 1. 2012.
- [13] A.M. Tarasov «Elektronnoye pravitel'stvo: ponyatiye i sistema» Pravo i kiberbezopasnost'. S. 10-21, Fevral', 2013.