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Introduction of electronic governance technologies in administrative, social and labor relations: Legal regulation and foreign experience

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ABSTRACT

The purpose of the research is to reveal the peculiarities of introduction of E-Governance Technologies in administrative, social and labor relations: legal regulation and foreign experience. Main content. Information and communication technologies are widely used by state authorities, but “electronic government” (“E-Government”) and “electronic government” (“E-Governance”) envisage much more than simple use of electronic, digital instruments, namely re-thinking of governance mechanisms, its structures and processes, changing of behavior, relations between participants of electronic governance processes. Methodology: The methodological basis of the research is the dialectical method of scientific knowledge, through the application of this method considered were legal, functional, organizational and procedural aspects of introduction of E-Governance technologies in administrative, social and labor relations: legal regulation and foreign experience. Conclusions. It was determined that there is a noticeable lack of training of employees of state administration bodies for introduction of E-Governance. The digital transformation of the government and its units consists not only of the ability to use information and communication technologies. First of all, the essence consists in transformation of public administration as part of the vision and strategy of national development of the country as a whole.

KEY WORDS: Electronic governance, information technology, legislation, private law, public law.

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Introducción de tecnologías de gobierno electrónico en las relaciones administrativas, sociales y laborales: Regulación legal y experiencia extranjera

RESUMEN

El propósito de la investigación es revelar las peculiaridades de la introducción de Tecnologías de E-Gobierno en las relaciones administrativas, sociales y laborales: regulación legal y experiencia extranjera. Contenido principal. Las tecnologías de la información y la comunicación son ampliamente utilizadas por las autoridades estatales, pero el "gobierno electrónico" ("E-Gobierno") y la "gobernanza electrónica" ("E-Gobernanza") prevén mucho más que el simple uso de instrumentos electrónicos y digitales, a saber, re- pensar en los mecanismos de gobernanza, sus estructuras y procesos, cambio de comportamiento, relaciones entre los participantes de los procesos de gobernanza electrónica. Metodología: La base metodológica de la investigación es el método dialéctico del conocimiento científico; mediante la aplicación de este método se consideraron aspectos legales, funcionales, organizativos y procedimentales de la introducción de tecnologías de E-Gobierno en las relaciones administrativas, sociales y laborales: regulación legal y experiencia extranjera. Conclusiones. Se determinó que existe una falta notoria de capacitación de los empleados de los órganos de la administración estatal para la introducción de la Gobernanza Electrónica. La transformación digital del gobierno y sus dependencias consiste no solo en la capacidad de utilizar las tecnologías de la información y la comunicación. En primer lugar, la esencia consiste en la transformación de la administración pública como parte de la visión y estrategia de desarrollo nacional del país en su conjunto.

PALABRAS CLAVE: Gobierno electrónico, tecnologías de la información, legislación, Derecho privado, Derecho público.

Introduction

Effective E-Governance can provide a wide range of benefits for government and government organizations, businesses and citizens, including increasing efficiency of their activities against the background of reducing costs, increasing transparency and revitalizing participation of citizens in political life.

Information and communication technologies are widely used by state authorities, but "electronic government" ("E-Government") and "electronic government" ("E-Governance") envisage much more than simple use of electronic, digital instruments, namely re-thinking of governance mechanisms, its structures and processes, changing of behavior, relations

between participants of electronic governance processes. Properly implemented E-Government allows citizens, businesses, and organizations to communicate with government more easily, quickly, and at lower costs.

In different periods, the concepts of "Electronic Government" and "Electronic Governance" were interpreted in different ways, from the provision of on-line services by the government or government organizations to the exchange of information and services in electronic form with citizens, businesses, and other public administration bodies. Traditionally, "E-governance" has been viewed as the process of using technological communication devices such as computers and the Internet to provide public services to citizens and others in a country or region. The purpose of E-Government activities is to increase transparency, efficiency and involvement of citizens in various state schemes, operations and processes, thereby accelerating and improving the system of providing public services to citizens.

The purpose of the research is to reveal the peculiarities of introduction of E-Governance Technologies in administrative, social and labor relations: legal regulation and foreign experience.

1. Literature review

In foreign practice, various versions of the agendas aimed at digitization of public administration, including its digital transformation, are formulated and implemented, and versions of the evolution of digitalization of public administration are presented (Law of Australia, 2017). Standards (models) of maturity of digital public administration have been prepared and are being implemented; an analysis of the strategies of the world's digital governments and an assessment of the progress of digital government reforms in member countries and key partners of the Organization for Economic Cooperation and Development have been made (OECD Digital Government Index (DGI), 2019).

In his work named "In search of definition of electronic government" Yaroshenko Oleh expresses the opinion that E-Government is a new form of organization and management of state affairs, which introduces positive transformation processes in state administration and its organizational structure, when adding value to the processes and services by means of introducing and continuously adapting information and communication technologies as a leading facilitator of these transformations (Yaroshenko et., 2021). The nomenclature of E-

Government is the digital interaction between a citizen and his/her government, between government and other state institutions, between government and citizens, between government and the sphere of business/commerce.

Over time, the emphasis has shifted to promoting formation of more active, innovative and fast forms of management focused on efficiency and productivity. Currently, processes aimed at horizontal and vertical integration and coordination (at the level of legislation) of E-Governance procedures at the local, regional, state and interstate levels are key ones for transformational processes and further development of E-Governance.

Since 2014, governments around the world have gradually begun to use the terms “digital government” and “digital governance” and distinguish them from E-Government and E-Governance; and that is due to the results of development of information and communication technologies and, as a result, due to expansion of E-Governance possibilities (Villasmil-Espinoza et al, 2022).

The essence of the terms “digital government” and “digital governance” includes managerial and technical-technological possibilities for providing a wide range of services, such as “big data”, “automation”, “predictive analytics”, “proactivity”, “ownership of personal data” etc.

2. Materials and methods

The research is based on work of foreign and Ukrainian researchers on revealing peculiarities of legal regulation and foreign experience concerning introduction of E-Governance technologies in administrative, social and labor relations.

With the help of the epistemological method, the role of peculiarities of legal regulation and foreign experience in introduction of E-Governance technologies in administrative, social and labor relations was clarified; thanks to the logical-semantic method, the conceptual apparatus was deepened and the essence of E-Government technology concepts in administrative, social and labor relations was determined. By means of using the system-structural method, the constituent elements of such a mechanism for introduction of E-Governance technologies in administrative, social and labor relations were investigated. The structural-logical method was used to determine the main directions of optimized implementation of E-Governance technologies in administrative, social and labor relations.

3. Results and discussion

Digital transformation of governance can be defined as the process of transforming management models and mechanisms of interaction between the government and citizens, updating government policies, organizations, services and programs regarding the use of digital technologies. Digital transformation is a process of fundamental change that requires a holistic approach that puts citizens first and is focused on their needs, taking into account those who have not yet got an opportunity to use digital services, as well as on reducing risks associated with the use of digital technologies at various levels of state administration. Most of the world's countries have developed digital agendas for themselves. In their implementation great importance will belong to organizational and legal support of the initiative, as well as to choose of a unified state approach to the implementation of digital technologies in government processes. For Ukraine it will be useful to study the experience of countries that have implemented a holistic approach to their digital transformation, including namely: Australia, Denmark, Estonia, Finland, the Republic of Korea, Singapore, Sweden and the United Kingdom of Great Britain and Northern Ireland, because as of 2020 these countries alongside with New Zealand, the United States of America, the Netherlands, Iceland, Norway and Japan are ranked as top countries of 193 UN member states on the level of their digital government taking into account volume and quality of on-line services, status of telecommunication infrastructure and existing human potential (Yaroshenko ect., 2021).

Central element in the holistic approach to government digital transformation is the alignment of institutions, organizations, people, technology, data and resources to support the desired changes both in the public sector and outside thereof, with the goal of creating public value and improving the level of public well-being. Governments of these countries have applied a system thinking approach to policymaking and service delivery through the use of information and communication technology in order to strengthen operational linkages. They have implemented a holistic and integrated approach to service delivery, by means of promoting both organizational, institutional and technological interchangeability.

Singapore has decided to select an ecosystem approach to E-governance; this approach presupposes a key role of effective leadership, critical thinking, and a strong legislative and regulatory infrastructure. One of the leading initiatives of the Singapore government regarding the digital transformation of public governance is the development

and implementation of the “Smart Nation” program, which, in turn, is implemented in a series of strategic national projects. The Singapore government is making every effort to integrate government services with a one-stop shop approach through such initiatives as “Moments of Life”, the National Digital Identity Project, which promote direct communication between citizens and the government as well as collaboration with international partners on emergency assistance and notification.

The main principles of E-Governance are: 1. Openness, transparency and inclusiveness; 2. Encouragement and participation of public, private and civil sector stakeholders in policy formulation, designing and delivery of public services; 3. Creating a culture of data management in the public sector; 4. Reflecting a risk management approach in addressing digital security and privacy issues and adopting effective and appropriate security measures to increase confidence in government agencies; 5. Leadership and sustainable target policy; 6. Consistent use of digital technologies in all spheres of state life and at all levels of management; 7. Effective organizational and management boundaries to coordinate implementation of digital management strategies; 8. Strengthening international cooperation with other states; 9. Development of clear business cases; 10. Strengthening of institutional capacity in order to manage and monitor implementation of digitization projects; 11. Obtaining or acquiring digital technologies; 12. Provision of the general and sectoral legal framework with documents regarding use of digital technologies (Leheza et., 2022).

We will give a few examples of successful global practices for implementation of these principles.

The expected positive results of the applied first principle are an increased efficiency of state management mechanisms, an improved quality of service provision, increased activity and effectiveness of public participation in governance processes; an increased public confidence in the government, social welfare and growth of economic indicators. In order to achieve these results, state governments must continuously work on updating their legal and regulatory frameworks, introduce standards of open governance, at the level of development and implementation of regulatory documents, they must ensure foundations of accountability and transparency of government activity; and they also must take measures to overcome digital inequality among citizens of the state by means of increasing the level of

welfare and education of the population. For example, Estonia, one of the leading countries in introduction of E-Governance, declared one of the principles of its E-Governance “No legacy” - i.e., no adherence to morally obsolete legal acts. Constant legislative changes and organic interdependent improvement of technologies and legislation of the country has been chosen instead (Leheza et al., 2020).

Australia. A digital government ecosystem named “Digital Market”, helps establish contacts between state buyers and digital service providers - from start-ups to transnational companies - for delivering and using digital services. Development of the Digital Government Ecosystem was proposed within implementation of the Australian Government’s National Program for development of Innovations and science (National Innovation and Science Agenda (NISA)).

Austria. Open Data Portal. Development and implementation of this initiative took place under the leadership of a team consisting of representatives of federal ministries, regional and local governments of Austria. Various interested parties were involved in the establishment and organizational processes: representatives of state government bodies, politicians, representatives of civil society, representatives of the public and private economic sectors. Independent journalists, representatives of mass media and scientific institutions (universities and other private and state scientific institutions) were involved in additional groups.

Canada. “Canada’s Open Government Portal” is a multi-stakeholder initiative that aims to promote transparency, empower citizens, fight corruption and use new technologies in order to strengthen governance in partnership with civil society and the private sector (Gourvenment of Canada, 2022).

Colombia. “Crystal Urn” initiative (GOV.CO, 2022). “Crystal Urn” aims to develop a proactive, participatory model of open government in Colombia. This initiative ensures transparency of government activities through a multi-channel platform that integrates the Internet and traditional media (websites, social media, radio and television). This initiative gives Colombians the opportunity to interact with their national government, learn more about its activities, and participate in such activities by means of asking questions and making suggestions (Leheza et al, 2021).

Another initiative of the Colombian government, the “Open Data Initiative”, declares

that conduct of an open data policy is one of the main pillars of the Colombian digital government policy, which seeks to make decisions based on data and evidence from the state and citizens (Trece. Open Data Initiative, 2022). In order to fulfill this policy, the Colombian government has implemented a management system supported by: 1) guiding principles and a reliable regulatory framework; 2) activation of an ecosystem and inter-institutional dialogues with other management bodies; 3) end-to-end mechanisms that contribute to the openness of government bodies; 4) a scheme and tools for stimulating provision and use of data by citizens and the state; 5) measurement and monitoring of provision and use of data performed by national and territorial bodies, their correlation with the results of international measurements. Both “Crystal Urn” initiative and the Open Data Initiative are consistent with principles 1 and 3.

Slovenia. The initiative of the Government of the Republic of Slovenia “State Portal of Electronic Services for Citizens - eUprava (eGovernment) is also consistent with principles 1 and 2. Its main goal is to be an e-government portal, to become a portal for all citizens, regardless of their level of proficiency in the sphere of Internet technologies. The portal is addressed to economically active citizens, elderly people, blind and visually impaired citizens, deaf and hearing-impaired citizens, people with disabilities and youths, who actively use the possibilities of European and world mobility. The portal is closely linked to the electronic application submission system; it has a powerful search engine and uses many other horizontal E-Governance applications that have been developed in other projects. An online service has been established for provision of provide up-to-date information and filing of applications (Republika Slovenija, 2022).

Switzerland defines its strategic goals based on such principles as exclusivity and transparency. In addition, its strategy is focused on involving citizens in creation and implementation of electronic governance processes, development of technologies for data compatibility and their reuse. As a result of these strategic goals, so-called operational goals were defined, which are achieved in specific measures or actions within the framework of strategic projects or services implementation. For example, The Measure is a project aimed at uniting several existing identification systems among the cantons. The above and other goals, projects and services are reflected in the statewide strategic plan, which is focused on several main priorities, but at the same time it is dynamic and iterative for the development

and implementation of new projects. The idea of the Swiss E-Government strategy is to be able to better respond to the needs of a rapidly changing society and technological developments (Leheza et al., 2021).

Formulation and further implementation of the principle 3 “creating a culture of data management in the public sector” in the development of electronic government is based on the statement that data are increasingly recognized by governments as a strategic asset, information and communication technologies have increased the ability of the society to produce, store, process and share data; ability to use data affects quality of services in the public sector, while creating a culture of data management in the public sector is a priority task of the electronic government.. The mass production of data requires governments to take a strategic approach to using data and technologies for improving education in the public sector (Leheza et al., 2021).

To take full advantage of the information flowing into the public sector, governments must learn to better use digital technologies and analyze data for the purpose of understanding public needs, ensuring responsible, consistent use of data that benefits citizens and build public confidence; they must implement data management mechanisms, develop the culture of data analysis and data use in the public sector. A well-developed culture of data management of all participants in E-Governance processes helps predict new needs of citizens, monitor any emerging trends in any sector of social and economic life, and understand how to improve existing economic and social processes and their dynamics.

To take full advantage of the benefits of “Big Data” processing, governments should develop strategic approaches to data operations, including data analysis, as well as to take measures aimed at prevention of data abuse (Leheza et al., 2018).

Conclusions

Therefore, the study of the experience of introducing E-governance in foreign countries makes it possible to draw conclusions about the possibility of its introduction in Ukraine.

Despite the fact that E-Governance is gaining momentum in Ukraine, the national system of secure data exchange is only in the process of implementation, mobile operators will soon launch a mobile ID for citizens, municipal administrative service centers are starting to work; along with traditional forms of service provision such service centers

introduce digital services. Ukraine needs to take a number of urgent steps to bring the electronic governance system up to the standards of leading representatives of the world community and adopt their best practices. Ukraine should significantly improve its information and communication systems, in order to reduce the level of corruption; within the shortest possible period it should implement such principles of electronic governance as transparency, open data and proactivity.

There is a noticeable lack of training of employees of state administration bodies for introduction of E-Governance. The digital transformation of the government and its units consists not only of the ability to use information and communication technologies. First of all, the essence consists in transformation of public administration as part of the vision and strategy of national development of the country as a whole.

Development of potential for transition to E-Governance is of fundamental importance. It requires a targeted approach, oriented on values and governance and society established by law; and it involves fundamental changes in thinking style of public officials and in ways of interaction between a citizen and his/her government, between government and other state institutions, between government and citizens, as well as between government and the sphere of business/commerce. The United Nations Sustainable Development Group defines capacity as the ability of people, organizations and society as a whole to successfully manage their affairs; and capacity development is viewed as a process by which people, organizations and society as a whole implement, strengthen, create, adapt and maintain potential in the long term.

Until now, there are no significant initiatives in Ukraine for implementing the “government as a shared platform” approach, which has already been introduced by many countries around the world as a key innovation to provide better services and support cooperation between various stakeholders, at least at the level of concepts. The same level is typical for introduction of the principle of “anticipatory governance”, when e-government bodies use various technologies and data to determine people’s needs in advance. Introduction of integrated services based on the principles of “digital first”, “once-only” and “transparency” is at the initial level in Ukraine.

Rejection of stereotypes, modernization in favor of innovation and transformation of governance into a digital format is an obvious, but never less relevant conclusion for

developing further steps towards electronic governance in Ukraine.

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