

# Legislative regulation for implementation of digital technologies in the provision of administrative services in Ukraine

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**Abstract**— This article is devoted to the interpretation and implementation of digital technologies in the field of administrative services. The article analyzes the laws and by-laws that regulate the use of digital technologies in the field of administrative services. The problematic aspects of the legislative system development are suggested. The legal regulation of providing electronic services and the role of Administrative Service Centers in this process are investigated. The quality of provided digital services is one of the most important factors that will affect the effectiveness of change and build public confidence in local governments and public authorities. The article is devoted to perspective directions of work on introduction and use of information and telecommunication technologies in the sphere of administrative services. There is a need in legislative regulation and protection of e-identification tools.

**Index Terms**— administrative service, digital technologies, digitization, legislation.

## I. INTRODUCTION

The current crisis situation in the world related to the pandemic has shown the need to develop methods and technologies for remote service of citizens in the field of services provided by the state and local governments. Despite the need to isolate people in order to overcome the pandemic, there are still needs of citizens to receive such services as: registration of the birth of a child, obtaining a death certificate, receiving housing subsidies and others.

In such difficult conditions, state bodies and local self-government bodies are obliged to ensure not only the safe and high-quality provision of administrative services to the population, but also the proper and safe working conditions of the officials who provide them. New realities lead to the emergence of problematic aspects of the regulation of the institution of administrative services and the need for further improvement of regulations.

## II. MATERIALS AND METHODS

A large number of works of scientists are devoted to administrative law, in particular to the institute of administrative services, in particular: Averyanov V., Afanasiev K., Bortnik N., Goncharuk N., Devchich A., Ehrlich O., Zhuk Y., Koliushko I., Kovaliv M., Kivalov S., Kirmach A., Lipentseva A., Mamotova T., Timoshchuk V., Tereshchuk O. and others. Given the significant contribution of administrative scholars in improving the institution of administrative services in Ukraine, administrative services need further research.

The purpose of the article is to analyze the legal regulation of the introduction and use of digital technologies in the field of administrative services, to identify problematic aspects and promising areas of legislation.

## III. RESULTS AND DISCUSSION

Due to the global digital revolution, the use of digital technologies in the field of state services has become a common practice in many highly developed countries. Using the positive experience of European countries, in particular Georgia, the Republic of Poland, Germany, Ukraine has launched its own initiatives to implement digital technologies in the field of administrative services. The Ministry of Digital Transformation of Ukraine has been established to carry out digital transformation in the field of public administration, in particular in the field of administrative services.

Ukraine consistently works on the introduction of digital technologies in all spheres of economic and social life and, in particular, on the development of e-government. The project of the Ministry of Digital Transformation "Diia" includes a wide range of initiatives aimed at improving the efficiency and transparency of public authorities, the availability of



administrative services online, digital skills and others. Development of e-governance is an integral part of the Ukraine – EU bilateral cooperation in digital area. The EU supports development of e-governance in Ukraine and provides technical assistance for implementation of the projects in this area, playing an important role in the digital transformation of Ukraine. On 11 February, 2020, Ukraine and the EU signed an agreement for a €25 million EU programme supporting e-governance and digital economy in Ukraine. The program will support the development of “Diia” system and e-services, ensuring interoperability, improving the system of registers, development of cybersecurity, broadband and mobile Internet, electronic identification technologies (Mission of Ukraine to the European Union, 2019).

The term smart-city was first used in the 1990s. At that time, the emphasis was placed on the importance of new information technologies for the development of modern urban infrastructure. The California Institute for Smart Communities was one of the first to focus on how communities can become smart and how a city can take advantage of IT implementation (Alawadhi S. and others, 2012). There are many definitions of smart cities (literally more than 50), as well as numerous concepts about the correctness of the use of the term "smart", and the need to replace it with alternative adjectives, such as "intelligent" or "digital" (Zharova, L 2019).

Digitization of administrative services is perceived by the population as a sign of convenience and accessibility of services, showing loyalty and care for them. According to the latest sociological research "Assessment of the quality of administrative services by the population of Ukraine" conducted by the Democratic Initiatives Foundation together with the Razumkov Centre's sociological service from July 12 to 17, 2019 - 5% of the population used administrative services online at least once. The most popular among the respondents were digital services of the following state institutions: Ministry of Social Policy (47.4% of respondents), Ministry of Justice (30.3% of respondents), State Fiscal Service (22.6% of respondents) (Digitization of services, 2019).

On 30 January 2019, the Cabinet of Ministers of Ukraine adopted the Action Plan for the implementation of eServices development concept for years 2019 - 2020. The document details actions to improve the quality of administrative services delivery for citizens and businesses. The Action Plan is in compliance with European requirements. Among the main priorities of the action plan: improving public-sector efficiency based on principles of effectiveness, efficiency, transparency, accessibility and accountability; ensuring mobility and competitiveness of citizens and business in a modern economic environment; eliminating possible corruption risks during administrative services provision; improving investment promotion, business environment and competitiveness of the country; driving the development of an information society (Mission of Ukraine to the European Union, 2019).

Klyutsevsky V. notes that in the practical sense the introduction of the provision of administrative services in electronic form involves the creation of the following new

services for the service recipient: convenient and prompt access to complete, relevant, accurate and reliable information about the service via the Internet; download or fill in online electronic forms of documents required to receive the service; online informing the customer about the progress of the review and the result of the service; obtaining the result of providing services in electronic form; online payment for services provided, if necessary. The "digitalization" of public administration and the "electronicization" of administrative services is a trend that in the future will not only improve the process of providing such services at the regional level, but also bring them closer to citizens and, ultimately, will improve quality of residents life in their own communities (Kliutsevskiy 2018).

Taking into account the European experience, Kovbasyuk Yu. identifies five main goals of e-government implementation. In particular: 1. Public authorities need to make access to public information and government services easier through the innovative use of information and communication technologies. An important factor here is to raise citizens' awareness of e-government services and increase public confidence in them while developing relevant ICT skills 2. Ensuring the effectiveness and efficiency of public services. A high level of satisfaction of users of public services should be ensured through the use of innovative technology by the government, which will reduce the administrative burden on citizens and businesses, ensure that e-government systems meet current and future needs of users, and increase transparency and accountability in front of citizens 3. The state should create a variety of electronic services that meet the socio-economic needs of citizens and businesses and bring them real benefits. A fair and transparent e-market, including the e-procurement market, must be created so that as many commercial companies as possible are interested in its development 4. The use of effective electronic communications based on modern IT, providing society with the necessary information about decisions and laws adopted by the authorities, should increase the involvement of citizens in those democratic processes that directly contribute to the widest possible consensus in various social, cultural and economic spheres 5. Appropriate technical means, standards and other support should facilitate the promotion of e-government at various levels. For example, full interoperability between e-government systems needs to be promoted (in particular, when using electronic signatures and electronic identification) (Kovbasyuk, Y 2010).

One of the important factors that raises the issue of improving the system of administrative services is economic, because their provision will fill the budget. For instance, Lviv region receives revenues worth 100 million from the provision of services to the local budget. In general, in Ukraine, local governments earned UAH 2.3 billion from the provision of services last year (The Cabinet of Ministers of Ukraine, 2019).

Undoubtedly, the use of digital technologies in the field of state services requires the formation of innovative regulatory and legal support for such activities, as well as improving and expanding the existing regulatory framework.

The legal basis for the provision of administrative services in

Ukraine is national legislation based on the principles approved by international regulations. The legislation of Ukraine regulating the introduction and use of digitization of the provision of administrative services consists of the laws of Ukraine and by-laws.

The main legal act that determines the procedure for providing administrative services in Ukraine is the Law of Ukraine "On Administrative Services" (The Parliament of Ukraine, 2013). With regard to the introduction of digital technologies in the field of administrative services in Ukraine, this should take place within the framework of the laws of Ukraine governing the field of information technology.

A new law, On Electronic Trust Services, came into force in November 2018. It implemented key principles of eIDAS Regulation in Ukraine. The law established identification tools such as electronic digital signature, Mobile ID, electronic stamp, and the electronic timestamp. The law increased the number of eServices obtained online. It also ensured the privacy and complete protection of personal data. Subject to the law, the electronic identification certificates will be mutually acknowledged between the EU countries and Ukraine (Mission of Ukraine to the European Union, 2019).

Due to the norms of the law, the number of public services that can be obtained by each Ukrainian citizen without leaving home is increased. Moreover, the confidentiality and full protection of personal data are guaranteed, and the electronic identification of Ukrainian users will be recognized all over the world (Petrenko 2018).

One of the most extensive and clearly defined regulations that defines the implementation and use of digital technologies in the provision of services by state bodies and local governments is the order of the Ministry of Digital Transformation of Ukraine from December 3, 2019 № 15 On approval of the work plan of the Ministry of Digital Transformation of Ukraine for 2020. This order provides for the phased and rapid introduction of information technology in the field of administrative services, including the following aspects: development of accessible and secure e-identification schemes and tools, optimization of state registers, introduction of electronic services via smartphone, development of electronic interaction of state electronic information resources «Trembita», development of the complex project «eMALIATKO», introduction of the first all-Ukrainian study on digital literacy of Ukrainians, introduction of the national platform of digital literacy, adaptation of the legislation of Ukraine to the requirements of the legislation of the European Union in the field of information protection (The Ministry of Digital Transformation of Ukraine 2020).

An important place among the legal acts regulating the digitization of administrative services is occupied by those related to ensuring the safety of information under state protection (personal data, confidential information, etc.) and security in this area, in particular regarding digital signatures. Thus, among the main laws that apply to the introduction and use of information technology in the field of administrative services in Ukraine are the laws of Ukraine: On Information,

On Access to Public Information, On Personal Data Protection, On the National Program of informatization, On scientific and technical information, On state secret, On protection of information in information and telecommunication systems, On the State Service for Special Communications and Information Protection of Ukraine.

The law On Access to Public Information contained important statements on the obligatory disclosure of information by the central and local state authorities. It ensured the implementation of the international principle of access to public information: all the information stored by state authorities should be open unless where it is prohibited by law. The law adheres to basic principles and practices as decided by the European Court of Human Rights, Recommendations of the Council of Europe on the access to the public information stored by the state authorities, Council of Europe Convention on Access to Official Documents.

On 8 July 2018, the law On Basic Principles of Cybersecurity in Ukraine came into force. This law determined the basis of protection of national interests of Ukraine in the cyberspace, and the key objectives, directions and principles of state policy in the sphere of cybersecurity, as well as the powers of state entities and main principles of their coordination. Furthermore, this law anticipated the development of the state cybersecurity system and computer emergency response team CERT-UA. It launched a process of complex regulation of cybersecurity as a separate sphere. It determined the legislative framework of definitions dealing with cybersecurity, cyber-attack and cyber protection. It expanded the provisions of cyber security strategy already adopted 2016 (Mission of Ukraine to the European Union 2019).

An important place in regulating the implementation and use of digitalization of administrative services belong to by-laws, including government decrees which approved: Instruction on the procedure for accounting, storage and use of documents, files, publications and other material media containing confidential information owned by the state, Regulations on the National Register of Electronic Information Resources, the Procedure for Interaction of Executive Bodies on the Protection of State Information Resources in Information and Telecommunication Systems, On Some Issues of Digital Development and others.

Important in the implementation of security policy and ensuring the development of information and communication technologies and information resources of Ukraine, including administrative services, is the decree of the President of Ukraine of February 29, 2017 On the Doctrine of Information Security of Ukraine (The President of Ukraine 2017).

On 30 January 2019, the Government approved a decree, Some Questions of Digital Development, which defined the digital by default principle. It emphasised key principles such as mobile-first principle, necessity of eParticipation, digital inclusion and engagement. The implementation of the digital by default policy models the joint approach for the access to services via the Internet, free of charge integration, management of electronic information resources,

administration of security questions and data protection. Thus, state entities save the time, reduce spending for services delivery, increase transparency and improve quality of services

provided to citizens and businesses (The Cabinet of Ministers of Ukraine, 2019).

TABLE 1. LEGISLATIVE REGULATION OF THE IMPLEMENTATION AND OF THE USE OF THE DIGITAL TECHNOLOGIES IN THE PROVISION OF ADMINISTRATIVE SERVICES IN UKRAINE

Laws	<p>On Administrative Services  On Basic Principles of Cybersecurity in Ukraine  On Information, On Access to Public Information,  On Personal Data Protection,  On the National Program of informatization,  On scientific and technical information,  On State secret,  On protection of information in information and telecommunication systems,  On the State Service for Special Communications and Information Protection of Ukraine</p>
By-laws	<p>government decrees:  Instruction on the procedure for accounting, storage and use of documents, files, publications and other material media containing confidential information owned by the state,  Regulations on the National Register of Electronic Information Resources, the Procedure for Interaction of Executive Bodies on the Protection of State Information Resources in Information and Telecommunication Systems,  Some Questions of Digital Development  On Some Issues of Digital Development and others  decree of the President:  On the Doctrine of Information Security of Ukraine</p>

Source: Author's own elaboration

#### IV. CONCLUSION

In general, digital transformation of provision of administrative services is the integration of digital technology into all areas resulting in fundamental changes to how state, organization, business operates and how they deliver value to us.

Thus, the provision of administrative services in electronic format is being carried out gradually and rapidly. Digital reform requires significant work, promising areas of work on the introduction and use of information and telecommunications technologies in the provision of administrative services is the development of regulations that would regulate the legal relationship that will develop in connection with the provision of electronic services via smartphone, electronic systems interaction of the state electronic information resources "Trembita" and the complex project "eMaliatko". There is need in legislative regulation of the functioning and protection of e-identification. An important area of digitization of the provision of administrative services to the population is the implementation of regulatory measures that will promote the mastery of the latest information and telecommunications technologies of both officials who provide services and recipients of services.

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