
THE DIGITAL TRANSFORMATION OF LOCAL GOVERNMENT: NOTION AND PECULIARITIES**Roman Amelin**

National Research Saratov State University named after N. G. Chernyshevsky, Saratov, Russian Federation

Email: ame-roman@yandex.ru<https://orcid.org/0000-0002-7054-5757>**Sergey Channov**

Saratov State Law Academy, Saratov, Russian Federation

Email: sergeychannov@yandex.ru<https://orcid.org/0000-0002-3342-7487>**Anna Churikova**

Saratov State Law Academy, Saratov, Russian Federation

Email: a_tschurikova@bk.ru<https://orcid.org/0000-0003-0299-622X>**Maria Lipchanskaya**

Russian State University of Justice, Moscow, Russian Federation

Email: lipchan_maria@mail.ru<https://orcid.org/0000-0002-4410-0578>**Anna Shindina**

Saratov State Law Academy, Saratov, Russian Federation

Email: a.v.shindina@yandex.ru<https://orcid.org/0000-0001-9924-810X>**Andrey Sinitsa**

The Russian Presidential Academy of National Economy and Public Administration, Moscow, Russian Federation

Email: sinitsa.andrew.ivanovich@gmail.com<https://orcid.org/0009-0000-1087-4957>

Annotation. Modern digital technologies have an increasing impact on all spheres of public life, including public administration. In most cases, their use improves the efficiency of management processes. At the same time, it is associated with certain risks, which requires a scientific study of the phenomena associated with it.

However, the focus of scholars tends to be on the central government. The same can be said about legal regulation: most policy documents in this area affect the digitalization of public administration. The digital transformation of local government in this regard is an understudied area. Meanwhile, the digital transformation of local government has significant specifics. It requires studying the essence of the digital transformation of local self-government, identifying its features in order to determine how to carry out the legal regulation of these processes in the most optimal way.

Based on the analysis, the article concludes that the features of the digital transformation of local self-government are associated, firstly, with its self-government principles, which find their expression in a much larger number of forms of direct democracy compared to the level of state power; secondly, at the territorial level of local self-government, which is carried out in municipalities that differ significantly in demographic, economic, personnel and other potentials. The first feature allows using modern digital technologies to dramatically increase the ability of the population of municipalities to influence decisions made in the municipality. The second one creates certain risks, also discussed in the article. To eliminate them, on the one hand, the phased introduction of digital technologies



in various municipalities is required, taking into account their capabilities. On the other hand, it seems mandatory to consolidate in the legislation on the digitalization of local self-government the general technical requirements for municipal information systems, which ensure the possibility of their integration.

Keywords. Digital technologies; digital transformation; digitalisation; local self-government; municipal education; forms of direct democracy; municipal information systems; legal support

1. INTRODUCTION

From the end of the 20th to the beginning of the 21st century, all areas of social management, including public administration, have been seriously influenced by modern digital technologies. On the one hand, they create new opportunities to improve the efficiency of management activities, on the other hand, they carry certain risks.

Local self-government is also subject to these processes. At the same time, its specificity (proximity to the population, self-government basis) significantly distinguishes the processes of its digital transformation from similar ones taking place at the level of state power. The introduction of modern digital technologies at the municipal level provides significant opportunities to fundamentally change the institution of local self-government by building a fundamentally new system of vertical and horizontal communication links in the municipality. However, it is impossible not to notice that digital transformation provokes serious challenges for the public administration system and society as a whole. Since the development of digital technologies is ambivalent, the risks associated with these processes should be minimized.

At the same time, as researchers note, local self-government, in comparison with the state, is less prepared for global digitalization processes for a number of objective reasons (KAZANTSEVA, 2022). “However, the focus of scholars is usually digitalization of central government activities. Moreover, existing works have focused on the central government; digital transformation in local authorities is an underexplored area. This is despite the fact that it is the municipalities that have the most direct daily contact with citizens, while the introduction of digital technologies into their sphere is not fast” (BOUSDEKIS, KARDARAS, 2020). As a result, as A.Yu. Sibileva, “there is currently no systematic approach to solving the issue of digitalization of municipal government” (SIBILEVA, 2019).



The foregoing, in our opinion, indicates the need for scientific research in this area and, in particular, studying the essence of the digital transformation of local self-government, identifying its features. The goal is to determine how to carry out the legal regulation of these processes in the most optimal way.

Let us turn, in this regard, first of all, to the study of the very concept of digital transformation.

DEVELOPMENT

The term "digital transformation" appeared more than ten years ago, but none of the branches of science has a clear approach to understanding its essence. As E.V. Lebedeva "the term "digital transformation" often refers to an extremely wide range of different phenomena and processes. In other words, the scientific discourse on digital transformation is still fragile and fragmentary. There is no universal interpretation neither of theoretical basis, nor the specific parameters of its measurement" (LEBEDEVA, 2022).

Its origin is usually associated with the activities of the company Capgemini Consulting, which released a report in 2011 called "Digital Transformation: A Roadmap for Billion Dollar Organizations." Thus, initially the term "digital transformation" arose in the corporate sphere of business and was focused on describing the changes that occur when digital technologies are introduced into the activities of corporations. Accordingly, digital transformation was understood as the use of technology to radically increase the productivity or expand the scope of enterprises (SIEBEL, 2019).

Over time, this definition was detailed and supplemented with new features. So, in later studies, digital transformation in the corporate sphere is understood as a deep reorganization, reengineering of business processes with the widespread use of digital tools as process execution mechanisms, which leads to a significant (several times) improvement in the characteristics of processes (reduction of their execution time, disappearance of entire groups of subprocesses, increasing the output, reducing the resources spent on the execution of processes, etc.) and / or the emergence of fundamentally new qualities and properties of them (decision making in automatic mode without human intervention, etc.) (BUROV, et al., 2018). Note that this definition emphasizes significant changes in objects that have undergone digital transformation - both quantitative and qualitative.



The expansion of the use of the term "digital transformation" not only in relation to individual organizations, but also to macroeconomic processes, as well as social systems, has led to the emergence of new definitions. "Digital transformation is a process of radical transformation of the concept and format of the functioning of socio-economic systems at all levels" (GRIBANOV, 2019); "digital transformation can be understood as major changes in the activities of entities based on the large-scale use of digital technologies and associated with the replacement of analog (traditional) digital technical systems" (KUZNETSOV, 2021); digital transformation in relation to public administration should be understood as "a qualitative change in the content of public administration, including its individual procedures, stages of the management cycle, public functions and their types based on the introduction of digital technologies (digitalization)" (DOBROLYUBOVA, E., YUZHAKOV, V., STAROSTINA, A., 2021), etc.

In a similar vein, some regulatory legal acts define the processes of digital transformation. So, in the decision of the Supreme Eurasian Economic Council dated 10/11/2017 No. 12 "On the Main Directions for Implementing the Digital Agenda of the Eurasian Economic Union until 2025", the following definition is given: "digital transformation is a manifestation of qualitative, revolutionary changes, consisting not only in individual digital transformations, but in a fundamental change in the structure of the economy, in the transfer of value-added centers to the sphere of building digital resources and end-to-end digital processes. As a result of digital transformation, a transition to a new technological and economic structure is taking place, and new sectors of the economy are being created." As we can see, here, too, digital transformation is linked to qualitative, fundamental, revolutionary changes.

In this regard, the relationship between the concept of digital transformation and the related term "digitalization" is interesting. Although some experts consider them as synonyms (ONOKOLOV, 2023; SIBILEVA, 2019), most still distinguish between them. So, D.I. Dynnik points out that digitalization is the widespread introduction of digital technologies in various areas of life: industry, economy, education, culture, service, etc., while digital transformation implies not only the installation of modern equipment or software, but also fundamental changes in management approaches, corporate culture, external communications (DYNNIK, 2021). According to Buletova N.E., Mordvintsev A.I., Polyakov D.S. "digitalization can be interpreted as an improvement



(reengineering) of existing processes with the digitization of most of the data and the introduction of IT solutions”, while “digital transformation is associated with the creation of fundamentally new models of activity and interaction of participants, which is accompanied by a multiple increase in the efficiency of activities and the achievement of significant benefits for all participants” (BULETOVA, MORDVINTSEV, POLYAKOV, 2020).

In other words, digitalization is an important, but generally routine process of introducing digital technologies into any spheres of public life, while digital transformation is both a process and its end result (depending on the interpretations of various authors) which are characterized by a fundamentally qualitative leap or significant quantitative transformations. Like I.R. Gumerov correctly points out that in this case, “the very concept of “transformation” implies a change in the type, form, essential properties, a transition from one state to another” (GUMEROV, 2022).

Here it is appropriate to draw an analogy with the processes taking place in law under the influence of modern digital technologies in principle. Earlier we noted that in relation to them in domestic legal science such terms as: “change of law”, “development of law”, “evolution of law”, “genesis of law”, “transformation of law” are used, however, this is done, as a rule, completely unsystematically. . There is no common understanding of their essence. In this regard, we proposed to define the evolution (development) of law as its continuous qualitative change, characterized by the emergence of new legal phenomena and / or the disappearance of old ones; while the transformation of law is its most significant, radical change, often associated with the restructuring of a significant part of the existing legal order (CHANNOV, 2021).

Accordingly, by digital transformation in general, we propose to understand the process of introducing and using modern digital technologies, which is characterized by a qualitative change in the digitalization object and by emergence of its new properties that are fundamentally impossible before transformation.

In connection with the above, in our opinion, the question inevitably arises: if digital transformation is associated with qualitative changes, how to determine at what point it should be considered completed? Does such a moment even exist? Or is digital transformation a process that can last an indefinitely long time, because in connection with the emergence of ever new digital technologies, they can also be introduced indefinitely (“the revolution has a beginning, the revolution has no end”)?



According to T.A. Polyakova and A.V. Minbaleev, digital transformation can be considered completed upon reaching such a qualitative indicator as “digital maturity” (POLYAKOVA, MINBALEEV, 2021). Indeed, such an indicator is named among others in relation to the national goal "Digital Transformation" in the Decree of the President of the Russian Federation of July 21, 2020 No. 474 "On the national development goals of the Russian Federation for the period up to 2030". Characteristically, "achieving "digital maturity" of key sectors of the economy and social sphere, including healthcare and education, as well as public administration" is the only abstract target indicator of digital transformation, out of those established by this decree - all the rest are tied to specific values (increase in the share mass socially significant services available in electronic form, up to 95 percent; an increase in the share of households that are provided with broadband access to the Internet information and telecommunications network, up to 97 percent; an increase in investments in domestic solutions in the field of information technology four times compared to compared to 2019) and are at least measurable. Therefore, the same authors rightly, in our opinion, ultimately state that the very concept of “digital maturity” is uncertain and needs both doctrinal and practical elaboration, including through experiments in individual subjects of the Russian Federation (POLYAKOVA, MINBALEEV, 2021).

Yu.I. Gribanov links the completion of digital transformation with the construction of a digital economy in the Russian Federation (GRIBANOV, 2019). However, this criterion is difficult to consider clearly defined. The building of the digital economy is wittily compared to the building of communism, because “it is difficult to guarantee from the present position that this result can ever be achieved in the future... Not only because the horizons of global digitalization are currently very blurred, but also because the perceptions about the digital economy at each stage can be constantly changing – up to the moment when the concept itself loses its relevance, supplanted by a more global or more modern concept” (Economic Law, 2021).

Agreeing with this position, we believe that the completion of digital transformation can only be determined individually, for each specific object in which digitalization processes are carried out. If we talk about such global objects as the state, it is more rational not to set some abstract criteria for the "completion" of digital transformation, but to fix (and preferably for a relatively short time) specific targets that



record the achievement of certain stages of it - with the possibility of changing them from taking into account the emergence of new digital technologies.

In this regard, the example of a number of foreign states seems to be more correct in comparison with the Russian Federation. So, for example, in Spain, according to the strategy of digital transformation of the Spanish economy, such criteria are distinguished as: digital integration of 100% of the population; increase in the volume of digital commerce in the volume of sales of small and medium-sized enterprises from 10% to 25%; increase in the share of public services available through mobile applications up to 50%, etc. – moreover, these goals were not set for 10 years, as in the Russian Federation, but for 5 years – until 2025 (SIDORENKO, 2022).

The same generally applies to the digital transformation of both individual municipalities and local government in the country as a whole. At the same time, as we noted above, when determining specific areas of digital transformation at the municipal level, it is advisable to take into account the features of local self-government that distinguish it from public administration carried out by public authorities.

L.A. Velikhov singled out the main features of local self-government, which distinguish it from state power, stood out. He referred to them:

- the difference in the nature of power. Local self-government is a subordinate power, acting in the manner and within the limits indicated to it by the supreme power;
- delineation of areas of competence. We are talking about the delimitation of the range of cases provided to local self-government;
- independent sources of funds. It is impossible to speak of local self-government as a special subject of rights if it is not provided with certain specific and separate means for the implementation of its tasks;
- territorially limited electoral principle (VELIKHOV, 1996).

For almost a hundred years, these features have not fundamentally changed, and even now, in one form or another, they can be found in most scientific and educational works that affect the essence and characteristics of local self-government. At the same time, various experts, characterizing local self-government in the Russian Federation, also name its other features: self-governing nature (ASTAFICHEV, 2019); a special subject of management - the population (GONCHAROV, 2011); the existence of self-responsibility of municipalities (KUTAFIN, FADEEV, 2012); more forms of direct participation of the population (direct expression of will in the form of gatherings,



meetings, conferences, local referendums, territorial public self-government, etc.) (KUTAFIN, FADEEV, 2012), etc.

It seems that not all of these features predetermine the features of the digital transformation of local self-government. At the same time, some of them really need to be taken into account when digitalization is carried out at the municipal level.

First of all, one should pay attention to such a sign as the self-governing basis itself. As P.A. Astafichev "self-government is a way of organizing human activity, which implies a significant degree of independence of the team in relation to external control influence" (ASTAFICHEV, 2019). With regard to the local community, this means that issues related to the jurisdiction of municipalities should be carried out independently, which predetermines not only the non-inclusion of local governments in the system of state authorities (Article 12 of the Constitution of the Russian Federation), but also the widest possible involvement in their decision of the population of municipalities.

Indeed, it is at the local level that Russian legislation provides for the most significant number of forms of direct expression of the will of the population, a number of which are not provided for at higher levels of public administration (citizen gatherings; territorial public self-government; etc.). However, at the same time, "the characteristic features of Russian local self-government are still the lack of forms of civic participation in the development of territories ... But the involvement of various actors in the process of determining the main directions of territorial development is important not only from the point of view of ensuring democratic principles. It allows you to identify and reasonably promote the interests of the population when developing strategies and budgeting, to consolidate the local community, and, no less important, to involve the younger generation in the processes of understanding their place in the world" (ODINTSOVA, 2019).

Indeed, despite the formally significant place of forms of direct democracy in the system of local self-government in the Russian Federation, in fact they are rarely of great importance in the actual functioning of the municipality, and some (for example, a local referendum) are almost never used in practice. The various reasons for this, both political and purely legal, deserve a separate study. At the same time, in relation to the subject of our article, it can be noted that, to a certain extent, this situation is connected, firstly, with the organizational difficulties in the implementation of many of them, and secondly, with the rather large financial costs of their implementation. And



it is these problems that can be at least partially solved as part of the digital transformation of local government.

It is now possible to convert into electronic form, in whole or in part, a number of traditional direct democracy forms that can be applied at the local level (ESSEX, GOODMAN, 2020).

The advantages of direct democracy institutions conducted in electronic form, compared with the traditional ones, are:

1) ease of organization - for example, holding a local referendum or municipal elections completely in electronic form does not require the formation of many precinct commissions, ensuring their work - it is enough to have an appropriate municipal information system that ensures voting of voters;

2) efficiency - if there is a properly functioning remote electronic voting system in the municipality, the local referendum may well turn from an exclusive and rarely used mechanism into an everyday way of solving a wide variety of problems directly by the population. At the same time, the electronic referendum will allow the authorities to receive truly objective answers to the questions posed, which can no longer be ignored” (AMELIN et al, (2016). The referendum as part of e-democracy could well become an operative mechanism of solving a variety of problems by Russian people directly. Moreover, it is at the local level that the use of digital technologies makes it possible to erase the difference between such forms of direct democracy as a local referendum and a gathering of citizens (of course, when appropriate changes are made to the legislation);

3) relative cheapness - systems for organizing remote electronic voting, of course, also require financial costs, however, most of them are development costs that are carried out once; subsequent maintenance of the proper functioning of such a system requires significantly fewer resources;

4) involvement in decision-making on issues of local importance of a larger number of residents (by simplifying this process for them). It has been repeatedly noted in the scientific literature that the use of digital technologies to implement the institutions of direct democracy helps to overcome voter absenteeism (AMELIN et al, (2019); GOLOVINA, (2021); CHASHIN (2021);

5) high reliability of the obtained results. Of course, the last point is not so unambiguous and, in many respects, depends on the technologies used.



Unfortunately, in the practice of recent years, there are examples when the electronic voting technologies used in elections did not work correctly and largely discredited this institution itself (KHUDOLEY, KHUDOLEY, 2022). However, this problem can be solved by enshrining mandatory requirements for these technologies in regulatory acts, excluding such situations.

It should be noted here that, in principle, the prospects of digitalization of a significant part of the institutions of direct democracy at the municipal level are fully recognized by Russian legislation and certain steps are already being taken in this direction. So, for example, Federal Law No. 289-FZ of July 1, 2021 amended Article 28 of the Federal Law "On the General Principles of Organizing Local Self-Government in the Russian Federation". In accordance with the changes, it was mandatory to ensure that residents of the municipality have the opportunity to make their comments and suggestions on the draft municipal legal act submitted for public hearings in a remote form, including through the official website.

It seems that as part of the digital transformation of local self-government, this process should be continued and extended to such forms of direct democracy as a local referendum, municipal elections, gatherings, meetings and conferences of citizens, and polls of citizens. The same applies to voting to recall a deputy, a member of an elected body of local self-government, to change the boundaries of a municipality, to transform a municipality, and so on.

Modern digital technologies also make it possible to more effectively carry out activities that are not directly related to the institutions of direct democracy used at the local level, but which allow for the implementation of direct and feedback between the population of the municipality and its governing structures. For example, it is difficult to hold events involving face-to-face meetings with citizens in remote areas with a large dispersal of the population on the territory of the municipality. In this case, it is possible to establish regular continuous interaction between the municipal government and the population using electronic forms of participation and feedback (POTOROPINA, 2020). However, the problem of digital inequality arises, due to another feature of local self-government - its implementation in special territorial units - municipalities, which differ significantly from each other in terms of demographic, economic, personnel and other potentials.



Of course, such a difference also exists in relation to individual regions of a federal state, including the Russian Federation. However, at the municipal level, this gap is much larger, which is due to the very specifics of local self-government legislation, which makes it possible to give the status of a municipal formation to both a city with a population of several million people and a village with less than a hundred inhabitants. Accordingly, not all municipalities have sufficient organizational and financial resources for the active introduction of modern digital technologies.

At the same time, the problem of digital inequality affects not only the municipalities themselves, which do not have sufficient organizational and financial resources for the active introduction of modern digital technologies, but also residents of municipalities, who also have unequal opportunities and skills in their use and application (GCORA, CHIGONA, 2019). In the Russian Federation, despite the fact that national projects envisage up to 100 households with broadband Internet coverage by 2024, the issue of computer literacy of older people is relevant in rural areas. Only 10% of municipalities meet the requirements for the level of digitalization established in the legislation of the Russian Federation in accordance with the Digital Economy of the Russian Federation Program (LEONIEVA, 2020).

It can be noted that the problem of the population being not ready to adopt new technologies is typical not only for Russia, but also for many other countries around the world (DATTA, 2020).

With regard to the use of electronic forms of direct democracy at the local level, it seems reasonable to introduce them gradually in various types of municipalities, starting from urban districts and intra-city territories of federal cities and ending with rural settlements. As for other aspects of digital transformation at the local level, a serious problem here is the inequality of municipalities in the possibilities of developing and implementing municipal information systems. Accordingly, dozens of municipal information systems function in some municipalities, while in some they are completely absent. Based on the foregoing, the introduction of municipal information systems should be carried out taking into account the assessment of the pros and cons of this process, as well as with the real needs of local communities.

However, the bigger problem is that the integration between municipal information systems of various municipalities is not always provided. Therefore, when such a need arises, it becomes impossible, or very difficult.



Moreover, at present, situations often arise when, even within the same municipality, “without proper design study or the presence of minimum system requirements, many developers simultaneously participate in the creation of municipal information systems, whose activities are coordinated very poorly. As a result, incompatible municipal ISs are being developed and implemented” (VASILIEVA, 2013). Meanwhile, “in modern conditions, the local sufficiency of a separate municipality ... is no longer enough. There is a need for effective integration of utility systems to ensure that they are sustainable in fulfilling their mandate and delivering services effectively” (PENKINA, 2015).

As a result, unified information space at the municipal level is disrupted, which adversely affects public administration quality.

In general, of course, the solution to this problem is impossible only by legal means, however, when developing legislation on the digitalization of local self-government, it seems mandatory to consolidate the general technical requirements for municipal information systems, which provide the possibility of their integration in the future.

CONCLUSION

Summing up, we note that the *digital transformation of local self-government can be defined as the process of introducing and using modern digital technologies at the municipal level, characterized by a qualitative change in the management system of the municipality, the emergence of its new properties that are fundamentally impossible before transformation and aimed at improving the efficiency of its implementation.*

The digital transformation of local self-government should be carried out taking into account the peculiarities of local self-government that distinguish it from public administration. Features of the digital transformation of local self-government are associated, firstly, with its self-government principles, which find their expression in a much larger number of forms of direct democracy used in municipalities compared to the level of state power; secondly, at the territorial level of local self-government, which is carried out in municipalities that differ significantly in demographic, economic, personnel and other potentials.



In this regard, as part of the digital transformation of local self-government, it seems expedient to use the institutions of direct democracy in electronic form as widely as possible. In particular, in the Russian Federation this process should be extended to such forms of direct democracy as: a local referendum, municipal elections, voting on the recall of a deputy, a member of an elected body of local self-government, an elected official of local self-government, as well as on issues of changing the boundaries of a municipal formation, transformation of the municipality; gatherings, meetings and conferences of citizens, polls of citizens.

As for the significant differences between municipalities, when digitalizing various management processes, they should take into account the pros and cons of this process, as well as the real needs of local communities. On the other hand, this situation leads to a break in the single information space at the municipal level and objectively negatively affects the quality of public administration. To solve this problem, it seems necessary to fix in the legislation the general technical requirements for municipal information systems, which provide the possibility of their integration in the future.

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