

THE IMPACT OF THE DIGITAL TRANSFORMATION OF PUBLIC RELATIONS ON THE DEVELOPMENT OF LEGAL REGULATION IN THE PROVISION OF PUBLIC SERVICES

O IMPACTO DA TRANSFORMAÇÃO DIGITAL DAS RELAÇÕES PÚBLICAS NO DESENVOLVIMENTO DA REGULAÇÃO JURÍDICA NA PRESTAÇÃO DE SERVIÇOS PÚBLICOS

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ABSTRACT

Objectives: The present article examines the impact of digitalization on the improvement of legislation on public administration in the provision of public services

Methodology: Based on conducted analysis of scientific research authors conclude that the construction of a contemporary system of control over the adoption and implementation of managerial decisions by civil society is directed by its development vector towards the digitalization of public administration, with the active use of digital technologies according to international standards and international legal acts

Results: According to the authors, the digitalization of public services should take place in strict compliance with the norms and under the established control of this process by civil society. At the current stage of the construction of a democratic state in Russia, the activities of public authorities should be based on human-centered principles

Contributions: An adequate response to the implementation of digital technologies into the public services sector will be an inspection of outdated norms and rules in this area, followed by harmonization and bringing them into line with the needs of society for the subsequent creation of highly effective algorithms for monitoring the service activities of public authorities on this basis.

Keywords: public services; public administration bodies; information and communication technologies; administrative procedure, civil society.



RESUMO

Objetivos: O presente artigo analisa o impacto da digitalização no aprimoramento da legislação sobre a administração pública na prestação de serviços públicos.

Metodologia: Com base na análise realizada de pesquisas científicas, os autores concluem que a construção de um sistema contemporâneo de controle sobre a adoção e implementação de decisões gerenciais pela sociedade civil é direcionada pelo seu vetor de desenvolvimento para a digitalização da administração pública, com o uso ativo de tecnologias de acordo com as normas internacionais e leis internacionais.

Resultados: Segundo os autores, a digitalização dos serviços públicos deve ocorrer no estrito cumprimento das normas e sob o controle estabelecido desse processo pela sociedade civil. No estágio atual da construção de um estado democrático na Rússia, as atividades das autoridades públicas devem ser baseadas em princípios centrados no ser humano.

Contribuições: Uma resposta adequada à implementação de tecnologias digitais no setor de serviços públicos será uma inspeção de normas e regras desatualizadas nesta área, seguida de harmonização e alinhamento com as necessidades da sociedade para a posterior criação de algoritmos altamente eficazes para monitorar as atividades de serviço das autoridades públicas nesta base.

Palavras-chave: serviços públicos; órgãos da administração pública; tecnologias de informação e comunicação; procedimento administrativo, sociedade civil.

INTRODUCTION

The public services sector, as well as other spheres of public life (Prima, Iqbal, & Firmanzah 2020; Parvin et al., 2010; Laužikas & Miliūtė, 2019), is currently subject to a strong influence of digital transformation.

Currently, significant work is being carried out on the implementation of digital platforms in the provision of public services. It is known that the Government of the Russian Federation has approved 25 services through which the digital transformation of public services should take place. Among them, some are directly related to the solution of the basic life needs of the population. These are online assistance to the disabled, online labor relations, online pension provision, and others. Thus, the Government of the Russian Federation is implementing a comprehensive transition to automated provision of public services. In this regard, one can draw attention to the presence of a key indicator that is planned to be achieved by 2024 within the framework of the Digital Public Administration, namely, proactive provision of state (municipal) services online.



through 25 digital "super services" for priority life situations (Ministry of Digital Development, Telecommunications and Mass Media of the Russian Federation, 2021a).

In our opinion, an effective state policy aimed at forming and implementing management services and involving citizens should become the main area of reforming public administration and developing a course to fully ensure the rights and legitimate interests of the individual, socialization, and rethinking the functions of public authorities according to the social development trends.

On the one hand, digitalization of public services contributes to improving the quality and well-being of citizens' lives (Donichev & Grachev, 2020), and on the other hand, carries some risks of violating their rights and freedoms (Polyakov, 2020). Using digital technologies in public administration in general and in the service sector, in particular, should not harm participants in public relations, human rights, and legitimate interests, as well as the interests of the state and society. We believe that these circumstances should be taken into account by the developers of the legal regulation of this issue. Therefore, the impact of digital transformation on this sector of public relations regulation is of particular interest to researchers.

In the contemporary scientific literature, regulatory settlement and practice of ensuring human and civil rights concerning the implementation of service activities by public authorities lack justification and certainty of effective control mechanisms and influence on the final results. An analysis of recent publications indicates an extraordinary interest shown in digital transformations in the public services sector. The scientific and theoretical substantiation of the legal foundations for providing service activities by public authorities in the context of digitalization is presented in the scientific research of V.V. Bulgakov and A.A. Brosalina (2021), studying the impact of digitalization on the regulation of the social services provision, A.A. Vikhlyaev and I.I. Shatkovskaya (2021), analyzing the implementation of the program for providing public services to the population in the framework of regional digitalization, and O.A. Makarova and A.D. Makarov (2021), investigating the methodology of regulating new relations arising in the course of using digital technologies. The mechanisms, influencing the implementation of digital technologies in the public administration sector, on the transformations in the legal regulation of the public services provision, are studied in the above-noted and other works quite interestingly, but due to constantly changing technologies, the present research will be able to resolve some issues for developers of digital legislation in general, as well as legislation on digital public services, in particular.



Research hypothesis. When transferring state structures to work employing digital platforms and services, it is necessary to respect the rights and legitimate interests of citizens in terms of preservation of their personal data, the possibility of effective use of platforms and services in managerial decisions, and compliance with the regulatory and legal framework of the service policy of the state.

METHODS

To prove the hypothesis, the authors chose a qualitative strategy based on the analysis of the data collected using the document analysis method and case studies.

The information basis for conducted analysis of documents were the normative legal acts of Russia and foreign countries, published scientific works devoted to research on similar topics, as well as statistical data. The selection of information sources was carried out according to the criteria of compliance of the title of the material and the text with the topic of the present study, collected in international citation databases.

The analysis of the documents included a study based on using several methods. The dialectical method allowed considering digitalization and the public administration sector as mutually influencing and dynamically developing phenomena. The main features of the digital transformation of public services were characterized using analysis and synthesis. The approaches, developed in Russia and foreign countries to the organization and regulation of the process of implementing digital platforms in the course of providing public services were considered using the comparative-legal method. During the study of the concerned topic, special attention was paid to the formal legal method to describe and explain the legal regulation of the public services provision, as well as the digitalization of the entire sector of public administration.

The design of the case study consisted in a detailed study of practical material and data from a small number of cases devoted to the use of state information systems in Russia, Great Britain, and France.

RESULTS

Digitalization of public administration is a management activity of government bodies based on the introduction of unified standards for storing and using information, combining government databases on unified information platforms, ensuring the interoperability of these systems, providing conditions for their wide access, which is a



recognized mechanism of economic growth due to the ability of technologies to positively influence the efficiency, effectiveness, cost, and quality of economic, public and personal activities (Pechenkin, 2020). This term is quite new and not always understandable for a wide range of readers however we believe that it is important for present-day strategic planning and public administration reform.

The development of the modern system of public administration is accompanied by forming digital forms of interaction between the state and the population, primarily, in the course of providing public services. On the way of digitalization of public administration, state information systems (hereinafter referred to as SIS) open up great opportunities. Thus, according to the data of the Accounting Chamber of the Russian Federation (Banki.ru, 2019), 876 federal state information systems (FSIS) are operating at the present stage. These are FSIS Unified Portal of State and Municipal Services (functions), FSIS Federal Register of State and Municipal Services (functions), etc. The essence of their operation is associated with a system of interdepartmental interaction, which in the context of digitalization is an integral part of the activities of federal state authorities, state authorities of the entities of the Russian Federation, local self-government bodies, and multifunctional centers. The system of interdepartmental interaction ensures forming, receiving, and processing of data in various information systems of state bodies and organizations that provide state and municipal services remotely. The advantages of remote options of providing public services were manifested in the context of quarantine restrictions at the height of the COVID-19 pandemic in 2020 (Shulgin, 2020).

The expansion of the functional basis of state information systems related to the provision of public services is associated with the need to solve various problems of a financial, legal, and organizational nature. In particular, this includes improving the reliability of digital platforms, ensuring clear and transparent monitoring of the amount of funds allocated, and expenses for the SIS development and operation, ensuring information security and control activities within the framework of appropriate legal regulation. An example of such solutions can be the programs aimed at supporting small businesses, such as My Business and Business Park, in which digital platforms are used in combination with the principle of a Single Window, which makes it possible to obtain the most affordable service packages for organizing and conducting business in each Russian region (Vilensky, 2019).

The transformation of public services involves not only the full provision of a technological component of management actions but also a wide range of organizational



and legal changes. We agree with the opinion of T.Y. Khabrieva, who notes that law "becomes not only a means, a tool that ensures the implementation of digital technologies and their use in various fields of public life – the economy, management, and other segments of social life, but also the subject influenced by digitalization" (Khabrieva, 2018). The standpoint of A.A. Efremov is also quite interesting. The author points out the need to improve legal regulation in the context of digitalization of public administration through the comprehensive identification and elimination of systemic legal restrictions (Efremov, 2020). Today's realities are such that in the context of digitalization, the priority place among the legal foundations is occupied by acts of a strategic nature – the "Digital Economy of the Russian Federation" (Ministry of Digital Development, Telecommunications and Mass Media of the Russian Federation, 2021b), in which the development of the public administration sector, including public services, is the most important along with the economic one.

The national program "Digital Economy" and the related projects predetermine the effectiveness of legislative acts in various branches of law. Focusing on the provision of public services, we note that the basic Law "On the organization of the provision of state and municipal services" N 210-FZ (2010). does not contain specific provisions providing for a digital transition in the course of providing public services.

The next legal aspect that is important for the content and effectiveness of the implementation of digital platforms in the provision of public services is the control over the activities of management entities, service recipients, as well as other persons who are involved in the formation and processing of information stored in special state automated information systems (SIS).

The experience of different countries demonstrates that even the most developed digital platform for providing public services cannot be considered successful if the legislation does not provide for effective protection of citizens' rights when providing public services. For example, a single state information platform GOV.UK, implemented in Great Britain provides a single access point to services provided by the state, contains combined information of all government departments, institutions, and state bodies (Government of the United Kingdom, 2022). Nevertheless, experts draw attention to the problem of feedback from social security agencies through the use of digital platforms, understanding the mechanism of how to protect their rights that have been harmed by one or another body as a result of incorrect operation of automated systems, and how one can challenge the decision made. Thus, in the report of the UN expert, where the issues of insufficient effectiveness of social protection of the population in the UK were



analyzed, attention was also drawn to the problem of digitalization of the social protection system (United Nations General Assembly, 2019). There are other examples of incorrect managerial decisions that become an obstacle to citizens receiving social assistance, for example, the threat of incorrect processing of personal data, which results in their unreliability, difficulties with ways to challenge decisions on social benefits and payments (Kayser-Bril, 2019).

There are also positive examples of legal regulation of the implementation of digital elements in the public services sector. In France, an important event in the legal regulation of digitalization was the adoption of Law No. 2016-1321 of 7.10.2016 on the digital republic (state) (Law No 2016-1321 of October 7, 2016) (hereinafter-the Law; the Law on the Digital Republic). It was this Law that made the main changes to the Code of Relations between citizens and the administration (Code des relations entre le public et l'administration – is a codifying act regulating the basics of relations between citizens and the administration in France, including the provision of public services (Talapina, 2019).

The Law establishes a general rule: information technologies should be at the service of every citizen, and their development should take place within the framework of international cooperation. Technologies should not harm either human person, or human rights, private life, or individual or public freedoms (Minulina et al., 2020; Gladilina et al., 2019).

In France, an important role in the protection of human rights in the provision of digital public services belongs to the Defender of Rights (Défenseur des droits), a position, similar to the Commissioner for Human Rights in Russia. In his 2019 report "Dematerialization and inequality of access to public services" the idea is highlighted that dematerialized (electronic) public services remain public services, and therefore electronization should not violate the basic principles of public services. The main thing is that the Defender proposes to introduce a norm on relations between citizens and the administration into the Code, which would preserve the multiplicity of ways of accessing public services so that no public service becomes available exclusively in electronic form (de Montecler, 2019). Earlier, in final report No. 18-26 of 31.10.2018, the Defender expressed concerns about the next generation Prefectural Plan, which provides for the elimination of admission to the prefecture for obtaining a passport. This service is supposed to be transferred completely to an electronic format. At that, related service centers will be created. The defender insists on a transitional period when the electronic and paper formats of the service coexist, as well as on state assistance to persons who do not have digital skills (Law No 2016-1321 of October 7, 2016).



The results of the comparison of organizational and legal decisions related to the implementation of digital platforms and services in the public services sector in Russia, Great Britain, and France are presented in Table 1.

Table 1. Comparison of organizational and legal decisions

Country	Legal and regulatory framework (existence of a basic law)	Organizational decision
Great Britain	-	Unified digital platform for the provision of public services
France	Law on the digital republic	Various digital public services
Russia	-	Various digital public services

DISCUSSION

In the legal regulation of digitalization processes, it is important to ensure reliable protection of information and personal data, which is especially relevant in the context of the implementation of digital approaches in certain areas of public administration. S.M. Zubarev, A.V. Travin, and A.I. Frolov, studying delictual liability for damage caused by managerial decisions obtained through SIS, also refer to the fact that making a managerial decision with the transfer of relevant information through SIS creates a threat of unauthorized access to information, information leakage, and disclosure of personal data, which may violate the protected interests of citizens and organizations (Zubarev, Travin, & Frolov, 2020).

Regarding the analysis of the problem related to the legal protection of violated rights caused by errors in the operation of automated systems, Russian scientists, guided by the examples of already established judicial practice, raised the issue of state responsibility for making a "malicious managerial decision" (Zubarev, Travin, & Frolov, 2020). At that, it was noted that this is a significant legal risk due to the adoption and implementation of a state managerial decision in the context of digitalization.

It also seems fair the statement that the receipt of a public management service should be part of the state concept of service state policy, and should comply with international norms that are mandatory for Russia, as well as be realistic, specific, effective, and transparent for monitoring its implementation (Pechenkin, 2020).

In this regard, the proposal to introduce provisions providing for the right of citizens to choose and receive appropriate public services using digital services, as well as the possibility of obtaining appropriate services in digital form as a principle of public service (Bulgakov & Brosalina, 2021), into the law "On the organization of the provision of state and municipal services" seems quite reasonable.



It is also important to increase the level of public knowledge concerning the development and operation of automated information systems. The lack of transparency in the existence and functioning of automated systems gives an illusory character to the rights to challenge an unfavorable decision, and search for a meaningful means of legal defense (Bulgakov & Brosalina, 2021).

It is also necessary that all digital technologies, used in the process of providing public services are automatically included in the corresponding standard of administrative regulations for the provision of public services (Pulyaevskaya & Yakimova, 2020). In this regard, it is noted that the legislation, including the provision of public services, becomes more complex when digital elements are introduced into it, including technical thematic terminology "translated" into legal language (Bulgakov & Brosalina, 2021).

In this regard, researchers note the need for forming special competencies in public service providers for using digital technologies (Gasumova, 2019; Vinichenko et al., 2021).

Thus, the implementation of digital technologies in various segments of public and state life has become a global trend. With the development of digital reality, existing state institutions undergo a transformation, which is expressed in their transition to new ways of functioning through the use of digital platforms and services. The need to develop new approaches to solving the tasks facing the state makes digitalization a key factor in the implementation of public administration at the present stage.

Conclusion

Based on the conducted research, and taking into account international experience, conclusions are drawn concerning the need for further modernization of the public services system in Russia in the context of digitalization by solving the identified organizational and legal problems.

The main priority in the development of legislation on the provision of public services is the need for legal expertise of digital platforms implemented into the service activities of state bodies for compliance with legislation to ensure the rights and legitimate interests of citizens and organizations that use these services. Thus, the hypothesis of the study is proved.

The prospects for further research in the framework of the topic touched upon in the presented article are seen by the authors in narrowing the research focus by concentrating on an analysis of the impact of digitalization on the legal regulation of



public services for certain categories of consumers, namely, socially vulnerable citizens, small and medium-sized businesses, and the self-employed. The limitation in the application of the present study outcomes depends on the development conditions of public services digitalization level in countries with a legal system different from Russian.

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