

# Modern legal problems of organization of e-government

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Key words: e-government, legal problems, documented technologies, registration of information resources, civil servants, electronic document circulation.

## ABSTRACT:

This article examines legal aspects of organization of e-government. Special attention is paid to the analysis of essential challenges and approval of the appropriate methodology for analyzing and determining the structure and level of competencies of civil servants that necessary to ensure the achievement of the goals of establishing an “e-government” and other suggestions are given as solutions in this sphere.

Açar sözlər: elektron hökumət, hüquqi problemlər, sənədləşdirilmiş texnologiyalar, informasiya resurslarının qeydiyyatı, dövlət qulluqçuları, elektron sənəd dövriyyəsi

## XÜLASƏ:

Bu məqalə elektron hökumətin təşkilinin hüquqi aspektlərini təhlil edir. Başlıca problemlərin təhlilinə, habelə elektron hökumətin yaradılması məqsədlərinə nail olmaq üçün dövlət qulluqçularının zəruri səlahiyyətlərinin struktur və səviyyəsinin araşdırılması və müəyyənləşdirilməsi ilə əlaqədar müvafiq metodologiyanın təsdiqlənməsinə, həmçinin bu sahədə həll üsulu kimi digər təkliflərə xüsusi diqqət yetirilir.

Ключевые слова: электронное правительство, правовые проблемы, документированные технологии,

регистрация информационных ресурсов, государственных служащих, электронный документооборот.

## РЕЗЮМЕ:

В этой статье рассматриваются правовые аспекты организации электронного правительства. Особое внимание уделено анализу проблем и подтверждение соответствующей методологии для анализа и определения уровня компетенции государственных служащих, который необходим для создания и утверждения электронного правительства и другие предложения рекомендованы в данной статье.

Ключевые слова: электронное правительство, правовые проблемы, документированные технологии, регистрация информационных ресурсов, государственных служащих, электронный документооборот.

Undoubtedly, a number of problems arise in the way of introducing such a large-scale system as “e-government” into the social and economic life of any country. First of all, it should be noted that the problems upon the transition to “electronic government” as a whole, can be divided into the following main groups: organizational and legal problems, technological problems, methodological problems, information problems, financial and subjective problems. . Developing an effective online public administration or e-administration means balancing the needs of two constituent groups: one external- the citizens or the customers, and one internal-staff

and management, or the administrative back office. (1, p. 48)

In the most general view, main legal problem is the imperfection of the regulatory legal framework, or insufficient understanding of the texts of normative legal acts themselves, since the existing legal norms still do not completely allow the replacement of management documents in paper form with electronic ones having the same legal force. A certain bias regarding the reliability of electronic documents often leads to the presentation of excessive requirements for their protection. It follows that the legal regulation of information and communication technologies should be based on the following basic principles: ensuring the rights of citizens to freely obtain information from public information systems; publicity and openness of the development of regulatory norms by involving the public in the preparation and discussion of various projects; creation of equal conditions and elimination of monopolism in the considered sphere; creation of appropriate legal conditions for the use of electronic documents in public administration.

The implementation of these principles is recommended to apply the following key areas: the development of new laws that supplement and develop existing provisions in the considered area; development of by-laws and leading documents ensuring effective enforcement of existing legislation. At the same time, it should be emphasized that at this stage most of the developments in the field of informatization and establishment of "e-government" do not give an answer to the key question, which tasks to solve in our country in general and its regions in particular, require a deep informatization of the sphere of public administration.

Technological problems are related to low documented technologies, the lack of descriptions of many technological processes, and the weak study of technological transitions. When moving to the use of ICT for government-related transactions, an electronic equivalent is needed to a signature, as used in paper-based systems to verify receipt of a welfare payment or to sign a cheque. (4. p,22) Currently, there is a lack of highly skilled technologists, which in turn leads to a lack of understanding of the essence of information technology, or there is a substitution of concepts. As a result, in-

formation systems won't be coordinated with each other because of the lack of technological, temporary and other types of compatibility of such systems. Methodological problems affect the issues of methodological support of the established programs for the development of services in the field of information and communication technologies. Although some methodical guidelines exist, they should be formed at a faster pace.

Information problems concern the state registration of information resources, as well as the format and functions of the state register. Implementation of a particular strategy requires automation, taking into account the functions of storing so-called information about information resources. An essential improvement was the centralization of the maintenance of information systems in the standard terminology, the forms of documents, certain classifiers and notation systems. Nevertheless, the evaluation of the websites of the executive bodies shows an insufficient level of quality of this information resource, which also requires the strengthening of methodological support.

Financial problems are primarily related to the structure of costs for informatization, with the need for targeted budgeting and improvement in this direction of the budgetary classification. In general, costs are foreseen for capital investments; acquisition of computer facilities, software and hardware; training of specialists; operation of information systems. At the same time, the acquisition of information resources, training of users, costs for operation remain beyond the scope. Therefore, it is required to refine the budget classification in terms of revenues from informatization and expenditure items. Also, it should be noted about the need to maximally open tenders for the supply of equipment, software and other works.

To the subjective problems it is necessary to attribute the reluctance to abandon the established practice of paperwork. It is still difficult to talk about the full implementation of such a system, since the first persons of the organization are not ready to use it for many reasons. . But they are the ones who are able to feel to the maximum extent the advantages that the transition to a more efficient mode of work gives, and, thereby, affect the motivation of subordinates. It should be noted that while there is no personal interest of the heads of various

departments, ordinary employees easily find opportunities to slow down the implementation of the system and convincingly justify its inefficiency. The overcoming of subjectivity by the first persons is achieved by their involvement at the stage of setting the task of designing a particular system and adapting it for the needs of a particular body.

Moreover, another important problem is connected with the unsatisfactory level of qualification of civil servants in the process of establishing and functioning of “electronic government”.

In conditions of informatization of government institutions and transition to electronic document circulation, the professional training of employees of public administration bodies in the use of modern information and communication technologies and the methodology for assessing their qualification is of particular importance. State officials specially outlines the need for training and attestation of civil servants in the field of computer technology in the number of assignments.

According to experts, in our country there is a staffing problem in the field of “e-government”, since experts immersed in subjects (consultants, analysts, people who understand the subject area, able to set a task, and not just programmers), across The Republic of Azerbaijan and its regions are few. The recruitment of such people with special knowledge in this area is difficult, which in turn significantly reduces the effectiveness of activities to form “e-government”.

The use of information and communication technologies in public administration bodies without changing the principles of the organization of administrative processes cannot bring the expected positive consequences. In this regard, with the exception of the traditional powers necessary to perform routine duties, civil servants involved in e-government projects must have other powers in various fields (harmonious management of the development of all parts of the e-government system, modeling of the main administrative processes with the purpose of their analysis, optimization and identification of information needs, management of projects for the creation and implementation of “electronic government”; risk management and organizational changes associated with the use of information tech-

nology in the business).

It should be emphasized that the professional development of civil servants is not aimed at developing competencies to improve overall performance and effectiveness of activities by transforming administrative processes based on the use of the potential of information and communication technologies. The key reasons for this situation are:

- lack of methods that approved at the national level for disclosing the structure and level of authority objectively necessary in the transition to “electronic government”, as well as the practice of their application;
- lack of the practice of creating programs of professional development and evaluating their effectiveness and efficiency leaning, based on an assessment of the change in the degree of compliance of the powers of civil servants to the required level;
- insufficient formation of a uniform information resource on the scope of advanced training (legislation, methodologies, various training materials, analytics, specialization of educational institutions, etc.).

In order to correct the current situation and eliminate the causes of its occurrence, it is necessary to undertake the followings:

- to approve the appropriate methodology for analyzing and determining the structure and level of competencies of civil servants necessary to ensure the achievement of the goals of creating an “e-government”;
- to point out the need to apply this methodology when confirming the need for professional development of civil servants and the formation of appropriate programs;
- to establish passing of attestation by civil servants due to the fact that their level meets the requirements identified by the methodology.

Solving these problems will provide an opportunity to effectively implement the strategy for the formation of the information society and “e-government” in our country, to improve the quality of the entire system of public administration. Therefore, an integrated understanding of strategy, which brings together the key elements of the market and the resource-based view that are relevant for success, should qualify as a vital basis for strategy formulation, especially in the field of e-government. (2. p, 50)

Thus, the main reason of the need for changes in the regulatory framework is primarily the process of transition from paper to electronic document circulation. In the environment of lawyers there are constantly quite fair disputes about how to determine the electronic sight of paper records management. Moreover, there is a need to introduce amendments and additions to the laws on the protection of personal data of citizens, to specify the extent of the spread of state secrets, to change the requirements for storing and exchanging data electronically, and so on.

It is necessary to note once again that the basis of the activity of “e-government” is both interdepartmental electronic interaction of all levels, and interaction of executive authorities with various actors. At the same time, in electronic databases, information which belongs both to the state represented by its bodies and to citizens is collected, processed and systematized. Governments must achieve innovations in their systems, institutions and processes in order to achieve tangible results and have a positive impact on the lives of citizens. (3. p, 12) Particular importance in resolving the collisions that arise in the process of implementing the functions of “electronic government” between state bodies and citizens, acquires the correct definition of information that is received, stored, processed, transferred between participants involved in the process of electronic interaction. For example, no law has been adopted regarding information classified as official secret of state bodies. In this regard, it seems necessary to legislatively fix the status of information containing information constituting an official secret, as well as the degree of protection of this information. Otherwise, the execution of the function of “electronic government” will be difficult.

We will note also that interdepartmental and inter-level interactions of executive authorities are of a “contractual” nature, agencies do not have access to the information necessary for their activities to be fully operational in practice, collected by other agencies. Moreover, various technical failures form wrong perception of information. It is known that, automation of executive bodies took place at separate times, at diverse levels and by means of various mechanisms. At the same time, each executive body applies its own regulations.

Hence, there are certain problems: in one body there is a full electronic document flow functions, in the other, “manual” data entry is used. Since the implementation of electronic interaction is not so much a technical problem as an organizational one, it is not just about transferring public services to the electronic form, but about changing the complex sequence, the interconnected chain of administrative processes that provide such services.

#### REFERENCES:

1. Benchmarking E-government: A Global Perspective. United Nations— DPEPA, N.Y.: 2002, 48 p
2. Bernd W. Wirtz & Peter Daiser, E-Government Strategy Process Instruments, 1st edition, September 2015.
3. Dennis Anderson, Robert Wu, June-Suh Cho, Katja Schroeder, E-Government Strategy, ICT and Innovation for Citizen Engagement, Springer-Verlag New York, 2015.
4. Breaking Barriers to e-Government. Overcoming obstacles to improving European public services. Modinis study Contract no. 29172. A Legal and Institutional Analysis of Barriers to e-Government Draft Deliverable 1b 16/08/2006.