ИССЛЕДОВАТЕЛЬСКАЯ СТАТЬЯ

Правовые аспекты цифровизации государственной службы как способа повышения ее эффективности

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DOI: 10.22394/2070-8378-2022-24-5-27-29

Аннотация: В период формирования мирового тренда антиглобализации Российской Федерации крайне важно уделять пристальное внимание вопросам, связанным с цифровизацией и цифровой трансформацией нашего государства. Несмотря на тот факт, что большинство сфер общественной и экономической жизни уже успешно оцифрованы, в сфере государственного администрирования с законодательной точки зрения остаются пробелы. Цифровизация является одним из основных направлений развития современного общества. В его пользу говорят многочисленные научные работы и компетентные мнения. Это и положительное влияние, и потенциальные выгоды для экономики, и информатизация общества в целом. Некоторые из нововведений уже внедрены и успешно применяются на практике. Стоит отметить, что цифровые технологии универсальны, можно использовать их в самых разных сферах. Например, они уже давно вошли в повседневную жизнь (внедрение электронных больничных, трудовых книжек и т.д.). Цифровые технологии применяются для повышения эффективности органов государственной власти, а также для повышения качества работы с гражданами. Они позволяют оперативно выявлять потребности населения и способствуют достижению более четкого стратегического планирования и реализации политики в развитии этих сфер.

Ключевые слова: цифровизация, цифровое правительство, цифровые отношения, цифровое государственное управление, цифровой контроль, онлайн-приемная, ESG-трансформация
Дата поступления статьи в редакцию: 29 марта 2022 года.

Digitalization of the civil service: legal aspects to improve its effectiveness

RESEARCH ARTICLE

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Abstract: Along with the growing role of the new trend of anti-globalization, the Russian Federation needs to pay particular attention to issues of digitalization and the digital transformation of the state. Despite the fact that most areas of social and economic life have already been successfully digitized, there are still gaps in public administration in terms of the legal framework. Digitalization is one of the main directions in the development of modern society. Numerous scientific works and competent opinions speak in its favor. This includes a positive impact, potential benefits for the economy, and the informatization of society as a whole. Some of the innovations have already been implemented and are being successfully applied in practice. It should be noted that digital technologies are universal, they can be used in a variety of areas. For example, they have long been included into everyday life (the introduction of electronic sick leave, employment history, etc.). Digital technologies are used to improve the efficiency of public authorities, as well as to improve the quality of work with citizens. They allow us to quickly identify the needs of the population and contribute to the achievement of more precise strategic planning and policy implementation in the development of these areas.

Keywords: digitalization, digital government, digital relations, digital public administration, digital control, online reception, ESG transformation
Received: March 29, 2022.

Introduction

Digitalization is one of the primary areas of modern society's development. Many scientific papers and competent opinions argue in its favor. This includes the positive impact and potential benefits to the economy, as well as the informatization of society as a whole. Some of them are already implemented and successfully used in practice. It is worth mentioning that digital technology is versatile and if we operate it wisely, we can use them in many different spheres of our lives. For example, they have long been part of our everyday life (the introduction of electronic sick leave, service records, etc.). We can use digital technologies in public administration and apply all its positive features to improve the efficiency of public authorities, as well as to enhance the quality of work with citizens. Reducing the costs associated with management may lead to global changes in the country, from innovative development in individual industries to the rise to leadership positions on the world stage [Inozemtsev, 2021].

Digitalization in Russia

In Russia, the authorities are working to identify and eliminate the constraints that hinder these improvements, comprehensively and in different directions. According to reports, the state will allocate more than one and a half trillion rubles to implement all planned activities. The authorities will invest these funds in six federal programs, namely: «Regulatory Regulation of the Digital Environment», «Information Infrastructure», «Human Resources for the Digital Economy», «Information Security», «Digital Technology», and «Digital Public Administration». The Ministry of Digital Development, Communications and Mass Media of the Russian Federation (Minkomsvyaz), the Ministry of Economic Development of the Russian Federation (Mineconomrazvitiya), the Skolkovo Foundation, the Digital Economy ANO, and other state executive authorities affected by the potential changes, should be executive bodies for program implementation[1].

The Russian Federation can achieve the goals mentioned above, as it is among the countries with the highest growth rates of digital technology use and is ahead of the average indicators of other countries. This level of advancement in digitalization can be explained, on the one hand, by the needs of citizens and their more efficient satisfaction through digital technologies, and on the other hand, by the interests of public authorities to improve the management process.

No doubt that the digitalization of this sector is crucial, and the need for such a transformation will only increase. And recent world events, such as the pandemic, only accelerate this process. But it is worth noting that the executive branch, and, in particular, its bodies, perform in a specific way, which does not allow us to speak of a unified standard solution.

In each case, we need to consider all the features of the regulated sphere to get the declared benefits. Moreover, we need to consider the negative aspects and risks that may arise when implementing the innovations or may become an obstacle to forming the effective public administration.

Modern realities

In the conditions of unprecedented international sanctions on the Russian Federation in February-March 2022, the Russian Government made operative decisions to exempt business entities from scheduled inspections by the regulatory authorities. Due to these actions, the Russian economy adjusted to modern realities. In May 2022, the control and supervisory authorities conducted an update of the projects implemented under the «Control and Supervision Reform» of December 21, 2016 and proposed to the legislator the implementation of such concepts as «digital control» and «electronic inspector»[2].

It should be noted, that the practice of online inspections has previously been successfully implemented and tested by the Federal Service for Labor and Employment of the Russian Federation. By using online applications or web pages, citizens can obtain explanations on how the labor legislation is implemented, as well as learn about the pre-trial order to appeal against the actions of the state inspector.

The automation and algorithmization of the response from state bodies to citizens' appeals are crucial to both eliminate the consequences of sanctions and implement the existing Strategy for Russian ESG transformation[3].

Legal limitations

Analyzing the existing legislative limitations of digitalization concerning the different levels of government and the functions carried out by public authorities, we will see that they are mostly similar. Among the most widespread are the following restrictions:

a) There is no single terminological apparatus for the definitions of digitalization and digital technology, as well as a unified legally regulated mechanism for their implementation and use. At this stage, we are still observing the creation and development of unified standards in this area. If we are to cope with this, we need to create the specified terminological structure, which will later form the basis for the rest of the regulatory framework, allowing us to eliminate internal contradictions between the individual acts.

b) There is no defined responsibility for legally significant actions (inactions) taken by government representatives using digital technology, and in some cases, by digital technology in automatic mode without the participation of these subjects; for example, for actions related to collecting and processing data (the Internet of things, Big Data, etc.).

1 Order of the President of the Russian Federation of May 09, 2017, No. 203 «On the Strategy for Developing the Information Society in the Russian Federation for 2017–2030».

2 Decree of the Government of the Russian Federation of October 22, 2021, No. 2998-r «Strategic Direction in the Field of Digital Transformation of Public Administration».

3 Decree of the Government of the Russian Federation of October 29, 2021, No. 3052-r «Strategy for the Socio-Economic Development of the Russian Federation with Low Greenhouse Gas Emissions Until 2050».

c) There is no responsibility for the actions of the authorities taken by the results of digital technologies, such as artificial intelligence.

We can solve these obstacles by taking the following steps:

- introduce digital technologies in the activities aimed at the socio-economic development of macro-regions, namely, in the monitoring and supervision of this direction as part of strategic planning;
- implement digital technologies in the Government of the Russian Federation to carry out the measures for monitoring and supervising the performance of federal executive bodies;
- integrate the technologies that use Big Data and Internet resources in the authorities' activities to monitor and supervise specific industries.
- We can highlight two primary areas aimed at identifying and overcoming the limitations at the legislative level, both in our country and at the international level:
- assessment of the advantages and disadvantages of digitalization for public administration;
- gradual inclusion of digital technology in the activities of the authorities to obtain experience and create the optimal strategy for their implementation [Petrov, Burov, Shklyaruk, Sharov, 2018]

Conclusion

Digitalization is one of the essential areas for developing the public administration system, which is considered a driver in improving the accessibility and quality of public services. In the Russian Federation, the introduction of digital technologies and the use of modern technical methods in the implementation of government tasks expresses Russia's strategic plan to take an advanced position among the world's leading economies. In this regard, digitalization is not just a trend but a prerequisite, an instrument that contributes to the realization of this task [Report: «Digital Government 2020. Prospects for Russia», 2016].

Modern technology is rapidly developing and becoming part of our everyday lives. In this regard, the legal framework and strategic planning no longer condition for the creation and development of these legal relationships, and the technology itself begins to change the legal framework. The advantages in public administration that can be derived from the use of digital technologies and related legal regulation include:

1. Reducing the cost of maintaining civil servants (by reducing the number of employees), increasing the efficiency and quality of public services provided to the population.

2. Reducing the corruption due to the automation of interaction processes with public authorities and the introduction of a unified register of control and supervision activities.

3. Lowering the bureaucratic costs, as well as reducing the influence of the human factor in the implementation of public functions (e.g., low competence of employees).

4. Promptly identifying the needs of the population and achieving more precise strategic planning and policy implementation in the development of these spheres.

5. Ensuring the possibility for appealing against the actions/inaction of control and supervisory bodies by introducing mechanisms of «digital control», «electronic inspector», and «online offices».

6. Providing transparency of interdepartmental interaction between state and municipal supervisory bodies through the implementation of continuous real-time monitoring with access for all citizens, which, among other things, will affect the impossibility to falsify these data.

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Для цитирования: *Колесников Ю.А.* Правовые аспекты цифровизации государственной службы как способа повышения ее эффективности. *Государственная служба*. 2022. № 6. С. 27–29.

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For citation: *Kolesnikov Yu.A.* Digitalization of the civil service: legal aspects to improve its effectiveness. *Gosudarstvennaya sluzhba*. 2022. No. 6. P. 27–29.