

New Information Technologies in the Development of Digital (Electronic) Democracy in Russia

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Abstract

This study is aimed at solving such a fundamental task as the use of modern information technologies in the development of electronic or digital democracy in Russia, as the main direction of the strategy for supporting democratic institutions and democratic processes and spreading democratic values. E-democracy is the basic foundation of the information society, accumulating a number of traditional and innovative tools that are successfully used in the democratic institutions of the modern state in the regulation of socially significant relations. The development of modern democratic processes is based not so much on public authorities, but on civil society, which is gradually transforming into a digital society. For this reason, the issue of searching for and actively implementing mechanisms that contribute to the development of information technology infrastructures, communication systems, and increasing the information literacy of the population seems to be relevant.

Keywords: democracy, digital democracy, digitalization, Internet, electronic state, scientific and technological progress, information and communication technologies

1. Introduction

The relevance of this study is predetermined by the current intensive development of information technologies that are widely used in socio-political processes, the need to improve democratic mechanisms in Russia in the context of the opportunities provided by the information society.

Modern information and communication technologies ensure the rapid dissemination of information of a political nature, a broad public discussion, and the mass participation of the electorate in public activities.

Digital (electronic) democracy is interconnected with good governance, predetermining its effectiveness, efficiency, transparency and accountability as a means of organizing and implementing public authority in electronic format.

The formation of a digital state and the transformation of law in the context of digitalization are a response to the construction of a new time and a new space [1], which we have been observing in recent decades, when there have been significant shifts in the perception of temporal characteristics and the widest expansion of space for both each person and society as a whole. Of course, these phenomena, on the one

hand, open up new opportunities, but on the other hand, they force the transformation of those areas that have not undergone major changes for centuries, and therefore crisis manifestations are possible, caused both by the unwillingness of society to perceive a new digital reality, and the inability to calculate all threats and risks. The concepts of “digital state”, “digital legal environment” are not yet well-established and cause discussion.

In the Russian Federation, there is currently no basic law that would define the concept of a digital state, therefore, only some of its elements are enshrined in the regulatory and legal way [2]. Naturally, this affects the legal sphere. In this regard, doctrinal sources are of great importance.

The generalization of various points of view regarding the digitalization of the state-legal sphere allows us to single out three fundamental approaches.

First, instrumental-technological approach. In this case, digitalization is the use of information and communication technologies by the legislative, executive and judicial authorities, as well as a new way of interaction between authorities and the population.

Secondly, the organizational and managerial approach. In this case, the digital state is considered as a way of organizing state power that meets modern challenges, which is based on the use of information and communication technologies, as well as a new form of information relations between such entities as “state - state”, “state - business”, “state - citizens”.

Thirdly, a procedural approach that advocates the idea of the emergence and development of a new form of democracy - digital democracy, in which the maximum participation of citizens in public administration, in solving local issues, for example, through online voting, becomes possible.

In any case, there is and will be a transformation of law in the following directions.

The first is to ensure the development of the digital economy. According to modern estimates, by 2025 from 40% to half of GDP in developed countries will be created within the digital economy, and this requires the unification of disparate technologies to manage production processes and the environment, which requires appropriate legal support, advantages that were not available previously. The advantages of this area include the emergence of a new source of GDP growth, increasing the efficiency of interaction between the state and citizens, more efficient use of existing resources and the creation of new jobs, reducing the level of fraud in obtaining public services, obtaining Big Data for analyzing social processes, etc.

If we take the Russian experience, then 2017 became a turning point in this direction, when the Strategy for the Development of the Information Society in the Russian Federation for 2017-2030 was first adopted [3], and then the program “Digital Economy of the Russian Federation”, in which platforms and technologies, where competencies are formed for the development of areas of activity, and an environment that creates conditions for the development of platforms and technologies and covers regulatory regulation, information infrastructure, security and personnel, were named among the levels of the digital economy [4].

These programs are quite costly at the first stage. Thus, in the Russian Federation in 2019-2021, 101 billion rubles were allocated from the federal budget for the federal

project “Digital Public Administration”, implemented as part of the national program “Digital Economy” under the supervision of the Ministry of Communications and the Ministry of Economic Development [5], but then it should lead to a sharp decrease in administration costs and the possibility of transferring these funds to other areas, including the social sphere.

Secondly, experts believe that now there is a unique opportunity to put into practice the principle of popular sovereignty, because there have never been such conditions for improving the image of the modern information society. This is manifested in the participation of the population with the help of information and communication technologies in making government management decisions and improving their quality.

Thirdly, the development of the digital state implies a high level of standardization. So, in 2015, the Federal Law “On Standardization in the Russian Federation” was adopted, in the second chapter of which the main directions of the state policy in the field of standardization were determined. This means that every financially secured document of a strategic nature should now contain a section on normative and technical regulation in the field of standardization [6]. The legal sphere will also undergo standardization, while unification, harmonization and reception were previously priority areas.

Fourth, digitalization is somewhat changing our understanding of human rights. In 2011, based on a report by UN Special Representative Frank La Rue, which was compiled after the Syrian authorities shut down the Internet throughout the country on June 3 to prevent the opposition from coordinating their actions [7], the UN adopted a resolution stating that the Internet has become an indispensable tool for the realization of human rights, the fight against inequality and the development of progress, but at the same time, it can be used for copyright infringement, cyber-attacks to take over data, etc.

Fifthly, transformations in the legal sphere are associated with the introduction and development of the use of electronic digital signatures. This introduces significant changes, for example, in the field of civil law. Back in March 1995, the American Bar Association developed a model contract for electronic data interchange between trading partners, and already in May of the same year, the first electronic digital signature law was passed in Utah. In 1997, the legislative consolidation of the electronic digital signature took place in Germany, and in 2000 - in France. In 1999, the European Union Directive on Electronic Signatures [8], repealed on July 1, 2016, was adopted. In 2000, the Interparliamentary Assembly of the CIS Member States adopted the Model Law on Electronic Digital Signature [9]. In 2001, the UNCITRAL Model Law on Electronic Signatures appeared, the purpose of which was to help states in establishing a system for the use of electronic digital signatures [10].

The use of electronic digital signature takes place considering the specifics of national legal systems. For example, in the UK, the principled position of limited state intervention in private affairs has led to the rejection of strict state regulation of electronic document management. In France, on the contrary, the electronic signature was enshrined in the norms of the Civil Code.

This is not a complete list of issues that arise in the process of transforming the legal sphere caused by the digitalization of public relations.

2. Materials and Methods

The purpose of the study is to analyze, generalize and systematize new information technologies in the development of digital (electronic) democracy in Russia, as well as to develop recommendations and proposals for improving the legal regulation of citizens' participation in the implementation of forms of direct democracy in the information society.

The declared topic is interdisciplinary in nature, covering a wide range of scientific and practical areas, in particular, information, constitutional, administrative law. Digitalization in the modern period translates all social processes into cyber-physical space, forming a new scientific and technological paradigm based on digital systems. An interdisciplinary discussion of the most significant issues of transformation and digitalization of the legal regulation of public relations is an ideal platform for solving the problems of regulatory uncertainty in certain areas of the formation of the information society in Russia and abroad. The scientific novelty of the study stems from the lack of systematic scientific knowledge about the mechanisms of e-democracy in Russia, the trends and patterns of its development in the digital age, which are supposed to be filled in the process of the project.

The following results are expected during the study:

- clarification of the nature, necessity and limits of digital (electronic) democracy in Russia;
- definition of the system of digital (electronic) democracy, the relationship of its elements;
- identification of existing problems in the functioning of digital (electronic) democracy in Russia, development of proposals for overcoming them;
- determination of trends in the development of digital (electronic) democracy from the standpoint of domestic and foreign democratic experience.

The methodological basis of the study is made up of general scientific (dialectical, analysis and synthesis, deduction and induction, formal-logical, structural-functional, etc.) and private scientific (comparative legal, historical and legal, formal legal, sociological, statistical, empirical and etc.) methods of scientific analysis.

The significance of the planned results of the study is predetermined by their relevance and novelty, a real contribution to the development of the theory and practice of democratic rule in the country at the federal, regional and municipal public levels. The introduction of e-democracy mechanisms at all levels of government and civic participation in modern Russia will help bring government and society closer together, enhance civic participation in the public sector and social and political decision-making, make authorities more accessible and open to citizens, and create additional incentives for the development of a partnership model interaction between authorities and civil society.

3. Results

The issues of applying new information technologies in the development of digital (electronic) democracy in Russia are interdisciplinary. Digitalization in the modern period of development of society and the state translates all social processes into cyber-physical space, there is a transition to a new scientific and technological paradigm based on digital systems. On the one hand, various physical systems continue to function, and on the other hand, all this goes into the digital space.

The scope of information and communication technologies is constantly expanding and today reaches a large scale that previously seemed unrealistic. Information and digital technologies are increasingly penetrating into modern life, becoming a powerful lever for the development of all areas: the economy, production, logistics, trade, education, medicine, etc. Legal science, in turn, introduces such concepts as digital democracy, electronic voting, online campaigning, information space, network communications, teledemocracy, digital justice, electronic services [11], etc. For the harmonious development of modern society and the state, there is a growing need for the digitalization of the institutions of modern democracy.

E-democracy is understood as such a form of organizing the socio-political activities of citizens, which provides a qualitatively new level of interaction between citizens with each other, with state authorities, local governments, public organizations and commercial structures through the widespread use of information and communication technologies. In this sense, e-democracy should be clearly separated from e-government, which is understood as a new form of organizing the activities of public authorities, providing a qualitatively new level of efficiency and convenience for organizations and citizens to receive public services and information on the results of the activities of public authorities through the widespread use of information and communication technologies.

E-democracy, along with e-government, is one of the basic foundations of the information society.

Internet voting, electronic polls of citizens, provision of electronic public services, electronic collection of signatures (petitions), electronic consultations, electronic petitions, electronic justice, etc. become the means of e-democracy. The possibility of expanding the limits of direct democracy instead of representative appears, the ways of communication between government officials and citizens are simplified, the processes of making official decisions become more transparent through e-democracy.

There is a trend of a more active presence of government representatives in social networks, minimizing the formalism of their communication with citizens, allowing the possibility of direct contact with the official through personal messages on social networks instead of making an appointment. We can confidently talk about the development of a new modern form of democracy, in which citizens take part in managing the affairs of the state through information and communication technologies.

The development of e-democracy observed in modern times is associated with the general processes of digitalization of society and the state, the steady transition of

political and legal phenomena to the digital space, to a new scientific and technological paradigm based on digital systems. At the state-power level, there is a transition from traditional democracy to digital (electronic) forms of implementing the power of the people.

The phenomenon of digital or electronic democracy, although it is relatively new, despite the fact that traditional democracy has been developing for centuries, nevertheless, has received its interpretation in legal science, primarily constitutional law, which has developed many definitions of this concept.

4. Discussion

The concept of electronic (digital) democracy is considered from different positions.

In its most general form, e-democracy is understood as “the exercise of power by the people in electronic form, or, even more simply, as traditional democracy embodied in electronic form” [12]. It is impossible to characterize digital (electronic) and traditional democracy in antagonistic terms, because they pursue the same goal - the exercise of power directly by the people.

E-democracy is a set of forms and means that allow the use of information technology to empower any citizen using information and communication technologies. E-democracy is characterized by “online holding of various campaigns, a high level of self-organization of the online community against the background of the absence of significant social differences between members of the community, online human rights activities, and the use of the electronic environment as a means of disseminating political information” [13].

E-democracy is “designed to expand and deepen the traditional forms of democracy (referendum and free elections) both by modernizing existing democratic procedures (for example, simplifying the organization of a referendum, organizing an electronic referendum and electronic elections) and by introducing fundamentally new democratic procedures (for example, “electronic government”, “electronic parliament”, political decision-making through electronic voting, etc.)” [14].

The main purpose of e-democracy is to attract the population to participate in political life [15]. E-democracy mechanisms should be implemented at all levels of government so that citizens can resolve issues of any scale - from renaming a street in a small village to federal issues (for example, raising the retirement age).

According to Ya.V. Antonov, “electronic democracy provides the population with real opportunities to initiate an effective dialogue with the state, based on the constitutional ideas of democracy” [16].

Digital democracy, “becoming a part of political reality, minimizes the gap between management structures and ordinary citizens, guarantees the latter access to information, participation in the management process” [17].

E-democracy refers to the electronic representation of democratic processes. We are talking about changes in the already existing methods of work of public authorities and local governments through the automation of processes, there is an optimization of some of their functions, carried out through information and communication technologies.

Digital (electronic) democracy is an evolutionary transformation of traditional democracy [18]. At the same time, the possibilities of digital (electronic) democracy in ensuring public participation in public spheres are much wider in comparison with traditional democracy:

- the access of citizens to legislative activities, information on the state of current affairs in the state is expanding;
- the effectiveness of the feedback from the authorities to the society is improved;
- the interest of citizens in the political process is manifested;
- citizens are given the opportunity to establish a form of self-control and interaction with the political institutions of society.

Today, we can confidently say that the development of information and communication technologies will lead to a complete restructuring of public administration systems. The construction of the electronic state is actively continuing. In order for the Russian Federation to be a highly developed, sovereign, prosperous state in the future, it is necessary today to keep pace with scientific and technological progress and safely introduce the tools of digital (electronic) democracy into the political fabric of the country.

Electronic or digital democracy is actively being introduced into the state practice of Russia, “accompanying the traditional institutions of democracy, strengthening the participation of citizens in the political life of society” [19]. We can confidently assume that in the future the tools of e-democracy will replace the mechanisms of exercising the power of the people that are familiar today. With the help of Internet technologies, large communities of citizens get the opportunity to instantly exchange information, free access to this information is provided for each interested person. Achievements of scientific and technological progress make it possible to organize a discussion and conduct a general vote on topical issues online and, based on the results of these votes, assign tasks for execution by state authorities and local governments.

5. Conclusion

To summarize, we note that even a brief analysis of the issue of introducing information and communication technologies into the system of socio-political relations allowed us to identify a number of problems and to offer evidence-based options for resolving them. Firstly, it seems necessary to abandon the use of clearly outdated information technologies in the implementation of direct forms of direct democracy, since their use complicates the process of updating and compatibility of digitalization tools. Nevertheless, the process of integrating new technologies should be approached with caution, without violating the principles of openness and transparency, according to which all applied technologies should be brought to all people in an understandable way. Secondly, it is important to develop regulatory frameworks that regulate the processes of integration and use of new digital technologies, the rights and obligations of the subjects of their use, the processes of digitization and storage of documents in electronic form. Thirdly, in our opinion, it is necessary to develop and include “Information technologies in the activities of public authorities” in the programs of professional education and retraining of lawyers of

special disciplines. Particular attention should be paid to the issue of technical equipment of public authorities and local self-government, including effective information security systems and the organization of generalized information repositories.

Digitalization significantly affects modern democratic institutions, which, on the one hand, contribute to this process, ensure it, but, on the other hand, are transformed under its influence. Significant changes have been outlined in the field of constitutional law, civil law, legal regulation of international trade, etc. Digitalization opens up new opportunities for the democratization of the state and legal sphere, more open interaction between various entities - states, international organizations, legal entities and individuals, reduces the cost of many procedures.

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