
The Interaction Between Civil Society And Public Authorities In Ukraine: Information And Telecommunication Dimension

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Abstract: The article deals with the study of the peculiarities of interaction between civil society and public authorities in the conditions of intensification of information and telecommunication technologies in Ukraine, which is the foundation for the formation of new ways of external reflection of civil society participation in state and municipal issues. The purpose of the article is to determine areas for improving the practice of interaction between civil society and public authorities; defining the concept of state power in accordance with the updated principles of democratization and globalization, determining specific recommendations for reforming the existing system of state regulation in Ukraine. The methodological basis of this article is a set of general and special methods of scientific knowledge: systematic analysis method, dialectical method, formal-logical method and structural-functional method and a number of empirical methods. The authors substantiate the forms of interaction between civil society and public authorities, which is institutionalized in: a) formal field in the form of: appeals of citizens to public authorities; public examination of the activities of public authorities; anti-corruption public examination of public authorities; functioning of public (expert) councils at public authorities, etc.; b) practical field through the provision of public services; consideration of citizens' appeals; functioning of the National portal of open data and electronic systems Prozorro, etc. To determine the current state of interaction between public authorities and civil society in the implementation of information and telecommunication technologies, it has been studied: specifics of the introduction of the idea of digital state in Ukraine as a condition for determining new interaction forms between civil society and public authorities; international standards, which define the principles of use of information and telecommunication technologies in relations between public authorities and civil society; specifics of providing electronic public services and consideration of electronic appeals of citizens. The article can be useful for practitioners and officials of the administrative apparatus, and also citizens with the appropriate level of legal conscience. In addition, certain aspects of the study can be used in subsequent developments in the socio-political field, the subject of which regards to the functioning of civil society. The novelty and originality of the study is that the article highlights the features of interaction between civil society and public authorities, under the circumstances the tendency of intensification of the use of information and telecommunication technologies.

Keywords: civil society, public authorities, interaction, information and telecommunication technologies, digital state, international standards.

INTRODUCTION

Determining tendencies in the process of transformation interaction forms between civil society and public authorities in the digital age are related to the initial delineation of established interaction forms of these subjects. Interaction of public authorities and civil society institutions is a required foundation for high-quality,

timely implementation of public authority functions. With regards to the essence and content of civil society, from the standpoint of a personalized approach, it is a manifestation of the responsibility of the socio-legal subject as a feature of its character in correlation with stable-volitional mechanisms formed in the process of interdependence of individuals, as a result of trans-theorization of socio-orientations, socionorms, socio-rules, socio-values (Pehnik, 2014: 56). At the same time, other approaches to the interpretation of civil society are substantiated in science: social, historical, complex, formal-dogmatic approaches, etc. (Bila-Tiunova, Bilous-Osin, Kozachuk, Vasytkivska, 2019: 758). It is relevant to articulate the idea of global civil society, which reflects not only the national specifics of the functioning of civil society, but also assumes the presence of the factor of globalization as a factor in its formation (Krishan. 2021; Carr, Norman, 2008; Griffiths, 2014).

In the political science literature there is no single approach to the interpretation of civil society and determining the role of state power in the formation of civil society, as it is proved that power belongs, on the one hand, to the state and on the other - allegedly belongs to civil society, which with the state create a united legal space and therefore must be equal participants in power relations within the social organism of the state. The source provisions that determine interaction between public authorities with civil society are the following: civil society as a certain level of social development of civilization interacts with the specific type of state, which is grounded on democracy and law; civil society, apart from the political science context, is a sphere of divergent interests and contradictions, where there is fierce competition for leadership and priorities, but the existence of legal norms and state institutions regulate spontaneous processes of civic society development; despite the fact that civil society is a sphere of self-regulation and autonomous interests, it is to some extent dependent on the state (Pehnik, 2009: 60).

As a result, it is possible to substantiate certain interaction forms between civil society and public authorities, which is institutionalized in: a) formal field in the form of: appeals of citizens to public authorities; public examination of the activities of public authorities; anti-corruption public examination of public authorities; functioning of public (expert) councils at public authorities, etc (On promoting the development of civil society in Ukraine, 2016); b) practical field through the provision of public services; consideration of citizens' appeals; functioning of the National portal of open data and electronic systems Prozorro, etc. At the same time, public authorities, using the advantages of information and telecommunication technologies, have the opportunity to create qualitatively new ways of interaction between both citizens and civil society, increasing the efficiency of management in general. These include electronic admission systems, an online calculator for calculating subsidies, an electronic taxpayer's office, the ability to track online transport, an electronic identification infrastructure: EDS and alternative electronic identification mechanisms (BankID, MobilID), etc (Karetna, Myloserdna, Ignatieva, 2020: 64). The necessity for a theoretical rethinking of the practically implemented interaction forms between public authorities and civil society institutions is the foundation to their further improvement and gradation.

To determine the current state of interaction between public authorities and civil society in the implementation of information and telecommunication technologies, it's appropriate to clarify: the specifics of the idea of digital state in Ukraine as a foundation for determining new interaction forms between civil society and public authorities; international standards, which define the principles of use of information and telecommunication technologies in relations between public authorities and civil society; specifics of providing electronic public services and consideration of citizens' electronic appeals.

RESEARCH METHODOLOGY

2.1. Research Methods

The problematic of determining the content and mechanism of practical implementation of interaction forms between public authorities and civil society, which are determined by the using of information and telecommunication technologies in Ukraine is actual, however, currently there is no comprehensive study, firstly, of evaluation of the impact of information and telecommunication technologies on the functioning of civil society, and, secondly, of determining the essence of its interaction with public authorities in the digital age at the present stage.

This article is the first to investigate the forms of interaction between civil society and public authorities as a systemic quality indicator of state functioning and an instrument of democratization processes in Ukraine. To consistently highlight the problem, it have been determined the meaningful blocks that characterize a homogeneous group of public relations with regard to determining the specifics of interaction forms between public authorities and civil society in the context of intensifying the use of information and telecommunication technologies, these are: the essence of the idea of the digital state in Ukraine as a condition for determining new forms of interaction between civil society and public authorities; international standards, which define the principles of use of information and telecommunication technologies in the relations between public authorities and civil society; specifics of providing electronic public services and consideration of citizens' electronic appeals.

In carrying out this study, general and special methods of scientific cognition were used: the theoretical-legal method, the empirical structural method and the system analysis method, methods of the expert evaluation, the general scientific methodology.

Theoretical methods (analysis, synthesis) allowed to determine and study the conditions and international standards of interaction between civil society and public authorities in the digital age as the main factors of their intensification at the national level.

The activity mechanism on providing of public electronic services and consideration of electronic appeals of citizens is studied on the basis of structural and system methods. The induction method was used to generalize socio-political factors for the purpose of research work on the implementation of the concept of a developed civil society in Ukraine. The process of justification a set of fundamental terminology used to determine the interaction between civil society and public authorities was carried out by the method of deduction.

2.2. Research Stages

The study was carried out in several stages:

Stage 1: A detailed analysis of the idea of the “digital state” as a prerequisite for the development of new interaction forms between civil society and public authorities in the period of tempestuous use of information and telecommunication technologies in all spheres of human life was carried out. Based on the results, theoretical and practical aspects of the study are determined; the research methods are chosen and the plan of the study is formed.

Stage 2: The international standards and trends in the functioning of modern civil society were defined, the specifics of the use of information and telecommunication technologies to involve civil society in public administration were highlighted.

Stage 3: The theoretical and practical levels of coordinate the procedures for providing electronic public services were analyzed, that allowed to determine disadvantages and further ways to improve the practice of their provision.

Stage 4: The specifics of consideration of citizens’ appeals submitted electronically were defined, which determined the specifics of interaction between civil society and public authorities.

Stage 5: The theoretical-applied conclusions were formed, the final results were generalized and systematized.

RESULTS AND DISCUSSION

3.1. The idea of digital state in Ukraine as a condition for determining new forms of interaction between civil society and public authorities.

Since 2019, the Ministry of Digital Transformation of Ukraine has been operating in Ukraine as a body of state power, the main purpose of which is to establish Ukraine as a digital state. (Official website of the Unified Portal of Public Services “Action”). The main functions of this specially authorized body in the field of information and telecommunication technologies include: introduction of electronic document management, development of citizens’ digital skills and digital rights, provision of electronic and administrative services; taxation of electronic identification procedures and involving of investments in the IT industry, etc. (Issues of the Ministry of Digital Transformation, 2019).

Significantly, that the concept of “Digital State”, contained in the strategic documents of the Ministry of Digital Transformation of Ukraine, and which is planned to be implemented by 2024, is a holistic idea, which involves the implementation of a set of structural elements, namely: e-government, the foundation of which is the implementation of management processes in the state with the help of information technology; cybersecurity, which is based on the fact that all public and private information must be protected from unauthorized use, through special measures to ensure the confidentiality and integrity of data; e-democracy, which should be achieved by involving citizens in governing the state through referendums, voting, public budgets, consultations and polls through information technology; electronic court, which is able to function with the help of electronic document management: online submission of procedural documents, exchange of documents between courts, institutions and participants in the trial, online consideration of individual cases; sectoral digitalisation (e-health, e-education); smart city model that should help solve the urgent problems of each city: integrated information systems solve transport problems, green technologies are introduced, each city has an affordable plan for development, development of industrial and natural capital. The implementation of certain elements of the digital state should be accompanied by the introduction of training programs for general and professional digital skills, which will enable citizens to learn basic digital literacy, as well as the provision of ubiquitous Internet, including coverage in rural areas (Project “Digital State” – “Action”).

The implementation of the main components of the idea of the “state of rule of law” is not only a strategic goal of the Ukrainian state, but also a prerequisite for the introduction of new interaction forms between civil society and public authorities. This is due to the fact that each subsequent stage of implementation of the idea of “state

of rule of law” in one or another way affects the citizens’ rights in the field of involvement in the management of public affairs through the use of information and telecommunication technologies.

3.2. International standards for the use of information and telecommunication technologies in relations between public authorities and civil society

The system of international standards with regard to the use of information and telecommunication technologies in the relations between public authorities and civil society consists of: a) in regard to the definition of interaction forms between public authorities with civil society and b) in regard to the use of information and telecommunication technologies at the state legal institutions.

The first group is comprised of: the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the European Social Charter (1996), the Convention on Access to Information, the Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), the Guidelines for public participation in political decision-making (2017) etc.

The second group should include, firstly, the Okinawa Charter of the Global Information Society (2000), in which the development directions of use of information and telecommunication technologies and formation of the digital state, ensuring of the citizens’ rights in a digital era are defined. For example, the provisions of the Declaration on European policy in the field of new information technologies (1999) rationalize the need to ensure the use of technologies in the field of informatization and communications through the possibility of obtaining public services and information from public authorities.

The European Parliament has also adopted strategically important documents with regard to the use of information and telecommunication technologies. This is the Directive “On the system of electronic signatures used within the Community” (1999), which establishes the legal and organizational foundation for the creation, circulation and use of electronic digital signature as a proper and sufficient means of personal identification during use the information and telecommunication systems in cooperation with public authorities, in cases where personal identification is required and the use of information and telecommunication means identification in traditional ways, such as a citizen’s passport.

At the same time, the decisions of the European Parliament and the Council of the EU set target blocks for the introduction of information and telecommunication technologies in practice plane, namely: connection and access to ultra-high-capacity networks, their use by all citizens and enterprises; promoting competition in the provision of electronic communications networks and related facilities, including effective infrastructure-based competition, as well as in the provision of electronic communications services and related services; promoting efficient, effective and coordinated use of radio frequency spectrum, open innovation, provision, accessibility and interoperability of services, as well as end-to-end connectivity; promoting the interests of citizens by ensuring the connection, wide availability and use of ultra-high-bandwidth networks, including fixed, mobile and wireless networks, as well as electronic communications services, providing the maximum benefit in terms of choice, price and quality through effective competition, supporting security of networks and services, providing a high general level of protection for end users through the necessary industry rules and meeting the needs, such as affordable prices, of individual social groups (On the introduction of the European Code of Electronic Communications, 2018; On the establishment of the Body of European Regulators for Electronic Communications (BEREC) and the BEREC Support Agency (BEREC Office), 2018; On measures for a high common level of security of network and information systems in the Union, 2016).

Therefore, a set of international standards, which in one or another way determines the procedure for introducing information and telecommunication technologies in various spheres of public life, is the foundation for the formation of national practice of establishing new forms of interaction between civil society and public authorities.

3.3. Provision of electronic public services as a form of interaction between civil society and public authorities

The comprehension of activities with regard to the provision of public services by electronic means as forms of interaction between civil society and public authorities is due to the fact that: a) public services are aimed at meeting the needs of citizens; b) the process of providing a public service is impossible without the interaction between the subject providing the service and the subject receiving the service. At the same time, the process of providing a public service with the use of information and telecommunication technologies within the electronic interaction between society and the public authorities is a service provided electronically or «electronic public service» (Yemelyanenko, 2008: 21).

The practice of providing electronic public services in Ukraine began to increase with the introduction of the quarantine regime. It involves a transfer in electronic way of such possibilities, as: registration of the list of incapacity for work (About features of conducting the Electronic register of leaves of incapacity for

maintenance of information interaction of electronic health care system with the Electronic register of leaves of incapacity, 2020) or submission of documents for enrollment in educational institutions (On complete general secondary education, 2020) etc. At the same time, activities in the field of digitization of information, contained in the relevant documents of the person, promoting the rights of citizens, are intensified (On the implementation of the pilot project on the use of electronic display of information contained in the passport of a citizen of Ukraine, contained in the passport of a citizen of Ukraine for travel abroad, 2020; On the implementation of a pilot project on the use of electronic driver's license and electronic vehicle registration certificate, 2019; On the implementation of a pilot project on the use of electronic student (student) tickets, 2019).

Institutionally, the mechanism of providing electronic public services is provided by specially authorized entities, namely: the Cabinet of Ministers of Ukraine, the National Bank of Ukraine, the central executive body implementing state policy in the field of informatization, e-government, formation and use of national electronic information resources, information society development, etc (About electronic trust services, 2017).

The provision of public services electronically is carried out through the use of Mobile ID technology, which is a personal qualified digital signature, as well as a service that allows the subscriber to use a mobile phone with a SIM-card installed as a means of secure electronic identification (Belikova, 2018: 140). Currently, activities with regard to the provision of electronic services are aimed at ensuring the provision of electronic services in all spheres of public life, the provision of integrated electronic services, as well as the introduction of cross-border electronic services (About approval of the Concept of development of system of electronic services in Ukraine, 2016).

3.4. Electronic appeal of citizens as a form of interaction between civil society and public authorities

In general, citizens' appeals submitted electronically include: 1) an electronic petition as a special form of collective appeal of citizens to the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, and a local self-government body; 2) citizens' appeals submitted electronically (On citizens' appeals, 1996).

Regarding the e-petition, it is possible to highlight the main aspects that characterize the mechanism of this form of interaction between public authorities and civil society, namely: electronic petitions can be submitted to specific subjects: the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and local governments; the submission of an electronic petition is carried out within the formalized complex procedure, which involves a number of participants; in order for an e-petition to be considered as a special type of collective petition, it must be supported at the national level by at least 25,000 citizens.

It should be noted that the procedure for submitting an e-petition includes such stages as: creating an e-petition (by posting it on the official website of the subject to which it is addressed, or the website of the public association that will collect signatures in support of the e-petition to the specified subject of the address). At this stage, the initiator (author of the petition) fills out a special form on the official website of the body to which it is addressed. In order to create a new e-petition, a person needs to log in to the website and then select the "submit a petition" feature. A user who has not logged in to the website will not have access to a special form for creating a new e-petition. For example, according to the "Procedure for Considering an Electronic Petition Addressed to the Cabinet of Ministers of Ukraine", citizens can apply to the Cabinet of Ministers of Ukraine through the official website entitled "Single Web Portal of Executive Bodies", or "Government Portal", or through the website of a public association that collects signatures of citizens in support of the petition. The author of the electronic petition is identified on the Government portal or the website of the public association through electronic identification means (On approval of the Procedure for consideration of the electronic petition addressed to the Cabinet of Ministers of Ukraine, 2016); publication of an electronic petition on the official website of the subject to which the electronic petition is submitted (the requirement during the collection of signatures is to prevent automatic entry of information, including signing an electronic petition, without citizen participation. Collection of signatures in support of the electronic petition lasts 3 months the day of its promulgation. According to the Law of Ukraine "On Citizens' Appeals", an electronic petition, which did not receive the required number of votes in support of it within the established period, after the deadline for collecting signatures in support of it is considered an appeal of citizens (On Amendments to the Law of Ukraine "On Citizens' Appeals" concerning Electronic Appeals and Electronic Petitions, 2015); consideration of an electronic petition (for example, for electronic petitions submitted to the President of Ukraine, the relevant information should be published on the website of the Official Internet Representation of the President of Ukraine in a special section on electronic petitions no later than three working days after collecting the required number of signatures in support of it, and in case of receiving an electronic petition from a public association - no later than two working days after receiving such a petition (On the Procedure for Consideration of an Electronic Petition Addressed to the President of Ukraine, 2015); responding to an electronic petition.

4. CONCLUSIONS

The legalization of the foundation and formation of civil society in Ukraine mediates the intensification of relevant practices. At the same time, the spread of the practice of using information technologies has made adjustments to the interaction between public authorities and civil society. The authors highlight that the implementation of the main components of the idea of the “state of rule of law” is not only a strategic goal of the Ukrainian state, but also a prerequisite for the introduction of new interaction forms between civil society and public authorities. This is due to the fact that each subsequent stage of implementation of the idea of “state of rule of law” in one or another way affects the citizens’ rights in the field of involvement in the management of public affairs through the use of information and telecommunication technologies. The system of international standards with regard to the use of information and telecommunication technologies in the relations between public authorities and civil society consists of: a) in regard to the definition of interaction forms between public authorities with civil society and b) in regard to the use of information and telecommunication technologies at the state legal institutions. The thesis that the activity of providing public services electronically belongs to the forms of interaction between civil society and public authorities is substantiated by the fact that public services are aimed at meeting the needs of citizens, and the process of providing a public service is impossible without the interaction between the subject providing the service and the subject receiving the service. The conclusions of the study are relevant to use both in the theoretical and scientific sphere, and in practice of persons performing state functions.

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