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Use of electronic forms of direct democracy: international experience and perspective ukrainians

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Abstract

The international experience in standardizing the implementation of e-democracy is studied. Thanks to a set of methodological approaches (synergistic, complex, humanistic) and methods of scientific knowledge of social phenomena and processes we identify the prospects for the introduction of direct e-democracy in modern Ukraine and propose priority measures for the implementation of state policy in the field of training and development of e-democracy, based on modern management technologies. It is concluded that, as a form of realization of rights, e-democracy should be considered as an alternative to traditionally recognized methods and practices of law enforcement, and the purpose of its implementation is to promote the expansion of opportunities for the realization of citizens' rights. It also emphasizes that the idea of digitalization of the state must be balanced with the awareness of the practical usefulness of the model, its instrumental importance for the achievement of sustainable development goals and its progress, considering existing and potential risks.

Keywords: democracy; e-democracy; e-government; e-voting; petition.

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Uso de formas electrónicas de democracia directa: experiencia internacional y perspectiva Ucránianas

Resumen

Se estudia la experiencia internacional en la estandarización de la implementación de la democracia electrónica. Gracias a un conjunto de enfoques metodológicos (sinérgicos, complejos, humanísticos) y métodos de conocimiento científico de los fenómenos y procesos sociales se identifican las perspectivas para la introducción de la democracia electrónica directa en la Ucrania moderna y se proponen medidas prioritarias para la implementación de la política estatal en el campo de la formación y el desarrollo de la democracia electrónica, basadas en tecnologías de gestión modernas. Se concluye que, como forma de realización de los derechos, la e-democracia debe ser considerada como una alternativa a los métodos y prácticas de aplicación de la ley tradicionalmente reconocidos, y el propósito de su implementación es promover la expansión de oportunidades para la realización de los derechos de los ciudadanos. También, se enfatiza que la idea de digitalización del estado debe equilibrarse con la conciencia de la utilidad práctica del modelo, su importancia instrumental para el logro de las metas de desarrollo sostenible y su progreso, teniendo en cuenta los riesgos existentes y potenciales.

Palabras clave: democracia; e-democracia; e-gobierno; e-vote; petición.

Introduction

The right of the people as the bearer of sovereignty and the only source of power in Ukraine to directly exercise power is guaranteed by the Constitution (Article 5 Part 2) (Constitution Of Ukraine, 1996). It is known that the issue of democracy is complex and multifaceted, one of the aspects of which is the introduction of digitalization and the introduction of electronic means in public life. The dynamics of life requires the use of digital technologies in the activities of public authorities and local governments, to implement projects such as «e-government», «digitalization of society», «state in a smartphone», «e-government», «digitalization of administrative services» and more. Without digitalization and the tools of direct democracy in modern conditions, it is impossible to do without the knowledge of real rather than imaginary needs and demands, thoughts and feelings of the population, as well as the collective, solidary mind of the people.

More and more countries around the world are implementing e-democracy tools to shape new policies based on citizens-government relations based on transparency and full trust between the two sides. World

leaders in the development of e-democracy have been able to reach a level where all instruments are a single effective communication system that strengthens and promotes the most effective bilateral dialogue between government and society. The experience of e-democracy development in these countries should be studied and applied taking into account national specifics for Ukraine as well.

Prospects for expanding the range of applications and, consequently, increasing the availability of direct democracy procedures through the use of information technology are determined primarily by: the need to create conditions for systematic public involvement in public administration and solve all pressing problems; the need to direct public initiatives in the plane of constructive interaction with the state; requirements for ensuring openness and transparency in the activities of the management staff. In addition, awareness of one's own involvement in state-building processes will certainly contribute to the development of an active civil position as one of the main conditions for the formation of a capable civil society.

It should be emphasized that in Ukraine the development of e-democracy and e-government has been identified as one of the priorities of the Strategy of State Policy to Promote Civil Society Development in the Context of Optimizing Social Dialogue Mechanisms and Institutions of Direct Democracy (Presidential Decree, № 212/2012). However, the study of foreign experience in building models of e-democracy for its use in practice is relevant.

1. Methodology of the study

The research methodology of the article is based on a set of methodological approaches and methods of scientific knowledge of social phenomena and processes. The synergetic approach helps to predict possible fluctuations and vectors of development, taking into account different social and technical processes of influence on e-government; comprehensive – provides an analysis of the subject of research and provides opportunities to develop common standards, standards, principles and general rules of legal regulation; humanistic – normalizes the manifestations of coercion in the construction of the constitutional order and human values in the theory of constitutionalism in the formation and functioning of e-government. A set of methods was used, including: dialectical - in the analysis of the phenomenon through its normative-legal and law-enforcement genesis; hermeneutic - in the interpretation of regulations, proposals for improving the conceptual and categorical apparatus; transcendental - to reflect the dominance of the primacy of human interests in the functioning of e-democracy; constitutional comparative studies – in isolating a group of

states according to the level of technology implementation, which makes it possible to reflect the relationship between e-government and democratic government; legal forecasting – to determine the prospects for further development of the constitutional law of Ukraine in the modern conditions of constitutionalism, to identify areas for the development of e-democracy; legal and statistical – in reflecting the effectiveness of national government on various criteria, including national indicators, statistics of other countries used for comparison.

2. Analysis of recent research

Forms of democracy related to e-democracy and digitalization of public relations have become the subject of interest over the past few years M. Castells (Castells, 2004), S. Dzyuba (Dzyuba, 2012), N. Hrytsyak (Hrytsyak, 2015), N. Jincharadze (Jincharadze, 2012), R. Lindner (Lindner, 2020), V. Pogorilko (Pogorilko, 2010), O. Romanchuk (Romanchuk, 2020), S. Solovyov, V. Danilenko (Solovyov and Danilenko, 2012), J. Tomkova, D. Hutkii (Tomkova and Hutkii, 2017) and others. However, most studies reveal either theoretical aspects or criticize and identify shortcomings in the process of implementing e-democracy. There is very little objective, comprehensive work on the introduction of e-democracy in Ukraine. It is these circumstances that determined the choice of the topic of the scientific article, object, subject and purpose of the study.

The presence of a variety of recommendations for improving legal regulation requires a certain theoretical and methodological generalization to define the concept of «e-democracy», areas of solving legal problems of its development, which given the importance of e-democracy tools for the current stage of development of Ukraine is important.

The aim of the article is to develop practical recommendations for clarifying approaches to the formation and implementation of state policy of Ukraine in the field of formation and development of e-democracy, which would be based on current constitutional principles, take into account global recommendations in this area and use modern management technologies.

3. Results and discussion

Democracy is the main value of the international community, supporting democracy, humanity promotes human rights, development, peace and security. Democracy promotes good governance, monitors elections, supports civil society to strengthen democratic institutions and accountability, ensures self-determination in decolonized countries, and

assists in the development of new constitutions in post-conflict countries. The basis of democracy for the legal status of the individual is pointed out by the European Court of Human Rights, where paragraph 47 of the judgment states that fundamental human rights and freedoms are best supported by «effective political democracy» (Mathieu Mohin And Clerfayt V Belgium, 1987).

The UN, in its 2005 World Summit Outcome, states that democracy is a universal value based on the free will of the people, who determine their political, economic, social and cultural systems, and on their active participation in addressing all aspects of the issue. his life (UN General Assembly, 2005). Thus, the world community emphasizes the sovereign right of the people of each state to participate in the decision-making process on any issues concerning their lives.

According to the IDEA (Intergovernmental International Institute for Democracy and Electoral Assistance):

In recent years there has been a transformation of civic space caused by the use of information and communication technology, which is the transformation of political parties and the transition to individualization of civic activity. it is often established through networks and social media (The Global State Of Democracy 2019 Addressing The Ills, Reviving The Promise).

Today, e-democracy tools provide many new channels for community-to-government feedback. They also allow the justification of decisions from the government to the community. This new circumstance for Ukraine poses new challenges to communication between government and society (Shiyan, 2019). Electronic technologies allow the development of democratic procedures, their importance is that they can be communicative, not just informative. Therefore, the democratization of government institutions, the possibility of increasing the participation of citizens at every stage of government relations contributes to the democratization of the state.

Leading scholars argue that electronic technology has a positive effect on democratic procedures. First, expanding, if not strengthening, political democracy, where such democracy already exists, in terms of technologies that provide citizens with access to information and the ability to communicate, helps to restore some government responsibility to its people that has been blurred or diminished by markets and globalization. Similarly, if not the weakening of authoritarian regimes where democracy does not exist, the same technology also helps to restore or create some accountability of the government to its people, because in a globalized world where citizens are aware of the reality in other countries, even authoritarian regimes ultimately are responsible if only to support themselves.

Second, globalization technologies, which empower citizens through the dissemination of information and communication, contribute to political mobilization when the effects of markets and globalization cross the threshold of tolerance in countries where democracy exists in some form. In fact, such empowerment provides checks and balances that work through the democratic political process to impose restrictions or adjustments. Similarly, in countries with authoritarian regimes, citizens with much greater access to information and communication are able to articulate a political voice on issues where they are affected by outcomes that may be related to markets and globalization (Nayyar, 2015).

In each country, democratic and human values, as well as ethical considerations, are integral parts of the technological aspects of e-democracy, driven by the demands of democracy, not technology. At the same time, e-democracy does not promote any specific type of democracy and in the near future will become an integral part of the public administration system, in connection with which the authorities must do everything possible to increase public confidence in government.

Another positive of the electronic means of democracy is its universality, namely the ability of a wide range of electoral participants to participate in elections and other forms of public participation. Proponents of e-democracy argue that this form is not just a matter of convenience: since e-voting is not just a logical extension of everyday transactions and Internet applications in the economy and government, but a way of exercising political law, deeply embedded in democratic traditions and constitutions, its introduction and acceptability depend on its ability to respect, defend principles, and promote principles related to this most defining component of democracy (Mitrou *et al.*, 2003).

In recent decades, neologisms such as e-society, e-economics, e-medicine, and many others have become widespread, which are figurative and capacious reflections of the widespread impact of information technology on human activity (Stoneyer, 1986). Then came the derivatives of these neologisms: «e-government», «e-customs», «e-doctor», «e-business», «e-commerce», including «e-democracy» (Declaration of Principles, 2003; Castells, 2004). Undoubtedly, a powerful catalyst for the use of these neologisms is the extremely wide spread of the idea of the information society.

The formulation of the definition of the term «e-democracy» needs appropriate prior explanation.

The Strategy for the Development of the Information Society in Ukraine defines e-democracy (e-democracy) as «a form of public relations in which citizens and organizations are involved in state-building and public administration, as well as local self-government through the widespread

use of information and communication technologies» (On Approval Of The Information Society Development Strategy In Ukraine, 2013).

E-democracy as a component of the social institution of democracy in the modern information society contributes to the realization of its functions: the functions of reproduction at a new level of social relations (relations «citizens – power» are organized taking into account new digital technologies). enriches with new forms and filling); regulatory function, which is expressed in providing citizens with resources and authority to participate in politics, overcoming «information inequality», prosecution for offenses committed in the use of e-democracy tools (Tomkova, Quick); integrative function (reduction of social distance between government and citizens, consolidation and coordination of resources, efforts and actions of public authorities, citizens and business) (LAW OF UKRAINE «ON APPROVAL OF THE CONCEPT OF E-DEMOCRACY IN UKRAINE AND ACTION PLAN FOR ITS IMPLEMENTATION»). Its feature is the bilateral usefulness for the subjects of the political-constitutional process. For citizens, it consists in the possibility of real participation in the activities of public authorities, and for the subjects of power relations - in the possibility of obtaining real public opinion.

In general, we share the position of scholars who note that:

E-democracy is an innovation that not only allows to adapt democratic procedures to the requirements of modern society in form, but also brings new meaning to the institution as a whole. This concerns, first of all, bringing the objects of power closer to its subject, removing unjustified barriers between them, and, consequently, bringing the relations between the authorities and citizens, which are the essence of democracy, to a new level, expanding opportunities to strengthen civil society (Savka and Mishok, 2018).

It seems that the positions of various foreign scholars largely coincide in the fact that they believe that the close connection between the development of direct democracy, in particular e-democracy, and increasing the level of responsibility of the state and its bodies to society, which determines the discourse, in particular, and in the field of constitutional and legal research of the phenomenon of legal responsibility of the state. Thus, the practical value of creating a complete mechanism of constitutional and legal regulation of direct democracy in modern Ukraine is objectively growing.

It is believed that it is «e-democracy» with the full range of modern tools that use technology, creates the basis for the effective implementation of a large number of different traditional types of direct democracy, including elections, referendums, public opinion polls, plebiscites, public debates, popular initiatives, petitions (collective written appeals), meetings, etc. (Pogorilko, 2010) forums on websites, electronic public opinion polls,

etc. These e-democracy tools, both traditional and new, under certain conditions help to involve the maximum number of people in the decision-making process to whom these decisions can directly affect. Thus, the harmonious combination of various tools of e-democracy as certain forms of direct democracy and forms of traditional representative democracy makes it possible to minimize certain shortcomings of the latter.

The advantages of e-democracy are as follows: a significant reduction in the cost of democratic procedures; reducing the cost of interactive forms of interaction with citizens, which allows public authorities to take more fully into account the views of different social groups in decision-making; involving citizens in decision-making at an earlier stage and in a closer form; involvement of social groups of citizens with disabilities, who find it difficult to ensure their public rights through «traditional» forms of democratic participation; strengthening citizens' trust in the state due to the image functions of new communication channels, creating the illusion of citizens' participation in decision-making (Dzyuba, 2012).

E-democracy is the involvement of citizens in the process of making and making government decisions. A special form of democracy that has formed in the information society and uses modern information and communication technologies. Its essence is that due to the well-established system of electronic communications, all citizens of the country are involved in the government decision-making process, and the process itself turns into a bilateral dialogue between government and citizens, where each party has full confidence in each other. accessibility and transparency.

From a scientific and methodological point of view, e-democracy is a unique legal phenomenon – *sui generis*, which can be studied using comprehensive interdisciplinary tools – the theory of constitutional law, general legal hermeneutics, systems theory, cybernetic analysis, political engineering, and more. As experts aptly point out: «Internet democracy is a way to raise the question of democracy again /... / Technical solutions reveal the fact that» digitalization «raises the question of a kind of re-establishment of democracy or modernization of democracy» (Center for Modernization Decisions. How to modernize democracy: challenges and prospects of e-democracy). The complex, hybrid nature of this legal phenomenon determines the integrated scientific approach to master the specifics of the emergence and implementation of constitutional rights of citizens arising from the use of information technology in political and legal reality.

Thus, given the analyzed definitions of the term's "democracy" and "e-democracy", we propose the following definition: e-democracy is a democracy for which significantly increases the effectiveness of democratic institutions, democratic processes and the spread of democratic values, using various tools based on computer technology.

Effective implementation of e-democracy requires appropriate conditions: active provision of balanced and objective information that will help the public to clearly understand the problems, alternatives, opportunities and / or solutions to democratic problems, which is closely related to freedom of information and freedom of speech; broad understanding of citizens who live permanently and are integrated into the political reality, regardless of nationality; involvement of citizens, corporations, associations and non-profit organizations in democratic processes; support for civil rights and the provision of resources for participation in democratic processes; developing skills, available and available tools and a combination of electronic and non-electronic approaches.

Modern international experience shows that e-democracy is the most effective type of government, which can take different forms in different countries depending on political and constitutional traditions and which guarantees the effective reform of the state and society, which is extremely important in general. for Ukraine and for each individual. Many countries around the world are making significant efforts to improve the system of democracy, in particular through the use of information technology technologies.

The world and European practice of involving the public in the political process with the help of information technologies is quite diverse. There are a number of successful examples of the introduction of elements of e-democracy in the country's political life. Let's analyze foreign practices in the implementation of various forms of electronic democracy, the geography of which proves the feasibility of these experiments, and the fact that it is in such schemes hidden the future of democratic political systems (Isaev, 2008).

According to the peculiarities of application, the following are distinguished: – American model of e-government. Operates in the USA and Canada. Provides for: simplification and reduction of public contacts with the authorities; establishing direct communication with government agencies; – European model (Western, Central, Eastern Europe). Characteristic features – functioning in the conditions of supranational structures: The European Parliament, the European Commission, the European Court. The obligation to implement the decisions of these institutions by the member states of the European Union leaves its mark on e-government, which is to level the playing field and coordinate the work of government; – The Asian model is implemented based on the peculiarities of governance in the East – a strict hierarchy, compliance with corporate rules of communicative behavior. This model, introduced in South Korea, is marked, for example, by the wide access of the population to information resources, as well as the introduction of information technology in the fields of education and culture.

Among the simplest forms of e-democracy, which is gradually being introduced in different countries around the world, we can single out the organization of Internet voting in elections and referendums.

The simplest indirect form of e-democracy is online voting. This is the simplest way, which requires only purely technical solutions: voter identification; security of data protocols; monitoring the voting process. A similar experiment was conducted in the UK in 2002-2003 by a parliamentary group on e-democracy. Not only the election commission but also the largest academic institutions took part in this experiment. In two major cities, Sheffield, and St. Albans, respectively, three and two polling stations provided voters with the opportunity to vote online. A similar experiment was conducted in Bologna, Italy, in January-February 2002, when a structured online debate system was created as part of the Demos project. Similar experiments were also conducted in other Italian cities at the level of self-government bodies (Hrytsyak, 2015).

The European Court of Human Rights in *Liberal Party, Mrs R. and Mr P. v. The United Kingdom* has determined that «any electoral law must be seen in the light of the political evolution of the State concerned, since certain features which cannot be considered acceptable in the context of one system may be justified in the context of another», which must states the state to adhere to the 107 fundamental principle of Article 3 – the principle of «free expression of people’s views when choosing a legislature» (*Liberal Party, Mrs R. And Mr P. V. United Kingdom, 1980*).

An unconditional advantage of electronic voting systems is the facilitation of access to the procedure of expression of will for persons with disabilities and the general efficiency of obtaining its results. At the same time, remote online voting using direct electronic registration causes problems with voter identification and the need to protect the secrecy of the ballot. As a result, in many developed countries with a high degree of penetration of Internet technologies (Germany, Italy, Spain, Ireland) the implementation of full-scale programs for the introduction of electronic voting has been postponed.

At the same time, the practice of addressing the public not only as an instance of approval / disapproval of certain political decisions, but also as an equal partner of the state in the development of public policy is becoming more widespread. In the countries with the largest Internet audience, examples of the use of such skilled participation of active citizens were the most successful:

- In Iceland (97.8 % of the country’s residents are Internet users; during the discussion of the draft Constitution on social networks, the website of the Constitutional Council received 3,600 comments and more than 300 official proposals, after which the draft Basic

Law of the state was submitted to parliament and public).

- In New Zealand (during the revision of the law on public police in 2007, a wiki version of the new bill was presented to the public, which could be amended by any citizen; 234 proposals were received and taken into account; according to experts, citizen participation was one of the key aspects in the process of drafting the law);
- In Estonia, electronic voting has been used since 2005 in local elections, and since 2007 in parliamentary elections. If in 2005 only 2 % of Estonian voters voted in this way, in the 2011 parliamentary elections this figure reached 24 % (Electronic Democracy: Citizens and Government).
- In the UK, Prime Minister D. Cameron launched the Big Society initiative in 2010 to increase the involvement of citizens and non-governmental organizations in addressing social issues, involving as many people as possible in the adoption of important issues. public decisions, since the end of 2010 there is an official government website of the initiative, where anyone can leave comments, links and videos related to the idea of «Great Society» (Dorodeyko, 2011).
- According to the Norwegian Local Government Act, citizens have the right to submit proposals (public initiative) to the council. In 2013, the Ministry of Local Self-Government initiated the creation of a relevant website and introduced a system for submitting local e-petitions. Today, residents of the municipality can publish their proposals on the website, and citizens can sign them in support (Reinsalu, 2010).
- Poland has adopted a law on special rules for the conduct of general elections of the President of Poland regarding the provision of presidential elections exclusively by voting by mail (Opinion On The Draft Act On Special Rules For Conducting The General Election Of The President Of The Republic Of Poland, 2020).

At the same time, foreign experience shows that e-democracy can violate established constitutional values. Let's turn to the experience of foreign countries. The German Constitutional Court has ruled that any form of electronic voting is unconstitutional for a number of reasons: voters have to blindly trust technology, they have no way of actually knowing how computers count their votes, and any electronic or new system should be as clear and usable by a layman as the system it replaces (pen and paper for a physical ballot). This, in fact, makes it impossible to introduce any new e-voting system in Germany at current levels (The Federal Constitutional Court. Judgment Of The Second Senate, 2009).

According to a UN study, New Zealand and Japan are among the leaders in the development of e-democracy. These countries have managed to effectively develop the tools of democracy such as citizen information, e-voting and consultation, the parliament, the petitions system, etc., and to establish two-way communication between governments and citizens. In New Zealand, an e-parliament website has been set up where parliamentarians pass laws, discuss important issues and monitor the Government's activities. The site presents the personal pages of all members of parliament. These pages have all their contact details, as well as links to their pages on social networks. The e-Parliament portal also provides for the submission of electronic petitions by citizens (RECOMMENDATION CM / REC, 2009).

Japan is one of the three world leaders in the development of e-democracy tools. As in New Zealand, the country has an online government system, which is also characterized by its openness and accessibility to all citizens, convenient and easy-to-use technologies, through which public-government dialogue brings effective results, important for the development of the whole country (Solovyov and Danylenko, 2012).

U.S. experts point out that in the last decade there have been numerous high-profile cases of attacks on Internet portals, as well as virus infections that have blocked the websites of government agencies and large corporations. Given the high stakes in the election, it is reasonable to assume that criminals – especially in countries with specific geopolitical opponents – may specifically create and deploy attacks and / or malware designed to manipulate the vote. Expert reports show that while e-voting systems have improved, federal and state governments have not committed to the widespread use of e-voting in future elections. More funding, research and civic education (Office Of Management And Budget. E-Government Strategy, 2002) are needed to apply such a vote.

Paragraph 4 of Resolution 290 (2009) «E-Democracy: Opportunities and Risks for Local Authorities» indicates that there are no clear or common models to be adopted, but important lessons for its implementation have already been learned and there are clear principles to be applied (Resolution 290 E-Democracy, 2009). Thus, this proves the basic principle of the legal essence of electronic voting – it must meet defined, tested and approved by the international community standards reflected in the principles of suffrage as a system of basic provisions common to the legal regulation not of individual types of elections but of all political elections (Romanchuk, 2020).

Although parliaments and society are deeply interested and enthusiastic about using information technology to improve dialogue with citizens, many challenges remain. Parliaments have succeeded in using information technology to disseminate information to the public, but only a few truly

interactive parliamentary websites are available today. Deputies, parliament and political parties still use web pages mainly as a way of monologue.

Foreign experience also makes it possible to state that legislative procedures and regulations are not effective without comprehensive support and systemic guarantees. Important at the stage of introduction of electronic voting is the introduction of another principle - legal certainty, which requires regulatory regulation of the procedure in accordance with the latest technical standards. The introduction of this type of voting is inadmissible if constitutional norms prohibit such a form, such as Art. 26 of the Austrian Constitution, so electronic voting can be introduced only after amendments to the Constitution.

The principle of legal certainty provides for the introduction of electronic procedures without a radical change in the democratic foundations. In most countries, as in Ukraine, the current election law does not provide for electronic voting, so new legislation needs to be developed. This new legislation may provide for three different forms: an interim law allowing experiments with electronic voting; change of the current election law or implementation in the existing legislation; temporary law on electronic voting with further changes in suffrage (Romanchuk, 2020). International standards (in particular, the Venice Commission in its reports) state that electronic voting does not violate political human rights and can take place subject to the general constitutional requirements of democracy (VERFASSUNGSGERICHTSHOF. DECISION V 85-96 / 11-15, 2011).

The above leads to the conclusion that e-democracy implies a gradual implementation process. In our opinion, such technology should be tested at different levels, implemented gradually and with a reasoned analysis of specialists, experts.

Among the important tasks of Ukraine on the way to the European community is the development of the information society. The Institute of Electronic Democracy has begun its implementation in Ukraine, and the rapid development of electronic democracy in Ukraine is recognized by the UN: since 2015, our country has significantly increased its position in the ranking of e-democracy and now ranks 32nd (Makhnachova, 2018).

The formation of the legal framework for the functioning of e-democracy began in 2003, when the laws «On electronic documents and electronic document management» and «On electronic digital signature» were adopted (Klymchuk *et al.*, 2021). The preconditions for the formation of e-democracy in Ukraine were the expansion of public access to the Internet and the intensive development of the IT sector. Civil society takes an active part in the formation of e-democracy in Ukraine (Makhnachova, 2018).

Regulatory framework that defines the basic principles and practical mechanisms for implementing information technology in state and public

life: the Law of Ukraine «On Basic Principles of Information Society Development in Ukraine for 2007-2015», Strategy for Information Society Development in Ukraine, Action Plan for Implementation in Ukraine Open Government Partnership Initiative, Action Plan for Implementation of the Open Government Partnership Initiative. Some aspects of the dissemination of information and computer technologies are regulated by the Strategy of State Policy to Promote the Development of Civil Society in Ukraine.

On May 15, 2013, the Cabinet of Ministers of Ukraine adopted the Order «On Approval of the Information Society Development Strategy in Ukraine», which provided for the main directions of e-democracy, namely: improving the regulatory framework, using new technologies, forming a culture of communication, creating «Electronic Parliament» new projects, etc. (On Approval Of The Information Society Development Strategy In Ukraine, 2013).

The key legal act that today defines the directions of e-democracy development in Ukraine is the Concept of e-government development in Ukraine, approved by the Cabinet of Ministers of Ukraine. This document sets out the key goals, priorities and measures for the development of e-government in the coming years. The President of Ukraine, the Cabinet of Ministers of Ukraine and the entire system of executive bodies, as well as local self-government bodies are involved in the implementation of the e-democracy program in Ukraine.

According to the Concept, the formation of political, organizational, technological and ideological conditions for the development of e-democracy in Ukraine is envisaged, which is characterized by the growth of a wide involvement of citizens municipal right to communication, cooperation with state authorities, control over them, participation in policy-making, development of self-organization and self-government, as well as the level of trust in the subjects of power; harmonization of state policy standards in this area with international, in particular European standards.

It is necessary to introduce electronic voting, as well as electronic election process, electronic referendums and electronic plebiscites; ensuring the institutionalization of e-democracy tools; wide involvement of individuals and legal entities in the development and use of e-democracy (Law of Ukraine «on approval of the concept of e-democracy in Ukraine and the action plan for its implementation»). The Concept also stipulates that the «most common tools» of e-democracy used today in Ukraine at both the national and local levels are e-consultations, e-petitions, e-appeals, participation budgets (public budgets). Resources have also been created for the publication of datasets in the form of open data, including through electronic platforms such as Civil Society and Government, Smart City or the Single System of Local Petitions, which combine several electronic tools for participation (Law Of Ukraine On Approval Of The Concept Of

Development Of Electronic Democracy In Ukraine And Action Plan For Its Implementation, 2017).

Different cities of Ukraine have started to implement various tools of e-democracy: e-appeals, e-petitions, e-discussions, e-procurement, e-budgets, e-public budgets (participation). Some cities create different services on their own, such as e-petitions, electronic queues for kindergartens or open data portals, while others use electronic platforms, such as the «Single Local Petition System» or «Smart City», which combine several e-petitions. -institution tools. The choice of the model of e-democracy in cities is entrusted directly to local governments and active citizens (Loboyko and Nakhod, 2017).

The e-parliament tool is actively working in Ukraine (citizens can get acquainted with the texts of Ukrainian legal acts, as well as provided access for deputies to all documents on the agenda of the plenary session on mobile devices by creating an application), e-justice, e-consultations. Electronic petitions are among the most important tools of e-democracy in Ukraine. The legislative basis for their introduction was the introduction in 2015 of amendments to the Law of Ukraine «On Citizens' Appeals» concerning electronic appeals and electronic petitions.

Another effective tool for e-democracy is public participation budgets, through which citizens can determine what needs to be spent on. ProZorro's public procurement control systems have become one of the most effective Ukrainian reforms in recent years (Makhnachova, 2018).

A number of regional projects of interactive electronic interaction with the public are being implemented. In particular, the first region of Ukraine where the e-government system was successfully implemented was Dnipropetrovsk region (Dnipropetrovsk region is a leader in innovation management in Ukraine). In May 2013, the Internet portal «Dialogue for Reforms: Implementation of Socio-Economic Reforms in Luhansk Region» was launched. The portal operates in two main areas: as an information database on socio-economic reforms and their implementation in Luhansk region; as a communication «platform» for discussing reforms. Each user of the portal has access to a database of reforms, can leave their suggestions and comments, as well as receive up-to-date information on the implementation of reforms. In September 2013, the first Regional Center for e-Government Development in Ukraine was opened in the Autonomous Republic of Crimea (e-Democracy: for the first time in Ukraine, 2008).

A relatively new institution in the systematization of national forms of direct democracy, institutionalized in Ukraine, is the institution of electronic petitions. It was introduced by the Law of Ukraine «On Amendments to the Law of Ukraine» On Citizens' Appeals «Concerning Electronic Appeals and Electronic Petitions» of July 2, 2015. According to it, citizens can apply to

the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, local governments with electronic petitions through the official website of the body to which it is addressed, or the website of a public association that collects signatures in support e-petition. In fact, this law has provided ample opportunities for the introduction of e-democracy in Ukraine.

At the same time, it is not without some systemic shortcomings that complicate the implementation of this form of direct democracy. Thus, the Law gives the right to submit electronic petitions only to citizens of Ukraine, while according to Art. 40 of the Constitution of Ukraine, all (not only citizens of Ukraine) have the right to send individual or collective appeals to the relevant authorities. At the same time, a significant shortcoming of the Law is the lack of a mechanism for verifying the signatures of citizens in support of the electronic petition and determining the legality of the vote cast in its support. Establishing a sufficiently high «threshold» for a special procedure for consideration of electronic petitions by higher state authorities minimizes the influence of citizens on public policy-making, while all other petitions are considered according to the algorithm of consideration of ordinary citizens' appeals.

At the same time, it should be noted that the tools of real influence of the population on the formation and implementation of government decisions with the help of information technology are currently extremely limited.

It should be noted that Recommendation 17 points to the need to «amend the legislation to allow the Central Election Commission to implement pilot projects and test new voting technologies both in a safe environment and in real elections; the government should provide funding for such activities at the appropriate level. The introduction of new technologies into the election process should be preceded by extensive consultations and information campaigns, as well as independent feasibility studies» (Recommendations from the results of the national conference: «presidential and parliamentary elections of 2019 in Ukraine», 2020).

The possibility of electronic voting in Ukraine is currently lacking both in terms of legal support and in terms of organizational and technical feasibility. The organization of electronic elections requires the development of special software and hardware that will guarantee protection from hacker attacks and reliable identification of citizens in order to prevent the interference of interested parties in the voting process. The development and implementation of e-voting can be a key tool in e-democracy to help ensure the accuracy and transparency of elections, free access to voting information, and free participation of citizens who for some reason cannot be present at polling stations. One of the important problems hindering the active development of e-democracy is the uneven coverage of the Internet.

In our opinion, the factors hindering the formation of e-democracy in Ukraine are the low level of user interest in e-interaction with public authorities, lack of competence in e-democracy, low rates of e-interaction between government and citizens, ignorance and indifference of the population regarding opportunities for the use of information technology for communication with the authorities cause an unsatisfactory level of implementation of e-democracy in Ukraine.

The introduction of Ukraine's e-justice system, although noted by politicians and government officials as an important task of judicial reform, has been rather slow. Although the share of electronic information systems in litigation is gradually increasing, electronic communication between the parties to the proceedings is almost non-existent, and remote litigation is more the exception than the rule.

There are significant problems with the format of data exchange, protection of information processed in the judicial system. Electronic document management is used only in parallel with traditional paper. International, in particular, European experience in the development of e-justice is insufficiently studied and applied. Implementation of e-justice projects is carried out separately, without a single system, with insufficient funding (Semenchenko and Dereshpak, 2017).

Despite the achievements of recent years, it is worth pointing out the factors that slow down the development of e-democracy in Ukraine: - failure to obtain terms and conditions for the introduction of information technology in public administration, provided by the relevant plans and target programs; inconvenience in the use of many government web resources (especially interactive services), their lack of functionality and low efficiency of updating; preservation of regional disparities in the spread of information technology ("digital inequality"); low general level of information and computer literacy of government officials (Voznyuk, 2014).

Agreeing with many scholars on the prospects of e-democracy, we can state the following systemic barriers to its spread in Ukraine: uncertainty of public policy in the field of e-democracy, as well as promising ways to implement it; imperfection of legal support in the field of e-democracy, first of all, imperfection of the system of normative-legal regulation; low level of involvement of civil society actors in the processes of improving public policy in the field of e-democracy, as well as in the implementation of its individual tools; insufficient level of information infrastructure development, inequality of access to the Internet and information computer technologies as the main conditions for ensuring the development of e-democracy; low level of public awareness about the content and features of the use of various tools of e-democracy, as well as methods and aids to their application; lack of motivational levers, the level of knowledge and skills of civil servants, local government officials, citizens on the development of e-democracy.

Among the set of these main problems, of course, the problem of improving the legal regulation of social relations in the implementation of democratic processes in the use of information technology is extremely important (Baranov, 2017).

Thus, even though Ukrainian citizens can already use many tools of e-democracy, the transition from a one-sided format to real communication between government and society is now underway. We believe that a necessary step to enhance e-democracy is to increase the electronic literacy of citizens, especially the elderly. This step involves the introduction of free programs and courses to familiarize people with the possibilities of using information technology to communicate with the authorities and influence government decision-making. However, to overcome obstacles to the development of e-democracy, support for this area by government bodies and authorities is of paramount importance.

Scholars suggest ways to improve legislation in the field of e-democracy:

- Disseminate new additional platforms, online libraries, archives and information digests, group news and web rooms for expert discussions, electronic mechanisms for summarizing the results of discussions (Hrytsyak, 2017) to establish political and legal communication, dominance of electronic forms of interaction between authorities' public authorities at various levels and the public.
- Intensify public discussions and debates of legal and political spheres in order to develop the constitutional principles of interaction between the state and civil society (for example, N. Dzhincharadze proposes to introduce the practice of interactive participation of citizens in local council meetings).
- To introduce an electronic form of legislative initiatives to public authorities, generalization and implementation of proposals and requirements of citizens in the regulatory sphere.
- To increase the level of technical and e-education by mastering the electronic mechanisms of e-democracy of public officials and ordinary citizens.
- Implement measures to implement protection of the e-government mechanism from external influences, cyberattacks, technical errors, etc. (Romanchuk, 2020).

In general, we state that the active introduction of information technology in the system of socio-political relations significantly expands the opportunities of citizens to participate in joint affairs, creates conditions for the formation of a qualitatively new level of activity of citizens who use modern electronic technologies not only for personal but also goals

of socio-political participation at all levels of public administration. In the constitutional and legal field of Ukraine there are no fundamental obstacles to the comprehensive development and application of electronic mechanisms of democracy, and the existing regulatory framework creates the necessary basic conditions for the formation of a national system of e-democracy.

Conclusions

The problems studied in the scientific article prompted them to comprehend and develop directions for the use of electronic forms of direct democracy in Ukraine. Based on this, we made the following conclusions:

E-democracy is a form of realization by citizens of their political and civil rights through the use of digital or information and communication technologies. As a form of realization of rights, e-democracy should be considered as an alternative (subsidiary) option to traditionally recognized ways and practices of law enforcement. Therefore, the purpose of implementation is to promote the expansion of opportunities for the realization of citizens' rights.

The development and implementation of e-democracy policy by parliament, public authorities and local governments only makes sense if there is a real recognition of the need to use digital technologies, with an appropriate legal basis, for the development and strengthening of democratic practices. The idea of digitalization (digitalization) of the state should be balanced by awareness of the practical usefulness of the model, its instrumental significance for achieving the goals of sustainable development and progress, taking into account existing and potential risks.

The goal of state e-democracy policy is to provide multi-vector interactive communication streams designed to bring together citizens, deputies at all levels and the executive branch. The effectiveness of the implementation of e-democracy depends on many factors that require scientific and expert discussion and the formation of an appropriate concept of development.

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