



colloquium-journal

ISSN 2520-6990

Międzynarodowe czasopismo naukowe



**Jurisprudence
Public administration
№14(101) 2021
Część 4**



colloquium-journal

ISSN 2520-6990

ISSN 2520-2480

Colloquium-journal №14 (101), 2021

Część 4

(Warszawa, Polska)

Redaktor naczelny - **Paweł Nowak**
Ewa Kowalczyk

Rada naukowa

- **Dorota Dobija** - profesor i rachunkowości i zarządzania na uniwersytecie Koźmińskiego
- **Jemielniak Dariusz** - profesor dyrektor centrum naukowo-badawczego w zakresie organizacji i miejsc pracy, kierownik katedry zarządzania Międzynarodowego w Ku.
- **Mateusz Jabłoński** - politechnika Krakowska im. Tadeusza Kościuszki.
- **Henryka Danuta Stryczewska** – profesor, dziekan wydziału elektrotechniki i informatyki Politechniki Lubelskiej.
- **Bulakh Iryna Valerievna** - profesor nadzwyczajny w katedrze projektowania środowiska architektonicznego, Kijowski narodowy Uniwersytet budownictwa i architektury.
- **Leontiev Rudolf Georgievich** - doktor nauk ekonomicznych, profesor wyższej komisji atestacyjnej, główny naukowiec federalnego centrum badawczego chabarowska, dalekowschodni oddział rosyjskiej akademii nauk
- **Serebrennikova Anna Valerievna** - doktor prawa, profesor wydziału prawa karnego i kryminologii uniwersytetu Moskiewskiego M.V. Lomonosova, Rosja
- **Skopa Vitaliy Aleksandrovich** - doktor nauk historycznych, kierownik katedry filozofii i kulturoznawstwa
- **Pogrebnaya Yana Vsevolodovna** - doktor filologii, profesor nadzwyczajny, stawropolski państwowy Instytut pedagogiczny
- **Fanil Timeryanowicz Kuzbekov** - kandydat nauk historycznych, doktor nauk filologicznych. profesor, wydział Dziennikarstwa, Bashgosuniversitet
- **Aliyev Zakir Hussein oglu** - doctor of agricultural sciences, associate professor, professor of RAE academician RAPVHN and MAEP
- **Kanivets Alexander Vasilievich** - kandydat nauk technicznych, docent wydziału dyscypliny inżynierii ogólnej wydziału inżynierii i technologii państwowej akademii rolniczej w Połtawie
- **Yavorska-Vitkovska Monika** - doktor edukacji, szkoła Kuyavsky-Pomorsk w bidgoszczu, dziekan nauk o filozofii i biologii; doktor edukacji, profesor
- **Chernyak Lev Pavlovich** - doktor nauk technicznych, profesor, katedra technologii chemicznej materiałów kompozytowych narodowy uniwersytet techniczny ukrainy „Politechnika w Kijowie”
- **Vorona-Slivinskaya Lyubov Grigoryevna** - doktor nauk ekonomicznych, profesor, St. Petersburg University of Management Technologia i ekonomia
- **Voskresenskaya Elena Vladimirovna** doktor prawa, kierownik Katedry Prawa Cywilnego i Ochrony Własności Intelektualnej w dziedzinie techniki, Politechnika im. Piotra Wielkiego w Sankt Petersburgu
- **Tengiz Magradze** - doktor filozofii w dziedzinie energetyki i elektrotechniki, Georgian Technical University, Tbilisi, Gruzja
- **Usta-Azizova Dilnoza Ahrarovna** - kandydat nauk pedagogicznych, profesor nadzwyczajny, Tashkent Pediatric Medical Institute, Uzbekistan

    SlideShare



INDEX COPERNICUS
INTERNATIONAL

НАУЧНАЯ ЭЛЕКТРОННАЯ
БИБЛИОТЕКА
LIBRARY.RU

«Colloquium-journal»

Wydawca «Interdruk» Poland, Warszawa
Annopol 4, 03-236

E-mail: info@colloquium-journal.org
<http://www.colloquium-journal.org/>

CONTENTS

PUBLIC ADMINISTRATION

Вергунов Г.А., Антонова Н.Л. ПОЛИТИКА ГОСУДАРСТВА ПО РАЗВИТИЮ ТВОРЧЕСКИХ СПОСОБНОСТЕЙ ЧЕЛОВЕКА	4
Vergunov G.A., Antonova N.L. STATE POLICY ON THE DEVELOPMENT OF HUMAN CREATIVITY	4
Сацюков П.А., Васильев В.И. ТОРГОВАЯ ДЕЯТЕЛЬНОСТЬ КАК ОБЪЕКТ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ.....	9
Satsyukov P.A., Vasiliev V.I. TRADE ACTIVITY AS AN OBJECT OF GOVERNMENT REGULATION	10

JURISPRUDENCE

Килівник А. ПРОБЛЕМИ РЕГУЛЮВАННЯ ПРОЦЕДУР БАНКРУТСТВА	12
Kylivnyk A. PROBLEMS OF REGULATION OF BANKRUPTCY PROCEDURES	12
Baboi A. CYBERCRIME AS AN INTEGRAL PART OF THE DEVELOPMENT OF THE INFORMATION SOCIETY	14
Baboi V. S., Kovalchuk O. Yu. CURRENT PROBLEMS AND DEVELOPMENT PROSPECTS ELECTRONIC GOVERNANCE IN UKRAINE	22
Васильева В.С., Малиненко Э.В. МЕСТО КОНСТИТУЦИОННОГО СУДА В ЗАКОНОДАТЕЛЬНОМ ПРОЦЕССЕ РОССИЙСКОЙ ФЕДЕРАЦИИ	29
Vasilyeva V.S., Malinenko E.V. THE PLACE OF THE CONSTITUTIONAL COURT IN THE LEGISLATIVE PROCESS OF THE RUSSIAN FEDERATION	29
Дедок Н. М., Шарыпова В. А. ВИДЫ ИНФОРМАЦИОННЫХ ТЕХНОЛОГИЙ, ИСПОЛЪЗУЕМЫХ В ПРАВОВОЙ СФЕРЕ	31
Dedok N. M., Sharyпова V.A. TYPES OF INFORMATION TECHNOLOGIES USED IN THE LEGAL FIELD	31
Желтяк Т. П. МОМЕНТ ОКОНЧАНИЯ ХИЩЕНИЯ ПРЕДМЕТОВ, ИМЕЮЩИХ ОСОБУЮ ЦЕННОСТЬ.....	33
Zheltyak T. P. THE MOMENT OF THE END OF THE THEFT OF ITEMS OF SPECIAL VALUE	33
Желтяк Т. П. ПРЕДМЕТ И ОБЪЕКТ ХИЩЕНИЯ ПРЕДМЕТОВ, ИМЕЮЩИХ ОСОБУЮ ЦЕННОСТЬ	34
Zheltyak T. P. SUBJECT AND OBJECT OF THEFT OF ITEMS OF SPECIAL VALUE	34
Желтяк Т. П. ОБЪЕКТИВНАЯ И СУБЪЕКТИВНАЯ СТОРОНА ХИЩЕНИЯ ПРЕДМЕТОВ, ИМЕЮЩИХ ОСОБУЮ ЦЕННОСТЬ	36
Zheltyak T. P. THE OBJECTIVE AND SUBJECTIVE SIDE OF THEFT OF ITEMS OF PARTICULAR VALUE	36
Ілляшик К. ПРОБЛЕМИ СТАНОВЛЕННЯ ПРАВОВОЇ ДЕРЖАВИ В УКРАЇНІ	38
Illiashyk K. PROBLEMS OF THE FORMATION OF THE RULE OF LAW IN UKRAINE	38
Mangora T. V. FEATURES OF LEGAL RESPONSIBILITY FOR VIOLATION OF LEGISLATION ON CONSUMER PROTECTION	40
Overkovska T. LEGAL PROTECTION OF LAND FROM POLLUTION	48

9. Kryminalnyi protsesualnyi kodeks Ukrainy : zakon Ukrainy № 4651-VI vid 13 kvitnia 2012 roku [Criminal Procedure Code of Ukraine : Law of Ukraine of 13 April, 2012]. URL : <https://zakon.rada.gov.ua/laws/show/4651-17#Text>. (date of the beast 28.04.2021).

10. Zynyna U. V. Mezhdunarodnoe sotrudnychestvo v sfere borby s kompiuternymy prestuplenyamy. Pravo i bezopasnost. [International cooperation in the field of combating computer crimes. Law and security] 2005. №3. URL: http://www.dpr.ru/pravo_16_19.htm. (date of the beast 2.04.2021).

11. Konventsiiia pro kiberzlochynnist : mizhnarodnyi dokument vid 23.11.2001 [Convention on Cybercrime: International Document of 23.11.2001]. URL: http://zakon.rada.gov.ua/laws/show/994_575. (date of the beast 2.05.2021).

12. Lipkan V. A. Maksymenko Yu.A., Zhelikhovskiy V. M. Informatsiina bezpeka Ukrainy v umovakh yevrointehratsii : navch. posib. [Information security of

Ukraine in the conditions of European integration: text-book]. Kyiv: KNT, 2006. 280 p. (Seriiia: Nats. i mizhnar. bezpeka).

13. Mishchuk N. Kiberzlochynnist yak zahroza informatsiinomu suspilstvu. [Cybercrime as a threat to the information society.] Visnyk Lvivskoho universytetu. Seriiia ekonomichna. 2014. Vypusk 51. p. 173-179.

14. Kiikov V. M. Skiminh: shliakhy zapobihannia. Protydiia kiberzlochynnosti v finansovobankivskii sferi : materialy Vseukr. nauk.-prakt. konf. [Skimming: ways to prevent countering cybercrime in the financial and banking sector: materials All-Ukrainian. scientific-practical conf.], Kharkiv, 23 kvit. 2013 r. Kharkiv : KhNUVS, 2013. P. 125-128.

15. Zakon Ukrainy «Pro ratyfikatsiiu Konventsii pro kiberzlochynnist vid 7 veresnia 2005 roku. № 2824-IV. [Law of Ukraine “On ratification of the Convention on Cybercrime” № 2824-IV of September 7, 2005]. URL : <https://zakon.rada.gov.ua/laws/show/2824-15#Text> (date of the beast 27.04.2021).

УДК 35.077.2

Baboi V. S.,
assistant Department of Law,
Faculty of Management and Law
Vinnytsia National Agrarian University
Kovalchuk O. Yu.
4-year student
Department of Law,
Faculty of Management and Law,
Vinnytsia National Agrarian University
[DOI: 10.24412/2520-6990-2021-14101-22-29](https://doi.org/10.24412/2520-6990-2021-14101-22-29)

CURRENT PROBLEMS AND DEVELOPMENT PROSPECTS ELECTRONIC GOVERNANCE IN UKRAINE

Abstract.

The article considers the trends and directions of e-government development of Ukraine and the advantages of its deployment. The main problems that arise at this and subsequent stages of e-government implementation are analyzed. A comparative analysis with the leading countries in this area is done. "Narrow" months of e-government in Ukraine were identified according to the UN E-Government Survey 2018. An assessment of the level of e-government development in public authorities was made. The principle of a "single window" - the Unified State Portal of Administrative Services (poslugy.gov.ua) is considered.

The importance of implementing e-government at the local level is noted. Different approaches to the implementation of e-government at the local level are described, which are outlined in terms of "smart city" (smart city), "e-city" and "e-region". The methodology of the Civil Society Institute for evaluating the websites of local governments is considered. It is determined that the quality of information content and functionality of the website are mandatory and necessary requirements for the development of e-government in Ukraine. The main shortcomings of the official websites of public authorities and local governments and their search engines have been identified. It was found that the priority of e-government development is to complete the transition to electronic document management in the process of document preparation by ministries and interagency cooperation. Indicators of the level of e-government in different countries in accordance with the results of the UN E-Government Survey.

Possible ways to overcome the problematic issues of e-government in Ukraine are identified: improvement of the regulatory framework and systematization of information legislation, expansion and modernization of the existing infrastructure of public authorities, namely computer fleet and structured cable networks.

Keywords: administrative(management) services; information society; authorities being open; Electric Town; e-government.

Relevance and formulation of the problem. Development of e-government in Ukraine is one of the most important aspects to improve the country, because

it lets you not only to hugely optimize budget expenditures, but also to increase the speed of making manage-

ment decisions and to improve processes of management, which will lead to country development. Coronavirus pandemics and everything connected to this like quarantine and self-isolation emphasizes the importance of the development of e-government and public services. In the time of quarantine and self isolation developed e-government is exceptionally important - it accepts less economic losses of the state and citizens, and also it provides social distancing with no harm to interest of the people and, as well, their safety.

Analysis of recent research and publications.

At this stage of the country's development, a lot of attention is paid to the comprehensive deployment of e-government, the practical implementation of the concept of e-governance 2.0. However, the peculiarities of Ukrainian realities are not sufficiently taken into account when introducing new technologies for the country. Theoretical principles and tools of e-government in their scientific works have been studied by foreign scholars, for example: H. Giber, R. Gibson, R. Katz, M. Kitsing, and others. Studies of domestic scientists and practitioners, in particular: O. Baranov, N. Vasylieva, M. Vershinin, O. Golubutsky, K. Linyov, I. Lopushinsky, M. Mikhalova, J. Oliynyk and others are devoted to the problems of e-government implementation in Ukraine.

The purpose of the research. Research of theoretical aspects of functioning and development of e-government in the system of public administration of Ukraine.

Presenting main material. The right to access information is one of the inalienable rights of any citizen. So, in accordance with Act. Act. 32, 34 of the Constitution of Ukraine [1], which, in turn, are based on the provisions of p. 19 of the Universal Declaration of Human Rights [2], Act. 10 of the Convention on Human Rights [3], Art. 18 and 19 of the International Covenant on Civil and Political Rights [4], everyone is guaranteed the right to access public information, its free collection, storage, use and dissemination, access to public authorities, institutions and organizations with information about themselves that is not state or other secret protected by law [5]. The execution of these rights may be restricted by law solely in the interests of national security, territorial integrity or public order in order to prevent riots or crimes, to protect health of the people, to protect the reputation or rights of others, to prevent the disclosure of confidential information or to maintaining the authority and impartiality of justice [6].

"E-government" is a term that briefly describes the 269 modern approach that emerged in the context of the development of information society to determine the role of government bodies and non-governmental institutions in the life of state and the socio-economic development of its regions. This term refers to a new way of organizing of public management, its transformation with an orientation towards a fundamentally closer relationship with citizens, a dramatic improvement in the realization of public authorities, greater efficiency of their actions and personification of responsibility. This method is based on the purposeful and coordinated application of new information and communication technologies for the realization of state's administrative

(service-management) functions. E-governance may acquire such marketing and administrative forms as administrative services (for citizens, for business and special services), e-petitions, eeducation, e-budget, e-registry, etc. These forms determine the level of e-governance development. The level of e-governance development is different in the economically developed countries and the developing ones. According to the UN experts, it is possible to estimate its level based on the ERI (E-government Readiness Index) – maturity indicator.

It comprises of the following components:

1) Web measurement index (it determines the ability of delivering administrative services online, the possibility of using mobile applications for this, etc.);

2) Telecommunication infrastructure index (it assesses the level of availability of ICT means among the citizens, their development in the country and the relevant networks in the advanced countries);

3) Human capital index (it determines the level of education of citizens, including the education in the field of information technologies). It should be noted that the global leaders of the ERI change every year. Nevertheless, after forming the relevant group of leaders in this field, the indicated countries proved that they had achieved success in the development of e-governance, in particular due to the complex and well-grounded approach to its implementation.

By ratifying the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States Ukraine has undertaken to comply with the Copenhagen criteria, which will enable Ukraine to become a full-fledged member of the European Union. In the Strategy of Sustainable Development "Ukraine - 2020" among 62 reforms and programs of state development as a vector of security identified the program of governance. The concept of e-government provides for the creation of an electronic management system at the national, regional and local levels. The main efforts in the development of e-government in Ukraine are aimed at relations "state-to-citizens", "citizens-to-state", "business-to-state", "state-to-business".

The introduction of e-government technologies will allow:

1) for citizens - to have access to public information and receive administrative services through the net; participate in the creation and implementation of public policy;

2) for business - to have simplified access to government agencies, to cooperate with them, which will promote economic development;

3) for the authorities - to increase the efficiency, effectiveness of their activities, the quality of administrative services; to involve all citizens in the decision-making process.

In order to ensure free access of citizens to information about the activities of public authorities, there must be a quality legal framework [9]. The main legal acts should include: Laws of Ukraine "On Information" of 02.10.1992 № 2657-XII, "On protection of information in information and telecommunications sys-

tems" of 05.07.1994 № 80/94-VR, "On National program of informatization "from 04.02.1998 № 74/98-VR," About the Concept of the National program of informatization "from 04.02.1998 № 75/98-VR," About electronic documents and electronic document circulation "from 22.05.2003 № 851-IV, "On electronic digital signature" dated 22.05.2003 № 852-IV, "Basic principles of information society development in Ukraine for 2007 - 2015" dated 09.01.2007 № 537-V, "On protection personal data "from 01.06.2010 № 2297-VI," About access to public information "from 13.01.2011 № 2939-VI," About administrative services "from 06.09.2012 № 5203-VI, "About electronic trust services "from 05.10.2017 № 2155-VIII and others.

It should be noted that the Order of the Cabinet of Ministers of Ukraine dated 20.09.2017 № 649-r approved the Concept of e-government in Ukraine, the implementation of which is planned for the period up to 2020 and aims to support coordination and cooperation of public authorities and local governments to achieve the necessary level of efficiency and effectiveness of e-government development, promoting the idea of public administration reform and decentralization based on the widespread use of modern information and communication technologies throughout the country, as well as promoting the priorities identified in the Sustainable Development Strategy "Ukraine 2020" [10].

The e-Ukraine program is being implemented, which provides for the following measures for the widespread implementation of the e-government system in Ukraine:

- creation of the Unified web portal of executives and integration into it of websites and electronic information systems and resources of executive bodies in compliance with the requirements for information protection;
- development of the procedure for the provision of state (administrative) services to individuals and legal entities by the executive authorities via the Internet;
- to create Internet receptions of public authorities of every level;
- ensure the creation and regular updating of websites of regional public authorities and local governments;
- to promote the use of open source software for information and analytical support of public authorities and e-government;
- ensure the use of electronic digital signatures in public authorities;
- to create an electronic system of procurement of goods and services at public expense;
- provide individuals and legal entities through the Internet with general-purpose administrative services and those that require identification of the subjects of legal relations and ensuring the integrity and reliability of information (special-purpose services);
- create websites of district and village executive bodies; - to organize reliable and secure information interaction between executive bodies [11, p. 31].

Assessment of the level of development of e-government in public authorities, as a rule, is carried out in the following areas:

- 1) access to information;
- 2) public feedback;
- 3) administrative services;
- 4) access to public information;
- 5) usability of the website;
- 6) assessment of the electronic document management system of public authorities;
- 7) assessment of the organization of the centers of administrative services (CNAP) [12, p. 41].

A new stage in the development of e-government in Ukraine was the decision on September 2, 2019 on the establishment of the Ministry of Digital Transformation of Ukraine. Now on the web portal www.e.gov.ua the technical robot is finished and it is quite accessible to users. It should be noted that at the moment the so-called "single window" of electronic services is www.kmu.gov.ua. The resource provides about 120 electronic services. At the same time, administrative services are provided on a separate web portal my.gov.ua [7]. The web resource is at the disposal of the Ministry of Economic Development and Trade of Ukraine, developed and maintained by Infoplus (Ukrainian software developer).

Among the results of the introduction of e-government in Ukraine, it should be noted that the implementation of the principle of "single window" - the Unified State Portal of Administrative Services (poslугy.gov.ua), improved the content of official web portals of public authorities, registered their accounts in social networks "Facebook" and "Twitter". The next step is for the state bodies to create their own channels on Youtube, in particular with online broadcasts of their activities. A system of electronic declaration of assets of public figures has been launched on the website of the National Agency for the Prevention of Corruption (nazk.gov.ua). Work has begun in the field of "electronic medicine" (ehealth-ukraine.org). "Electronic litigation" is being introduced. A system of electronic appeals using the Internet has been introduced in accordance with the Law of Ukraine "On Citizens' Appeals", first of all, the most popular are petitions to the Verkhovna Rada (itd.rada.gov.ua/services/petitions/) and the President of Ukraine (petition.president.gov.ua), some local authorities (Kyiv, Vinnytsia, Ternopil, etc.). The Unified web portal for the use of public funds (e-data.gov.ua) has been put into operation. The opportunities and scope of application of electronic reporting to the bodies of the State Fiscal Service, state statistics bodies and the Pension Fund of Ukraine have been improved. Access to the electronic VAT refund register is open. The system of public and public procurement has been reformed. In particular, public procurement is conducted exclusively in electronic form in the system "ProZorro" (prozorro.gov.ua). Banks ("PrivatBank" and "Oschadbank") have developed a secure system BankID, which allows you to confirm the identity of the user on official websites through his account in Internet banking [13, p. 232].

It is necessary to point out the importance of implementing e-government at the local level. This is due to the fact that the city is a litmus test for all innovations in the development of e-government at the national level, and the provision of administrative services to

citizens and businesses, as well as their involvement in management decisions, is directly embodied in the local levels. At the local level, there are approaches to considering the implementation of e-government, which are outlined in terms of "smart city", "e-city" and "e-region". If according to some researchers, smart city is a concept that is directly related to the automation of city life, even its robotics [14], the developers of European Smart Cities have a radically different approach to understanding the concept of "smart city". According to them, a "smart" city is a city that effectively uses all available information to better understand and control its functions and make optimal use of available resources, including human resources [15]. Electronic city is a form of organization of life (functioning) of the city with the use of modern ICT, which includes the following main components: e-administration, e-participation and e-services [18, p. 92]. "Electronic region" refers to a single infrastructure of automated information system of interdepartmental interaction of state and local governments with citizens and businesses based on the active use of information and communication technologies to achieve European standards of quality of electronic administrative services, openness and transparency of government for citizens and business entities [16].

The Civil Society Institute has developed a methodology for evaluating local government websites. Quality content of the website is the first and mandatory requirement. An important indicator of the quality of a website is its functionality, ie the ability to provide public feedback and services through the website. Monitoring of the official websites of 25 regional and 50 city councils has shown that in recent years there has been a tendency to increase their number and information content, but they need to be improved because they have a number of shortcomings [17]. In particular, some sites have a complex structure of sections and subsections; when loading the main page of such sites, it is impossible to see all available thematic sections and understand the location of certain information; the existing search engine is missing; most local government websites are in the information and feedback stages; most widely and thoroughly they provide background information on the names and contacts of officials, but there is no comprehensive basis for the activities of local governments [18]. At the same time, insufficient attention is paid to the placement of budget information, tariffs and benefits, condition and use of communal property, announcements of land auctions and tenders and their results, reporting documentation, work plan and schedule of meetings, land issues.

Another key area for the realization of appropriate measures for the implementation and development of e-government is the direct management of e-government development, the quality of which depends on the ensurement of two components: the basic IT infrastructure and effective management. With regard to the formation of the basic IT infrastructure, the Concept includes the following components: e-interaction system of executive authorities, e-interaction system of state registers, e-identification system, e-office of the citi-

zen, web portal of e-government gov.ua, special protected data transmission networks, protected data processing centers, formation of basic state registers. So improving the efficiency of e-government development management involves: modernization of the National Informatization Program and regional informatization programs; a systematic approach to the implementation of projects in the field of e-government and information system management standards and harmonization and implementation of international standards in the field of information technology. To date, the Government has already approved the composition of the Intersectoral Council for e-Government Development, which includes representatives of all ministries. This body should ensure uniform coordination of the implementation of the Concept, political will and mutual coordination of all tasks. It is also planned to introduce international experience in working with state acts on the principle of Digital by Default - all acts of the Cabinet of Ministers will be subject to additional digital examination, which provides a digital way to implement the described process as a priority.

Currently, the most objective source of information on the level of e-government in different countries is UN E-Government Survey. As of 2018, Denmark ranks first. Ukraine ranks 82nd, significantly behind Belarus and the Russian Federation. Nearby, in 81st place is Uzbekistan. However, when compiling the next rating, the situation may change for the better for Ukraine.

It should be noted that among the post-Soviet countries, Estonia is the most dynamically developing and leading in the field of e-government. Thus, the experience of this country can serve as a basis for the comprehensive deployment of e-government 1.0 and e-government 2.0 in Ukraine. Comparing the indicators of the two countries in the field of e-government according to the results of the UN E-Government Survey 2018, we can assess the scale of Ukraine's lag. The only approximate indicator is the human capital index. In Estonia it is 0.8818, and in Ukraine - 0.8436. According to the telecommunications infrastructure index, Ukraine lags significantly behind: 0.4364 against 0.7613. As for the e-participation index, Ukraine lags significantly behind: 0.6854 against 0.9101. The most indicative index in terms of e-government implementation is the e-government development index, which in this case shows a significant but not critical lag behind Estonia: 0.6165 vs. 0.8486. At the same time, in Estonia this figure is considered very high, while in Ukraine it is high. Thus, in order to reach the level of the Baltic countries, Ukraine needs a comprehensive approach to increase the values of each of the indicators.

Despite the fact that the UK has its own management traditions and its management system is radically different from that in Ukraine, it is necessary to compare the two countries, as Britain in previous years ranked first in this ranking. Ukraine shows a low level of electronic participation, it's index (EPI) is only 0.6854. For the United Kingdom, the e-participation index was 0.9831. Considering the Telecommunications Infrastructure Index (TII), it should be noted that the

UK has not the highest, but significantly higher than the average index - 0.8004.

At the same time, Ukraine received a low score, which is shown in the value of the index - only 0.4364. However, according to the Human Capital Index (HCI), Ukraine is very close to Britain: 0.8436 against 0.9200. E-Government Development Index (EGDI): 0.6165 for Ukraine and 0.8999 for the United Kingdom, which demonstrates the existing potential but still insufficient development of e-gov development. The online service index (OSI) is estimated at only 0.5694, while in the UK - 0.9792. Thus, Ukraine was praised only for its human development component. The main problems for the comprehensive implementation of e-government are troubles with Internet access in villages and small towns, settlements, a high degree of bureaucratization of the management system, low computer literacy among officials. Unfortunately, until the problem with full coverage of the entire territory of the country with quality Internet is solved, we cannot talk about the successful deployment of e-government. The problem is that in places where there will be no internet connection or its quality will be insufficient, citizens will not be able to receive electronic services, and the state will be able to effectively implement the management function.

In Ukraine, the preparatory stage for introducing the electronic document management in the executive authorities based on electronic digital signature has been completed, namely:

— a set of uniform formats and protocols of electronic document management and electronic digital signature has been developed, the formation of which took place with the broad participation of business representatives, scientists and government agencies specialists.

— the electronic exchange order of official documents has officially been defined, which is a prerequisite for the disparate information systems integration, that will ensure their compatibility and effective interaction.

Despite the positive dynamics of the electronic information resources development in Ukraine, unresolved problems remain the departmental approach to their creation, significant duplication of information, lack of common standards and resources incompatibility, difficult access etc. As a result, today there is no possibility to provide integrated public services, including administrative, electronic means. In order to understand the process of introducing e-Governance, as well as the mechanism for its implementation, we should pay attention to the most common models of G-governance in the world. There are different approaches to defining the eGovernance model. The most common and simple (classic) of them describes the links between the main subjects of e-Governance and includes such components as:

— "Government to Government" (G2G – "government to government") – electronic interaction between authorities, primarily in order to provide electronic services by some authorities to others;

— "Government to business" (G2B – "government to business") – electronic interaction of government agencies with business entities in order to provide the latter with administrative and other services, business participation in forming and implementing the public policy, in public procurement, etc.;

— "Government to Citizens" (G2C – "government to citizens") – the authorities electronic interaction with citizens in order to provide services to citizens, the citizens' participation in the formation of public policy and the election process, evaluating and monitoring government activities, etc. Access to electronic administrative services is 24/7/365 (24 hours a day, 7 days a week, 365 days a year).

The success of e-Government implementation tasks will be assessed by determining the number of central executive bodies connected to the e-interaction system and requests processed electronically through such a system. The effectiveness of real-time service implementation will be assessed by determining the number of services implemented. according to the following basic levels: I and II level - providing information and downloading the application in the pdf format; Level III - application submission and payment for the service in real time; Level IV - a fully integrated service.

These administrative services in accordance with the requirements of the legislation must be integrated into the Unified State Portal of Administrative Services, the test operation of which has been launched. By the way, the Unified State Portal of Administrative Services should ensure the creation of favorable conditions for providing citizens and legal entities with accessible, transparent, secure and convenient to receive administrative services on the principle of a single window ("one-stop-shop").

In order to ensure openness and transparency of public administration, as well as the use of information and data collected by public administration bodies, it is necessary to improve the system of open data. The number of open datasets on the Unified State Portal should increase from 100 to 20,000 by 2020. However, the share of published data sets with a quality of at least three stars (according to the international five-star methodology for assessing the quality of open data) should increase from 20 to 50 percent.

The general coordination will be carried out by a special working group. General coordination of public administration reform will be carried out by a special working group on public administration reform consisting of the State Secretary of the Cabinet of Ministers of Ukraine, his deputies, state secretaries of ministries, the NAPS Chairman, the Head of the State Agency for e-Government and civil servants of category "A". bodies.

Priorities and tasks of the Strategy. Priorities and tasks of the Strategy are defined in Annex 2 to the Strategy. In particular, lawyers are interested in "Strategic planning, formation and coordination of public policy" in terms of "Improving the system of strategic planning, monitoring and evaluation, including determining the principles of evaluating the effectiveness of ministries and other central executive bodies." It is about improving the quality of state policy formation and preparation

of regulations, in particular improving the procedure (requirements) for cost analysis of regulations, evaluation of their implementation, interagency coordination in the process of policy formation and preparation of regulations, public participation in the process of formation of state policy and preparation of normative legal acts, electronic document management system.

Another, no less important and practically significant priority is the completion of the transition to electronic document management in the process of document preparation by ministries and interdepartmental cooperation. Among the tasks in this direction is the introduction of an electronic document management system. The Minister of the Cabinet of Ministers of Ukraine, the State Agency for E-Government, the Secretariat of the Cabinet of Ministers of Ukraine, and other central and local executive bodies are responsible for implementation.

According to the definition formulated by SAGA (Germany), electronic government covers all aspects of management processes (decision making), including the provision of services to the extent that these processes are based on ICT (SAGA: standards and Architectures for e-government Applications). Based on what has been said before, we are already defining e-government not only as a phenomenon that simplifies communication processes between government and citizens, but also involves interaction of a different level, such as across government agencies communication (G2G). Thus, the most capacious concept of electronic governance will cover citizen participation, political parties and organizations (including non-profit G2N), parliamentary, managerial and Judicial functions. The principle of openness and fair legal proceedings has universally recognized in democratic society and enshrined in international standards. According to p. 1 Art. 6 of the Convention on Human Rights, a public hearing is an important element of a fair trial, and the judgment must be announced publicly (Universal Declaration of Human Rights). The publicity and openness of the judiciary stems from the general obligation of a legal democratic state to transparently cover the activities of government bodies. In Ukraine these relations are governed by the Law on the Procedure for Covering Activities of Bodies of State Power and Local Self-Government by Mass Media in Ukraine, which extends its influence to the judicial authorities. According to the provisions of this legislative act, state authorities, including courts, has obliged to provide the media with full information about activities via the relevant information services, to provide journalists with free access to such information, not to interfere into their professional activities.

The exception may be the provisions of the Law on State Secret. Thus, Mass Media can conduct their own investigations and analysis of the activities of state bodies and courts, as well as evaluate and comment on them. The flip side to this is the risks that direct journalistic reporting from courts pose and other government bodies. This is due to the fact that journalists, as intermediaries, when reproducing information, no without a human subjective factor. The question is whether a person who is not related to legal activity can

correctly comment on the events that occur during the administration on justice? Unfortunately, difference between the right to a fair trial and the right to the open trial becomes the real problem due to the social media reporting. Social media poses new challenges to an open trial and the administration of justice that force us to rethink the relation between openness and fairness (Lamprini, Buckhard, 2019). In particular, public relations serve as a lever of control from arbitrary decision-making and corruption. It also increases the level of public confidence to the system that operates in the state.

At the legislative level in Ukraine, provisions on the apparatus of court has fixed, the competence of which includes issues of documentary and information-technical support, as well as the implementation of information content on the websites of the courts, which is a source of official information can't be distorted. In Ukrainian law there are also two similar concepts that characterize the justice of the court. This is publicity and openness. At the legislative level they are similar, but carry a different semantic load. "Publicity" is the provision by the court for persons whose interests relate to the case, the right to know about the place, time and date of the hearing, also unhindered access to the results of the case and the opportunity to represent their interests in court. This principle is reflected in the Law of Ukraine "On the Judicial System and the Status of Judges". "Openness" implies access to the same court session, but only of persons whose interests do not concern this business. Journalists, as individuals who are not directly related to the case, fall under this principle.

Despite the fact that access to the court session is open and they can use various gadgets for their activities without obtaining a separate permit, the court must provide permission to conduct live broadcasts from the courtroom [19].

In some countries, this classic model of eGovernance is complemented by other e-Governance subjects and the relevant government links with them. For example, in Great Britain, such an entity as "civil servants" is additionally singled out and the corresponding interaction of Government to Civil Servants (G2E – "government to employers") authorities in other countries is added to the eGovernance model in other countries. "International organizations and other states" (G2I – "government to international organizations"), which emphasizes the importance and features of government interaction with these subjects in e-governance. In terms of the e-interaction content between eGovernance subjects, there are three main models of e-Governance: the continental European, the AngloAmerican and the Asian models. The continental European model is characterized by:

— the supranational structures existence (the European Parliament, the European Commission, the European Court of Justice), whose recommendations are binding on all the EU countries;

— high degree of European countries and peoples integration;

— clear legislation governing information relations in the European information space.

Conclusion. To sum up, it should be noted that Ukraine shows a positive trend in the development of e-government, a particularly serious push occurred in 2019 after the creation of the Ministry of Digital Transformation, as well as processing a number of web resources that somehow relate to electronic services. Unfortunately, the country is facing systemic problems in management and sabotage on the ground, which significantly reduces the progress brought by high-quality deployment of the technical part of e-government.

Today, there are all sorts of problematic issues regarding the informational support of public administration, in particular the authorities. However, from the analysis of doctrine and legislation, we can identify certain ways to overcome them. In particular, firstly it is necessary to improve the regulatory framework and systematize information legislation. Secondly, the existing infrastructure of public authorities, namely the computer park and structured cable networks, needs to be expanded and modernized. Thirdly, to ensure the functioning of an effective comprehensive system for the protection of information resources. Fourthly, it is necessary to increase the culture of using modern informational technologies

References

1. Konstytutsiia Ukrainy: vid 28 chervnia 1996 p. № 254к/96-BP. [Constitution of Ukraine 28 July, 1996]. URL : <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (date of application 10.04.2021)
2. Zahalna deklaratsiia prav liudyny: Mizhnarodnyi dokument vid 10.12.1948 roku. № 995_015. [Universal Declaration of Human Rights: International document on 10.12.1948] URL : https://zakon.rada.gov.ua/laws/show/995_015#Text (date of application 21.04.2021).
3. Konventsiiia pro zakhyst prav liudyny i osnovopolozhnykh svobod vid 04.11.1950. [Convention for the Protection of Human Rights and Fundamental Freedoms on 04 November, 1950] URL : https://zakon.rada.gov.ua/laws/show/995_004#Text (date of application 21.04.2021).
4. Mizhnarodnyi pakt pro hromadianski i politychni prava: Mizhnarodnyi dokument. Orhanizatsiia Obiednanykh Natsii vid 16.12.1966 r. [International Covenant on Civil and Political Rights: An International Document. on 16.12.1966]. URL: https://zakon.rada.gov.ua/laws/show/995_043. (date of application 1.05.2021)
5. Tykhomyrova Ye.B. Transparentnist i vidkrytist diialnosti vlady ta shliakhy yikh zabezpechennia. [Transparency and openness of government activities and ways to ensure them] Naukovi zapysky. NaUKMA. Politolohiia. Kyiv: Vydavnychiy dim «KM Academia», 2002. T. 20. S. 39–43..
6. Pro skhvalennia Kontseptsii rozvytku elektronnoho uriaduvannia v Ukraini: rozporiadzhennia Kabinetu Ministriv Ukrainy vid 20.09.2017 r. № 649-p. [About approval of the Concept of development of e-government in Ukraine: the order of the Cabinet of Ministers of Ukraine from

09.20.2017] URL: <https://zakon.rada.gov.ua/laws/show/649-2017-%D1%80#n14> (date of application 10.04.2021).

7. Yedynyi derzhavnyi portal administratyvnykh posluh. [The only state portal of administrative services] URL :<http://my.gov.ua/> (date of application 29.03.2021).

8. Hryhorian O.O. Svitovyi i vitchyzniani dosvid zabezpechennia prozorosti ta vidkrytosti orhaniv derzhavnoi vlady v realizatsii publichnoi polityky (informatsii nyi aspekt). [World and domestic experience in ensuring transparency and openness of public authorities in the implementation of public policy (information aspect)] URL: <http://academy.gov.ua/ej/ej15/txts/12GOOPIA.pdf> (date of application 15.04.2021).

9. Pro administratyvni posluhy: Zakon Ukrainy vid 06.09.2012 r. [Law of Ukraine “About administrative services” on 06 June, 2012] № 5203-VI.. URL: <https://zakon.rada.gov.ua/laws/show/5203-17> (date of application 28.04.2021).

10. Pro skhvalennia Kontseptsii rozvytku elektronnoho uriaduvannia v Ukraini: rozporiadzhennia Kabinetu Ministriv Ukrainy vid 20.09.2017 r. [On approval of the Concept of e-government development in Ukraine: order of the Cabinet of Ministers of Ukraine on 20 September, 2017] № 649-r. URL: <https://zakon.rada.gov.ua/laws/show/649-2017-%D1%80#n14> (date of application 8.05.2021).

11. Elektronnyi uriad: naukovo-praktychnyi dovidnyk [E-government: a scientific and practical guide] / Ukladachi: Chukut S.A., Klymenko I.V., Lynov K.O. 2016. 85 p.

12. S.K. Polumiienko Elektronne uriaduvannia ta elektronna demokratsiia: navch. posib. u 15 ch., chastyna 6: Monitorynh, otsiniuvannia ta prohnozuvannia rozvytku systemy elektronnoho uriaduvannia [E-government and e-democracy: textbook. way. at 3 p.m., part 6: Monitoring, evaluating and forecasting the development of the e-government system]. Kyiv: FOP Moskalenko O.M. 2017. 64 p.

13. Kysliuk K.V. Rozvytok elektronnoho uriaduvannia v Ukraini yak faktor sotsiokulturnoi dynamiky. [Development of e-government in Ukraine as a factor of socio-cultural dynamics]. Kulturolohiia. Vypusk 60. 2018. S. 228-236.

14. Leo Hollis (2015). Cities Are Good for You. The Genius of the Metropolis. URL:<http://citiesaregoodforyou.com/about/>

15. European Smart Cities (european smart cities 4.0 (2015). URL: <http://www.smart-cities.eu/?cid=2&ver=4>

16. Chukut S. A. Smart-siti chy elektronne misto: suchasni pidkhody do rozuminnia vprovadzhenia e-uriaduvannia na mistsevomu rivni. [Smart city or e-city: modern approaches to understanding the implementation of e-government at the local level] Investitsii: praktyka ta dosvid. 2016. № 13. P. 89–93.

17. Rehionalna prohrama informatyzatsii Odeskoi oblasti na 2018–2020 roky «Elektronna Odeschyna» («e-ODEShchYNA»), «e-ODESAREGION»). [Regional informatization program of Odessa region for 2018-2020 "Electronic

Odessa" ("e-ODESCHINA", "e-ODESAREGION")]
URL: http://iac.odessa.gov.ua/services/programi_ta_zv_ti/ (date of application 02.05.2021).

18. Rezultaty monitorynhu saitiv miskykh rad druhykh za velychynoiu mist oblastei Ukrainy / Instytutromadianskoho suspilstva. [The results of monitoring the sites of city councils of the second largest cities

in the regions of Ukraine / Institute of Civil Society].
URL: <http://old.csi.org.ua/?cat=28> (date of application 12.05.2021).

19. N. Smirnova Public law discourse in the context of eurointegration and globalization. LEX PORTUS # 1 (21)'2020. P. 69-84

УДК: 342.2

Васильева Валерия Сергеевна,
*Российская академия народного хозяйства
и государственной службы при Президенте Российской Федерации*
Малиненко Эльвира Владимировна
*научный руководитель, кандидат юридических наук, доцент, доцент кафедры конституционного и
муниципального права ЮРИУ РАНХ и ГС при Президенте Российской Федерации*

МЕСТО КОНСТИТУЦИОННОГО СУДА В ЗАКОНОДАТЕЛЬНОМ ПРОЦЕССЕ РОССИЙСКОЙ ФЕДЕРАЦИИ

Vasilyeva Valeriya Sergeevna,
the Russian Academy of National Economy and Public Administration under the President of the Russian Federation
Malinenko Elvira Vladimirovna
Scientific director, Candidate of Juridical Sciences, Associate Professor, Associate Professor of the Department of Constitutional and Municipal Law of the Russian Academy of National Economy and Public Administration under the President of the Russian Federation

THE PLACE OF THE CONSTITUTIONAL COURT IN THE LEGISLATIVE PROCESS OF THE RUSSIAN FEDERATION

Аннотация:

В данной статье рассматриваются вопросы, связанные с законодательными полномочиями Конституционного Суда Российской Федерации. **Актуальность** темы во многом обусловлена ключевой ролью этого органа в правовой системе страны, в частности прямая зависимость соблюдения основных положений Конституции от эффективности работы Конституционного Суда Российской Федерации. **Целью** работы является исследование роли Конституционного Суда в законодательном процессе, а также анализ позиций, относительно соответствующих вопросов в отечественной правовой доктрине. В ходе работы были использованы **методы** сравнительного анализа, синтеза и др. В **результате** исследования была выявлена оптимальная и незаменимая роль Конституционного суда в законодательном процессе, а также были систематизированы мнения учёных по данному вопросу, что позволяет рассмотреть его с нескольких сторон и сделать наиболее объективные выводы. **В перспективе** развитие этой темы позволит закрепить законодательную роль Конституционного суда, что усовершенствует государственную систему Российской Федерации.

Abstract.

Constitutional Court of the Russian Federation. The relevance of the topic is largely due to the key role of this body in the legal system of the country, in particular, the direct dependence of compliance with the main provisions of the Constitution on the effectiveness of the Constitutional Court of the Russian Federation. The purpose of the work is to study the role of the Constitutional Court in the legislative process, as well as to analyze the positions on the relevant issues in the domestic legal doctrine. In the course of the work, methods of comparative analysis, synthesis, etc. were used. As a result of the study, the optimal and irreplaceable role of the Constitutional Court in the legislative process was identified, and the opinions of scientists on this issue were systematized, which allows us to consider it from several sides and draw the most objective conclusions. In the future, the development of this topic will allow us to consolidate the legislative role of the Constitutional Court, which will improve the state system of the Russian Federation.

Ключевые слова: Конституционный Суд Российской Федерации, законодательная инициатива, правотворческий процесс, Конституция Российской Федерации, законодательный процесс

Keywords: Constitutional Court of the Russian Federation, legislative initiative, law-making process, Constitution of the Russian Federation, legislative process.

Перед тем как перейти к вопросам участия Конституционного Суда в законодательных процессах, необходимо определиться с таким понятием

как законодательная инициатива. Так под ней принято понимать определенную стадию законодатель-