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Administrative and legal bases of implementation of e-government in Ukraine

Адміністративно-правові засади впровадження е-уряду в Україні

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Abstract

The article is devoted to an important and modern topic of studying the administrative and legal framework for the implementation of e-government in Ukraine. Its relevance is due to the fact that Ukraine, as a developing country, has quite high rating of the United Nations e-Government Development Index. Therefore, the existence of an appropriate legal framework and an extensive system of public authorities that are actors in the field of e-government is a priority issue. The purpose of this article is to determine the components of the administrative and legal framework for the implementation of e-government in Ukraine. The object of this article is public relations to implement and operate e-government. The subject of the study is directly the administrative and legal principles of implementation in Ukraine.

Анотація

Стаття присвячена важливій та сучасній темі вивчення адміністративно-правових засад впровадження е-уряду в Україні. Її актуальність обумовлюється тим, що Україна, як країна що розвивається, має досить високі рейтинги показника United Nations e-Government Development Index. Тому питання існування відповідного нормативно-правового підґрунтя та розгалуженої системи органів державної влади що є суб'єктами у сфері функціонування Е-уряду є пріоритетним питанням з ключовою важливістю. Метою даної статі є визначення компонентів адміністративно-правових засад впровадження е-уряду в Україні. Об'єктом – суспільні відносини пов'язані з сферою впровадження та функціонування е-уряду.

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The authors propose to analyze the concept of e-government in Ukraine, its potential to address a range of issues, and the risks of its improper implementation.

Methods which were used for proper research: method of terminological analysis, structural-functional method, descriptive, institutional approach, critical-dialectical and legal analysis methods.

Keywords: e-government, digital by default, The Ministry of Digital Transformation Ukrainian.

Introduction

As of today, Ukraine remains face to face with problems in the public administration sector that need to be addressed. Such a solution may be the introduction of modern technologies designed to improve the efficiency of state processes. The corresponding system is called e-government. Due to its implementation, Ukraine can solve the following pressing problems, such as corruption, increase citizens' access to public services (overcome excessive bureaucracy), increase transparency and monitoring of civil society in state processes.

Appropriate technologies, when used properly, are intended to improve state-guaranteed human and civil rights and freedoms. But the use of technologies such as e-government increases certain risks (data leakage, undue interference with privacy, excessive state control over the individual). Therefore, the appropriate introduction of e-government technology depends on proper administrative and legal implementation, the activities of public authorities and the legal framework governing the relevant public relations in these areas.

The relevance of the study is confirmed by quite high indicators of Ukraine, as for a middle-income country, the United Nations e-Government Development Index. Accordingly, such intensive technological progress must be accompanied by a high level of proper legislative regulation, which should provide a system of public authorities and appropriate legal framework that will guarantee fundamental human rights and freedoms and avoid the risk of excessive state interference in private life.

Предметом дослідження безпосередньо виступають адміністративно-правові засади впровадження в Україні.

Авторами пропонується проаналізувати концепцію Е-уряду в Україні, її потенціал вирішення кола проблемних питань, та ризики її неналежного впровадження.

За для належного здійснення дослідження було використано методи термінологічного аналізу, структурно-функціональний метод, описовий, інституціонального підходу, критично-діалектичний та метод юридичного аналізу.

Ключові слова: електронний уряд (е-уряд), цифровий за замовчуванням, Міністерство Цифрової трансформації.

The purpose of the article is to determine the components of the administrative and legal framework for the implementation of e-government in Ukraine. Object - public relations related to the implementation and operation of e-government. The subject of the study is directly the administrative and legal framework for implementation in Ukraine.

The structure of the article consists of the following sections: The concept of e-government; e-government as a potential solution to public administration problems; Risks of improper implementation of e-government; Normative and legal basis for the functioning of e-government in Ukraine; Entities are related to the activities of e-government in Ukraine.

Theoretical Framework

First of all, it should be noted that in the scientific literature there are different definitions of e-government and e-governance, which cause some inconvenience for understanding. Therefore, it is necessary to distinguish these two concepts.

Guida James and Martin Crow note that the terms "e-government" and "e-governance" are often used interchangeably to describe the more effective use of information and communication technologies (ICTs) by public authorities to provide services and transform relationships with citizens, businesses and other governments. (James, & Crow, 2009).

We do not agree with this statement, but believe that in general, the consideration of e-government separately from e-government is

not possible because the former is an integral and most expressive part of the latter.

Pogrebnyak I. notes that e-government can be defined as a way of organizing government with the help of local information Internet networks and segments of the global information network, which ensures the functioning of certain services in real time and makes everyday communication as simple and accessible with official institutions. With this approach, e-government is part of a more global phenomenon - e-governance. The strategic goal of e-governance is to support and simplify the governance process for all parties: government, citizens and businesses through ICT. In e-governance, electronic tools support and promote good governance (Pogrebnyak, 2014).

Klymenko I. concludes that the concept of "e-government" in the scientific literature is based on definitions based on the description of social transformations towards effective provision of public services through the transformation of public administration through its informatization, etc. (Klymenko, 2009).

Ndou Valentina emphasizes the significant differences in the interpretation of the concept of "e-government", ranging from understanding "e-government" as a website with political content, to understanding the quality of digital government information or how to involve it in digital transactions with customers. But this does not reveal e-government in its full sense. According to her, e-government is a multidimensional and complex concept, the crucial element of which is the use of ICT tools to transform the public sector by transforming its internal and external way of doing business and its relationships with customers and the business community (Ndou, 2004).

The Organization for Economic Co-operation and Development defines the term "e-government" as a government that focuses on the use of the relevant range of new information and communication technologies (ICT) in the exercise of its functions. The government's use of the potential of the most obvious modern technologies, such as the Internet, can change its structure and affect its functioning (OECD, 2001).

In turn, the World Bank has given the following definition of "e-government" as a process of using public information technology that can change relations with other authorities, citizens and businesses. Relevant technologies (including

the use of the World Wide Web and mobile computers) can be used to achieve the goal of improving public service delivery, improving productive interaction with business and industry, empowering citizens through access to information or better governance. Reducing corruption, increasing transparency, improving convenience, and increasing revenue while reducing related costs can be beneficial aspects of implementing e-government (World Bank, 2015).

Fountain J.E. points out that "e-government" is a relevant government that is transformed through virtual agencies, interagency and public-private networks, the structure and capacity of which depend on modern technology and the Internet (Fountain, 2001).

Tamara Almarabeh and Amer AbuAli focus on such definition of e-government, defining it as communication between government and its citizens using computers and web presence, such as the use of information and communication technologies by government to offer citizens and businesses the opportunity to interact with government. using various electronic media. In this way, the government organizes itself: its administration, rules, regulations and frameworks designed to provide delivery and coordination services, communication and integration of processes within itself (Almarabeh, AbuAli, 2010).

In our opinion, e-governance is a concept that includes several areas, such as e-education; e-banking; e-legislation; e-democracy; e-data; e-insurance. But the most striking manifestation of this trend is its component such as e-government.

Administrative and legal principles of e-government implementation are a set of systems consisting of 1) regulatory framework that provides official legitimate status and acts as a social regulator of relevant relations; 2) the range of actors (government agencies and civil society itself) that implement the relevant concept of e-government in their activities.

Methodology

Determining the components of the administrative and legal framework for the implementation of e-government in Ukraine, in order to maintain the objectivity of the study was conducted in accordance with general scientific methods. First of all, the method of terminological analysis was used to establish the

appropriate categorical and conceptual apparatus of the study, namely the definition of "e-government", which was reflected in the Theoretical Framework. The method of structural and functional analysis was used in the section Concept of e-government in order to determine the structure of e-government and then divide it into appropriate elements. The institutional method was used to study e-government as an institution of the state, which helps to improve the relevant state processes, thereby improving public relations in this area. Also, a descriptive method was used for the E-Government Concept to reveal in detail some categories and processes related to e-government. In addition, the applied critical-dialectical method is aimed at critically analyzing the concept of e-government, identifying its potential to overcome existing problems in Ukraine in the field of public power and possible risks of improper implementation in e-government as a potential solution to public administration and risks of improper implementation e-government respectively. In the section Regulatory legal basis for the functioning of e-government in Ukraine, we see the results of using the method of legal analysis. The combination of methods of analysis and synthesis was used in the study of e-government in Ukraine.

In total there are 38 bibliographic sources that were used (including scientific sources indexed by Web of Science or Scopus), 11 sources are legal acts.

Results and Discussion

E- government Concept

The idea of creating e-government is delivered from the principle of good governance and the desire of society to create perfect, transparent and convenient public administration. The development of modern technologies, science and information society has led to an attempt to rationally use them in practice, including in the field of public administration.

Earlier, the legislation of Ukraine, namely the Order of the Cabinet of Ministers of Ukraine on approval of the Concept of e-government in Ukraine: from 13 December. 2010 № 2250-r contained the definition of e-government (e-government), and defined it as - a single infrastructure of interagency automated information interaction of public authorities and local governments with each other, with citizens and businesses Ukraine (Order of the Cabinet of

Ministers of Ukraine No. 2250-r, 2010). But as of today, the relevant normative legal act has lost its force, and the current legislation of Ukraine does not contain a definition of this concept, but refers us to the theory.

The concept of e-government is based on three evolutionary forces such as: technology, management concepts and government itself (Brown, 2005). It is the legislative branch (Verkhovna Rada), as the legitimately delegated representative of the people, that must adopt the appropriate legal framework to improve public administration through the use of technology as a modern tool to improve and overcome existing problems.

The concept of e-government intersects and goes with some extent interlinked with the concept of "good governance", which includes twelve fundamental principles, including the following: fair elections, representation and participation; keenness; efficiency and effectiveness; openness and transparency; Rule of Law; ethical behavior; competence and capacity; innovation and openness to change; stability and long-term orientation; proper financial management; human rights, cultural diversity and social cohesion; accountability (Council of Europe, 2021).

One of the components of the implementation of the concept of e-government is its legitimization in the official field through the existing rule-making procedures with further legislative consolidation. Therefore, the preparation of the relevant regulatory framework is quite important for the implementation of the idea of introducing government digitalization technologies.

The ideology of the concept of e-government should be correlated with the basic principles of the current national legal framework. First of all, with the Constitution of Ukraine, according to Article 1 of which, Ukraine is "a sovereign and independent, democratic, social, legal state". The Constitution has norms of direct effect, which means that all legal acts must be constructed taking into account the above-mentioned basic provisions of the Basic Law and correspond to their essence.

In addition, the implementation of e-government has its own specialized principles.

The order of the Cabinet of Ministers of Ukraine of September 20, 2017 № 649-r On approval of the Concept of e-government development in Ukraine approved the relevant principles on

which the implementation of e-government in Ukraine, those are:

digital by default - providing any activity of public authorities (including the provision of public services, interdepartmental interaction, interaction with individuals and legal entities, information and analytical activities) provides an electronic form of implementation as a priority, and planning and implementation of any reform, project or task - with the use of information and communication technologies;

one-time entry of information - implementation of the approach in which individuals and legal entities submit information only once to the authorities, and then this information is reused by the authorities to provide public services and other powers in compliance with information protection and personal data;

default compatibility - the design and operation of information and telecommunications systems in government in accordance with common open requirements and standards to ensure their continued compatibility and electronic interaction and reuse;

accessibility and involvement of citizens;

openness and transparency;

trust and security (Order of the Cabinet of Ministers of Ukraine № 649-r, 2017).

It is the special principle of "Digital by Default", which in our opinion is the key, which changes the priority of the implementation of the legal act in a way that involves the use of digital technologies (Government portal, 2019).

In addition, this principle is mentioned in the Order of the Cabinet of Ministers of Ukraine of January 17th 2018 № 67-r The principle of "Digital by Default" is defined as the principle of digitalization of those analog systems, the development and maintenance of which are clearly unprofitable and inefficient. It is noted that the digital state is becoming a normal state of functioning and development of many systems, areas, organizations, industries and economies (Order Cabinet of Ministers of Ukraine No. 67-2018-p, 2018).

The translation of these principles into the legal plane gives them the official status of a legal regulator of public relations and thus creates the basis for the development of e-government in Ukraine.

It should also be noted that the dynamic development of modern information and communication technologies, social networks and mobile technology networks create an area of new social relations and become a challenge which the national legal system responds (Smirnova, 2020).

It should also be noted that in the middle of the concept of e-government it is possible to distinguish certain categories:

Government-Government (G2G) which aims to exchange information electronically between government entities. The G2G category includes both intra-structural and interagency data exchange. In addition, it is possible to divide into the national level of interaction (local, provincial, interdepartmental), as well as exchanges at the international level. Government-business (G2B) is a categorical sphere that embodies the range of legal relations between business and the state. Examples of such relationships are business-related transactions, business-oriented services, and so on. Consumer/ Citizen Government (G2C) This category regulates relations related to initiatives designed to facilitate people's interaction with the government as consumers of public services and as citizens. Appropriate interaction arises in the process of providing public services and the participation of the information society in public discussions of public administration decision-making (United Nations, 2012).

E-government as a potential solution to public administration problems

For example, e-government, by improving transparency and reducing the human factor, can be an effective solution to the problem of public administration that exists today. Proper implementation of the concept of e-government helps to reduce the interaction between the subject of power and the citizen, which leads to a reduction of related negative phenomena, such as corruption. Relevant research shows that sufficient development and successful implementation of the concept of e-government in the state can usually have the effect of reducing corruption in all three branches of government (those are: legislative, executive and judicial) by improving its governance (Arayankalam, Khan, Krishnan, 2021).

E-government can be a manifestation of information and communication technologies to improve government activities and relations between citizens and government. Technological

upgrading of government operations can help citizens and government agencies fight corruption in public administration.

After all, effective anti-corruption activities are possible only with the effective consolidation of all public authorities, including the highest ones: the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and the President of Ukraine (Bondarenko, Utkina, Dumchikov, Prokofieva-Yanchylenko, Yanishevskaya, 2021).

The impact of the implementation of e-government on anti-corruption activities is usually adjusted to the existing political, economic and cultural characteristics of a country, but in general, studies show its effectiveness and efficiency of such implementation (Nam, 2018).

Also, the appropriate use of relevant modern technologies facilitates public access to them and enhances the anti-corruption effect through public scrutiny.

For example, the existence of open electronic resources greatly simplifies the exercise of public control over government processes. Accordingly, public monitoring is strengthened through the ability of everyone to be virtually present in the tender procedure under the ProZorro system,

which has replaced paper procedures (Bondarenko, Malanchuk, Dumchikov, 2020).

Thanks to the introduction of e-government and related principles, the issue of excessive bureaucratization is being addressed. Digitization of processes makes the work of government agencies more efficient and, in addition to time, saves financial and human resources. In addition, the principle of paperless, is a more environmentally friendly solution and has a positive impact on the environment.

Thus, e-government is an effective solution to counteract the negative manifestations of excessive bureaucracy in public administration and is essentially an anti-bureaucratic public technology (Sukhonos, 2015).

Risks of improper implementation of e-government.

As we can see (Figure 1, which shows Ukraine's place in the United Nations e-Government Development Index Ukraine E-Government & E-Participation Index), Ukraine's ratings in the implemented e-government are quite high, as for a middle-income country. As the pace of e-government implementation increases, so do the corresponding risks that accompany it.

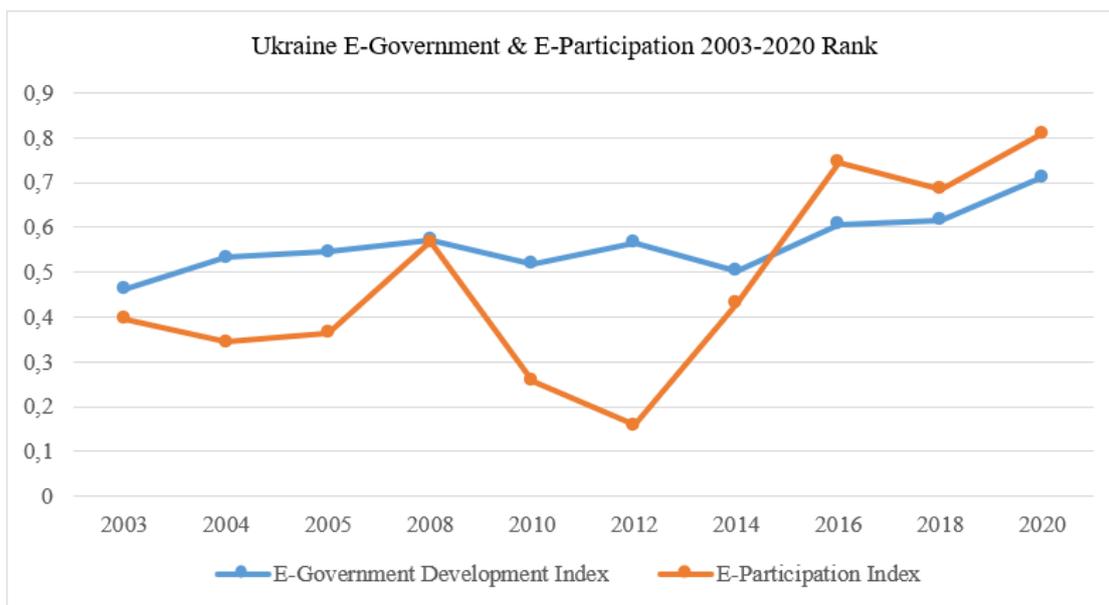


Figure 1. Ukraine E-Government & E-Participation 2003-2020 Rank. (United Nations, 2022)

The legal regulation of public relations is designed to strike a balance between the protection of citizens' rights and the interests of the state. At the same time, the relevant legal

mechanism is designed to comply with technology in the relevant legal field, so that their excessive development does not lead to violations of such human rights and freedoms.

After all, the development of technologies, if used improperly, can lead to total state control. This is especially true to totalitarian and autocratic regimes. That is, we can say that there is a risk of achieving the opposite goals of this technology. This result is possible with poor quality, incorrect or intentional misuse of e-government technologies. For example, the introduction of e-voting - interference in its system and as a consequence of consolidating the ruling elites in power, anti-corruption mechanisms, the country's high level of corruption, corruption of information managers - possible leakage of personal data, and excessive interference in private life technologies.

Another problem with the introduction of e-government in Ukraine may be the problem of increasing "digital inequality", low computer literacy of some segments of the population, uneven access to the Internet, especially in rural areas (Shkarlet, Olychenko, Dubyna, Ditkovska, Zhovtok, 2020).

Therefore, such safeguards against these risks should be the national legal framework, which takes into account the relevant risks and provides a mechanism to prevent their negative impact on fundamental rights and freedoms and legitimate human interests.

The appropriate process of rule-making and rules' implementation governing the functioning of e-government must be consistent with democratic values and the implementation of the rule of law, social state with good governance.

Therefore, e-government, like any tool, must be used primarily for the benefit of citizens and serve democratic values.

Proper implementation of the concept of e-government should not limit the relevant fundamental human and civil rights set out in the Universal Declaration of Human Rights. A proper and convenient e-government system should increase the protection and realization of citizens' rights (Verkhovna Rada of Ukraine, 1948).

Existing research shows a positive correlation between the implementation of e-government and a high level of human rights in the country (Abu-Shanab, & Harb 2013).

Ultimately, the main values of e-government for users should be: a comfortable information environment for citizens and organizations; full satisfaction of individual needs of each user; interaction without borders (Bolduev, Boldueva, Isikov, 2020).

Normative and legal basis for functioning of e-government in Ukraine

Legislation is an external form of expression of administrative and legal regulation and occupies an important place in the system of legal regulation of e-government (Kalishenko, 2019).

Based on the critical analysis of international and national regulations in the field of implementation and functioning of e-government, we propose to divide them into the following four categories:

basic normative and legal acts - are normative legal acts as they define the basic principles, without which the activity of e-government does not make sense and can have a more negative result of its own implementation

- Constitution of Ukraine
- Universal Declaration of Human Rights.
- UN Convention against Corruption

direct regulation - direct mention of e-government, or related concepts and implementation

- Recommendation Rec (2004)15 of the Committee of Ministers to member states on electronic governance ("e-governance") (Adopted by the Committee of Ministers on 15 December 2004 at the 909th meeting of the Ministers' Deputies)
- Law of Ukraine "On Information Protection in Information and Telecommunication Systems" Vidomosti Verhovnoi Radu (VVR), 1994, № 31, art.286
- Law of Ukraine "On the National System of Confidential Communications" of 10.01.2002 № 2919-III
- Law of Ukraine "On electronic documents and electronic document management" of 22.05.2003 № 851-IV
- Law of Ukraine "On Basic Principles of Information Society Development in Ukraine for 2007-2015" Information of the Verkhovna Rada of Ukraine (VVR), 2007, № 12, art.102
- Law of Ukraine "On electronic trust services" dated 05.10.2017 № 45, Article 400 2155-VIII
- Resolution of the Verkhovna Rada of Ukraine Recommendations of the Parliamentary Hearing on the topic: "Legislative support for the development of the information society in Ukraine" (Vidomosti Verkhovnoi Rady (VVR), 2014, № 33, p.1163)
- Resolution of the Cabinet of Ministers of Ukraine of February 24, 2003 № 208 "On measures to create an electronic information system" Electronic Government ""
- Order of the Cabinet of Ministers of Ukraine dated 05.04.2012 № 220-r "On approval of the action plan for the implementation of the Open Government Partnership Initiative in Ukraine
- Order of 11.09.2013 № 718-r "On approval of the action plan for the creation of a single state portal of administrative services"
- Order of the Cabinet of Ministers of Ukraine dated 15.05.2013 № 386-r "On approval of the Strategy for the development of the information society in Ukraine"
- Order of the Cabinet of Ministers of Ukraine of September 20, 2017 № 649-r On approval of the Concept of e-government development in Ukraine
- Resolution of the Cabinet of Ministers of Ukraine of January 17, 2018 № 55 "Some issues of documenting management activities"
- Resolution of the Cabinet of Ministers of Ukraine of January 30, 2019 № 56 Some issues of digital development
- Sustainable Development Strategy "Ukraine - 2020", approved by the Decree of the President of Ukraine of 12.01.2015 № 5/2015

indirect - regulate related public relations with e-government, for example in the field of information circulation

- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases
- Okinawa Charter of the Global Information Society, adopted by G8 leaders on July 22, 2000
- Law of Ukraine "On Information" (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 1992, № 48, art.650)
- Law of Ukraine "On State Secrets" (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 1994, № 16, art.93)
- Law of Ukraine "On the Concept of the National Informatization Program" Information of the Verkhovna Rada of Ukraine (VVR), 1998, № 27-28, art.182
- Law of Ukraine "On the National Informatization Program" Information of the Verkhovna Rada of Ukraine (VVR), 1998, № 27-28, art.181

auxiliary - at first glance not related to the concept of e-government, but thanks to them, the relevant processes are implemented without which to achieve a full positive effect from the implementation of e-government does not seem possible

- Law of Ukraine "On Personal Data Protection" of 01.06.2010 № 2297-VI
- Law of Ukraine "On Access to Public Information" of 13.01.2011 № 2939-VI
- Law of Ukraine "On Administrative Services" of 06.09.2012 № 5203-VI
- Law of Ukraine "On State Support for the Development of the Software Industry" Information of the Verkhovna Rada (VVR), 2013, № 47, art.656

Figure 2. Regulations related to e-government in Ukraine.
(Maletov D., Pylypenko V.)

Authorities related to E-government in Ukraine.

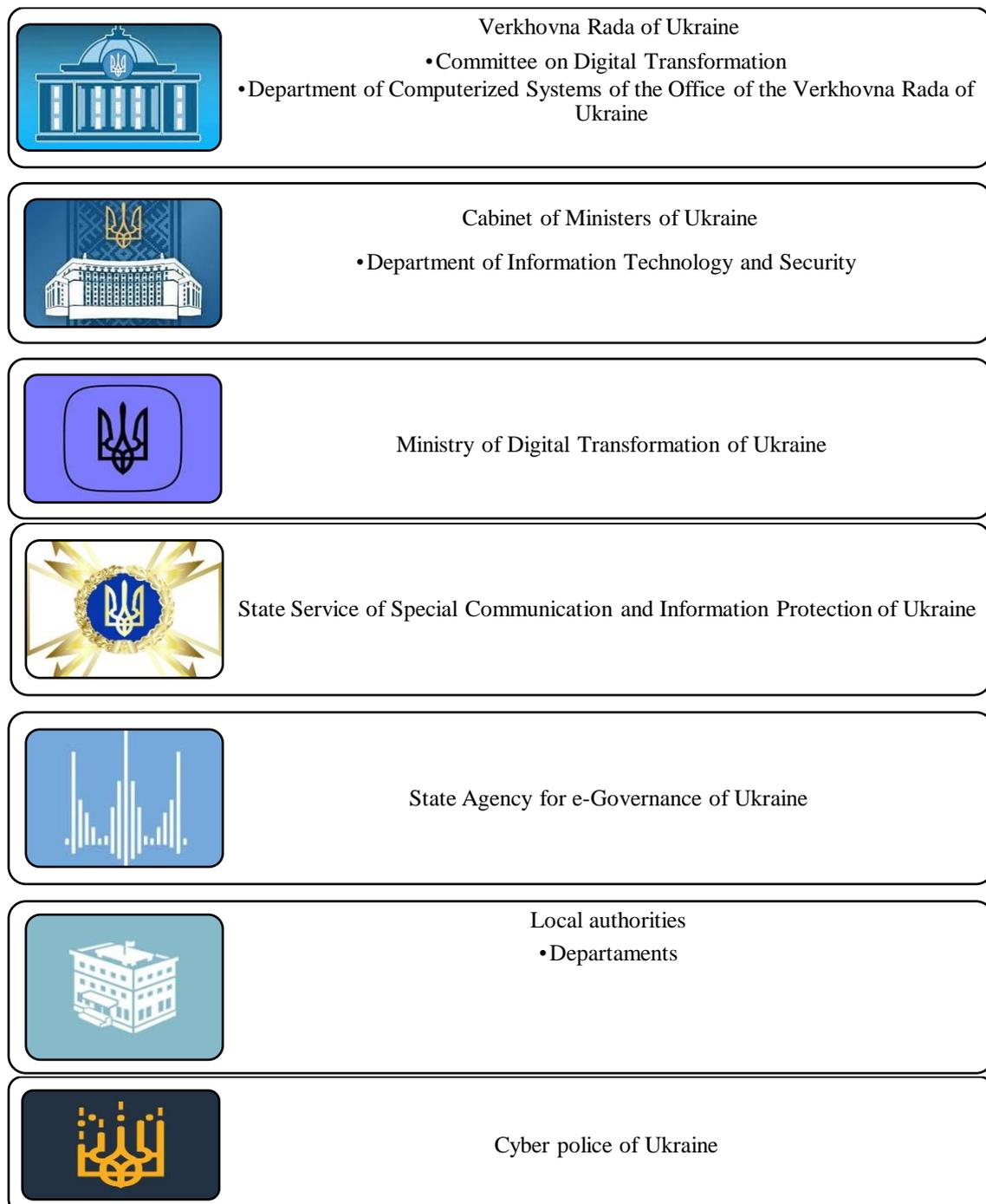


Figure 3. Entities are related to the activities of e-government in Ukraine (Maletov D., Pakhomov V.)

The Verkhovna Rada of Ukraine (Parliament)

The Verkhovna Rada (Parliament) is the only legislative body in Ukraine (Constitution of Ukraine, 1996). Accordingly, its main task is to carry out rule-making activities. The regulatory body, without which it is impossible to imagine the legitimate activities of e-government, is created by the relevant body.

It includes the Committee on Digital Transformation, which was established on August 29, 2019 on the basis of the Resolution of the Verkhovna Rada of Ukraine № 19-IX of August 29, 2019. The Committee has 10 deputies, united by a common subject of competence: legislative principles of digitalization and digital society in Ukraine; National and state informing programs; EU

Digital Single Market (EU4Digital) and other digital cooperation programs; e-government and public e-services; e-democracy; electronic trust services and digital identification; state information and analytical systems, electronic document management; legal principles of administration, functioning and use of the Internet in Ukraine; cybersecurity and cybersecurity, including in the field of critical infrastructure; development of digital competencies, digital rights and others (Verkhovna Rada of Ukraine, 2015).

Also, the Office of Computerized Systems operates under the Office of the Verkhovna Rada of Ukraine. Its main function is software and technical support of the Verkhovna Rada.

In order to ensure the transparency of legislative activity of the Verkhovna Rada of Ukraine, the Department of Computerized Information Systems and Networks, together with other divisions of the Secretariat of the Verkhovna Rada of Ukraine, has the following responsibilities: Sections of bills registered in the Verkhovna Rada of Ukraine and at the request of the Committees of the Verkhovna Rada of Ukraine and People's Deputies of Ukraine to place the texts of bills on the "Internet" (Order of the Chairman of Verkhovna Rada of Ukraine No. 617, 1999).

Cabinet of Ministers of Ukraine (government)

The Cabinet of Ministers of Ukraine is the highest body in the system of executive bodies. According to the current legislation, the Cabinet of Ministers of Ukraine exercises executive power directly and through ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations, directs, coordinates and controls the activities of these bodies (Law of Ukraine No. 794-VII, 2014).

Of course, the activities of e-government involve digitalization and the government itself, so it has a Department of Information Technology and Security, which was established after the liquidation of the Department of Information Technology and Security in accordance with the Cabinet of Ministers of Ukraine from May 26, 2021 № 542 "Some issues Cabinet of Ministers of Ukraine" (Resolution No. 542, 2021).

Ministry of Digital Transformation

The Ministry of Digital Transformation is the main body in the system of central executive

bodies that ensures the formation and implementation of state policy: in the areas of digitalization, digital development, digital economy, digital innovation and technology, e-government and e-democracy, information society development, informatization; in the field of electronic document management; in the field of development of digital skills and digital rights of citizens and others (Resolution, No. 856, 2019).

State Service for Special Communications and Information Protection of Ukraine

The State Service for Special Communications and Information Protection of Ukraine is a state body designed to ensure the functioning and development of the state system of government communications, the National Confidential Communications System, the formation and implementation of state policy in cryptographic and technical information protection, cybersecurity, special-purpose postal service, government courier service, and other tasks in accordance with the law (Law of Ukraine No. 3475-IV, 2006).

State Agency for e-Government of Ukraine

The State Agency for e-Government of Ukraine is a central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine and which implements state policy in the fields of informatization, e-government, formation and use of national electronic information resources, information society development.

In addition, the State Agency for e-Government of Ukraine is tasked with the introduction of new technologies and the use of managerial experience in the field of informatization, e-government, use of national information resources; organization of training and preparation of proposals for improving the system of training in the field of informatization, e-government; informs the public about the state of development of the information society and promotes the benefits of its construction; promotes the introduction of e-government technologies in state and local self-government bodies (Resolution No. 492-2014-p, 2014).

Local authorities

Relevant regional state administrations and local self-government bodies have the right to create at their own discretion departments that have the right to deal with issues related to the

development of e-government in the relevant territory. Examples are the Department of Digital Transformation, Information Technology and e-Government of the Dnipro Regional State Administration (Dnipropetrovsk Regional State Administration, 2021) and the Department of Digital Transformation of the Kharkiv City Council (Digital Kharkiv, 2022).

Cyber police Department of Ukraine

The Cyber Police Department of the National Police of Ukraine is an interregional territorial body of the National Police of Ukraine, which is part of the criminal police of the National Police and in accordance with the legislation of Ukraine ensures the implementation of state policy in the fight against cybercrime.

The main tasks of the Cyber Police Department of the National Police of Ukraine:

- 1) Participation in the formation and implementation of state policy to prevent and combat criminal offenses, the mechanism of preparation, commission or concealment of which involves the use of computers (computers), systems and computer networks and telecommunications networks.
- 2) Assistance in the manner prescribed by applicable law to other units of the National Police in the prevention, detection and cessation of criminal offenses (Cyberpolice Department of Ukraine, 2022).

Conclusions

In conclusion, it should be noted that the components of the administrative and legal framework for the implementation of e-government in Ukraine are the legal frameworks that provide official legitimate status and act as a public regulator of relations related to the implementation and operation of e-government. Normative and legal acts in the field of regulation of public relations in the sphere of functioning of e-government the authors conditionally propose to divide into basic normative and legal acts; acts that directly regulate legal relations connected to e-government, acts that indirectly regulate legal relations connected to e-government and ancillary regulations.

The concept of implementing e-government as a model of governance using appropriate technologies can improve the system of government by overcoming such issues as

corruption and bureaucracy. But implementing the concept of e-government, domestic authorities must take into account the risks that arise from its improper implementation (data loss, interference in the system, excessive control over the person) Therefore, for effective implementation of this concept of e-government, which will protect and defend the fundamental rights of man and citizen.

Another important component of the administrative and legal framework for the implementation of e-government in Ukraine is the range of entities that implement the relevant concept of e-government in their activities (public authorities and local governments). These are: the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the State Agency for e-Government of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, the Ministry of Digital Transformation, local authorities, the Cyber Police Department of Ukraine.

We have identified the components of the administrative and legal framework for the implementation of e-government in Ukraine, which are: The concept of e-government; E-government as a potential solution for public administration problems; Risks of improper implementation of e-government; Normative legal basis for the functioning of e-government in Ukraine; Entities are related to the activities of e-government in Ukraine.

Bibliographic references

- Abu-Shanab, E. A., and Harb, Y. A. (2013). E-government readiness association with human rights index. *Electronic Government, An International Journal*, 10.1. Recovered from https://www.researchgate.net/profile/Emad-Abu-Shanab/publication/260870179_E-Government_Readiness_Association_with_Human_Rights_Index/links/546ee9ee0cf2b5fc176082f4/E-Government-Readiness-Association-with-Human-Rights-Index.pdf
- Almarabeh, T., & AbuAli, A. (2010). A general framework for e-government: definition maturity challenges, opportunities, and success. *European Journal of Scientific Research*, 39(1), 29-42. Recovered from https://www.researchgate.net/profile/Amer-Abuali/publication/228850900_A_General_Framework_for_E-Government_Definition_Maturity_Challenges_Opportunities_and_Success/links/0c96052ffd6c7655db000000/A-General-Framework-for-E-Government-Definition-Maturity-Challenges-Opportunities-and-Success.pdf

- Arayankalam, J., Khan, A., & Krishnan, S. (2021). How to deal with corruption? Examining the roles of e-government maturity, government administrative effectiveness, and virtual social networks diffusion. *International Journal of Information Management*, 58, 102203. Recovered from <https://www.sciencedirect.com/science/article/abs/pii/S0268401219317141>
- Bolduev M. V., Boldueva, O. V., and Isikov, S. M. (2020). Current state and prospects for development of electronic government in public administration of Ukraine. *Economic Bulletin of Dnipro University of Technology*, 3, Recovered from https://ev.nmu.org.ua/docs/2020/3/EV20203_18-125.pdf
- Bondarenko O. S., Malanchuk P. M., Dumchikov M. A. (2020). The role of community in fighting corruption in Ukraine. *Russian Journal of Criminology*, 14(4), pp. 631-642. DOI: 10.17150/2500-4255.2020.14(4).631-642. (in Russian). Recovered from <http://cj.bgu.ru/reader/article.aspx?id=23955>
- Bondarenko O., Utkina M., Dumchikov M., Prokofieva-Yanchylenko D., & Yanishevska K. (2021). Review of the state anti-corruption institutions effectiveness in Ukraine. *Amazonia Investiga*, 10(38), 219-233. Recovered from <https://amazoniainvestiga.info/index.php/amazonia/article/view/1560/1553>
- Brown, D. (2005). Electronic government and public administration, 71(2), 241-254. Recovered from https://www.researchgate.net/publication/249688526_Electronic_Government_and_Public_Administration
- Council of Europe (2021). 12 Principles of Good Governance – official web-portal. Recovered from <https://www.coe.int/en/web/good-governance/12-principles>
- Constitution of Ukraine (1996). The Verkhovna Rada of Ukraine of January 1. 2021. Recovered from <https://rm.coe.int/constitution-of-ukraine/168071f58b>
- Cyberpolice Department of Ukraine (2022) About the Department. Recovered from <https://cyberpolice.gov.ua/contacts/>
- Digital Kharkiv (2022) Department of Digital Transformation of Kharkiv City Council. Recovered from <https://digital.kharkiv.ua/>
- Dnipropetrovsk Regional State Administration (2021) Department of Digital Transformation, Information Technology and e-Government. Recovered from <https://adm.dp.gov.ua/dniprooda/pro-oda/departamenti-ta-upravlinnya/upravlinnya-informacijnih-tehnologij-ta-elektronnogouryaduvannya>
- Government portal. (2019) E-government is the key to reforms in Ukraine State Agency for e-Government of Ukraine. Official website Recovered from <https://www.kmu.gov.ua/news/uryaduvannya-klyuch-do-reform-v-ukrayini>
- Fountain, J.E. (2001), *Building the Virtual State: Information Technology and Institutional Change*. Washington, DC: Brookings Institution Press, pp. 155-89 Recovered from <https://www.brookings.edu/book/building-the-virtual-state/>
- James, G. and Crow, M. (2009). *E-government and e-governance. ICT4D: Information and Communication Technology for Development*. Cambridge University Press. 283-320 Recovered from https://books.google.com.ua/books?hl=uk&lr=&id=8WMjHA6nkpAC&oi=fnd&pg=PA283&dq=E-government+and+e-governance+Guida+J.,Crow+M.&ots=sX1bT57eqr&sig=GNvoNRqwyAFzMWw5xOCKZbCQgC8&redir_esc=y#v=onepage&q&f=false
- Kalishenko, Ye., (2019). Legal support for the development of e - government in Ukraine. *Entrepreneurship, economy and law*, 7, 140-144. Recovered from <http://www.pgp-journal.kiev.ua/archive/2019/7/26.pdf>
- Klymenko, I.V. (2009) Basic approaches to the definition of "e-government" and "e-government ". *Economics and the State*, 6, 93-96 Recovered from http://www.economy.in.ua/pdf/6_2009/28.pdf
- Law of Ukraine No. 3475-IV On the State Service for Special Communications and Information Protection of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2006, № 30, p.258) Recovered from <https://zakon.rada.gov.ua/laws/show/3475-15#Text>
- Law of Ukraine No. 794-VII. On the Cabinet of Ministers of Ukraine (Vidomosti Verkhovnoi Rady (VVR), 2014, № 13, p. 222) Recovered from <https://zakon.rada.gov.ua/laws/show/794-18#Text>
- Nam, T. (2018). Examining the anti-corruption effect of e-government and the moderating effect of national culture: A cross-country study. *Government Information Quarterly*, 35(2), 273-282. Recovered from <https://www.sciencedirect.com/science/article/abs/pii/S0740624X1630301X>
- Ndou, V. (2004) E-Government for developing countries: opportunities and challenges. *The Electronic Journal of Information Systems in Developing Countries*, 18(1), 1-24 Recovered from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.691.9561&rep=rep1&type=pdf>
- Order Cabinet of Ministers of Ukraine No. 67-2018-p. On approval of the Concept of development of the digital economy and society of Ukraine for 2018-2020 and approval of the action plan for its implementation of January

- 17, 2018 Recovered from <https://zakon.rada.gov.ua/laws/show/67-2018-%D1%80#Text>
- Order of the Cabinet of Ministers of Ukraine No. 2250-r On approval of the Concept of e-government development in Ukraine. December 13, 2010 Official Gazette of Ukraine of December 27, 2010. № 97 Recovered from <https://zakon.rada.gov.ua/laws/show/2250-2010-%D1%80#Text>
- Order of the Cabinet of Ministers of Ukraine. № 649-r On approval of the Concept of e-government development in Ukraine September 20, 2017 Recovered from <https://zakon.rada.gov.ua/laws/show/649-2017-%D1%80#Text>
- Order of the Chairman of The Verkhovna Rada of Ukraine No. 617 On Instructing the Department of Computerized Information Systems and Networks together with Other Subdivisions of the Secretariat of the Verkhovna Rada of Ukraine to Form Regulations of Legal Acts and on the pages of the Internet sections of the bills registered in the Verkhovna Rada of Ukraine August 3, 1999 Recovered from <https://zakon.rada.gov.ua/laws/show/617/99-%D1%80%D0%B3#Text>
- Organisation for Economic Co-operation and Development (OECD) (2001) E-government: Analysis Framework and Methodology. Recovered from [http://www.oecd.org/olis/2001doc.nsf/c5ce8ffa41835d64c125685d005300b0/0b677ed527d35bc0c1256b21004f4b6a/\\$FILE/JT00118445.PDF](http://www.oecd.org/olis/2001doc.nsf/c5ce8ffa41835d64c125685d005300b0/0b677ed527d35bc0c1256b21004f4b6a/$FILE/JT00118445.PDF)
- Pogrebnyak, I. E. (2014). Electronic government (e-government) and e-government (e-governance): concepts and principles of operation. Law and Innovation, № 3(7). Recovered from <https://ndipzir.org.ua/wp-content/uploads/2014/10/Pogrebnyak7.pdf>
- Popelo, O., Garafonova, O., Tulchynska, S., Derhaliuk, M., & Berezovskyi, D. (2021). Functions of public management of the regional development in the conditions of digital transformation of economy. Amazonia Investiga, 10(43), 49-58. <https://doi.org/10.34069/AI/2021.43.07.5>
- Resolution No. 542, Some issues of the Secretariat of the Cabinet of Ministers of Ukraine, Cabinet of Ministers of Ukraine, May 26, 2021 Recovered from <https://zakon.rada.gov.ua/laws/show/542-2021-%D0%BF#Text>
- Resolution No. 492-2014-p. On approval of the Regulations on the State Agency for e-Government of Ukraine, Cabinet of Ministers of Ukraine of October 1, 2014 Recovered from <https://zakon.rada.gov.ua/laws/show/492-2014-%D0%BF#Text>
- Resolution No. 856, Issues of the Ministry of Digital Transformation, of the Cabinet of Ministers of Ukraine, September 18, 2019 Recovered from <https://zakon.rada.gov.ua/laws/show/856-2019-%D0%BF#Text>
- Shkarlet, S., Oliychenko, I., Dubyna, M., Ditkovska, M., & Zhovtok, V. (2020). Comparative analysis of best practices in e-Government implementation and use of this experience by developing countries. Administratie si Management Public, (34), 118-136. Recovered from https://ramp.ase.ro/_data/files/articole/2020/34-07.pdf
- Smirnova, N. (2020). E-government and social media in Ukraine: global challenges for legal regulations. Lex Portus, 21, 69. Recovered from <http://dspace.onua.edu.ua/bitstream/handle/11300/12575/7.pdf?sequence=1&isAllowed=y>
- Sukhonos, V. (2015). E-government as an anti-bureaucratic state technology: theoretical and legal characteristics." Problems of legality, 130, 35-44. Recovered from http://nauka.nlu.edu.ua/download/plaw_downloads/Archive/Pr_zak130.pdf#page=36
- United Nations (2022) E-Government Development Index (EGDI) Ukraine. Recovered from <https://publicadministration.un.org/egovkb/en-us/Data/Country-Information/id/180-Ukraine>
- United Nations (2012). UN E-Government Survey in Media. Recovered from <https://publicadministration.un.org/egovkb/en-us/about/unegovdd-framework>
- Verkhovna Rada of Ukraine (1948). Universal Declaration of Human Rights. United Nations. Recovered from https://zakon.rada.gov.ua/laws/show/995_015#Text
- Verkhovna Rada of Ukraine (2015) Committee on Digital Transformation. Recovered from http://komit.rada.gov.ua/news/pro_komitet/72756.html
- World Bank. (2015) e-Government Recovered from <https://www.worldbank.org/en/topic/digitaldevelopment/brief/e-government>