

**ISCKMC 2020**  
**International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»**  
**DIGITAL TECHNOLOGIES IN GOVERNANCE OF RUSSIAN**  
**REGIONS: LEGAL ASPECTS**

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**Abstract**

The article analyzes the legal basis for the use of digital technologies in governance of the constituent entities of the Russian Federation. The authors note that in the contemporary conditions of continuous development of information technologies, the law has a special role to fix innovations and stimulate their further development. There is no doubt that digitalization will make its own adjustments in all branches of law and all spheres of society. Currently, the modernization of public administration is associated with the implementation of a number of state programs, among which the program "Digital Economy of the Russian Federation" is of particular interest. Many researchers view digitalization as a new stage in the development of the information society. The use of digital technologies in public administration is intended to increase the efficiency of the activities of public authorities, both federal and regional. In this connection, the term "digital government" is replacing the term "electronic government". In addition, digitalization is transforming the very process of public administration, as well as the ways and nature of interaction between the state and citizens. In view of the authors, the development and improvement of the legal framework for digitalization of public administration will contribute to the intensification of this process. In addition, with the help of legal mechanisms, the process can modernize the process of public administration itself and make it more open.

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*Keywords:* Legal regulation, regional informatization, digital economy, information law, governance of the constituent entities of the Russian Federation, digitalization



## 1. Introduction

In the context of the development of the information society, the problem of increasing the efficiency of public administration acquires special relevance. The current stage of development of the information society is accompanied by the implementation of projects for the transition to the digital economy. Today, there is no doubt that digital technologies have high potential, including in the field of public administration.

International experience suggests that using the tools of digital economy, one can not only stimulate the development of economic processes in the country, but also reduce costs and improve the efficiency of public administration (Zoloeva, 2019).

Russia is also implementing a policy for the development of digitalization. It is based on the program "Digital Economy of the Russian Federation" and regional digitalization programs. Thus, in the program, the introduction of digital technologies and platform solutions in the field of public administration and the provision of public services is highlighted as one of the most important tasks.

## 2. Problem Statement

It is important to note that the use of new digital technologies inevitably changes the very nature of the relationship between the main actors – the state, citizens and business, which inevitably leads to the transformation of the very process of public administration. All this actualizes the chosen research topic.

The study of the legal aspects of the implementation of digital technologies in the management of the constituent entities of the Russian Federation is of particular relevance. Since the implementation of national projects always faces the problem of their implementation at the regional level, which have significant specificity and are heterogeneous, both in terms of economic development and the level of development of information and communication technologies. Moreover, in the process of implementing state projects, the constituent entities of the Russian Federation also face various legal problems associated with the regulation of the studied group of public relations at the level of regulatory legal acts of the constituent entities of the Russian Federation.

In this regard, one should agree with the opinion of Khabrieva and Chernogor (2018) that at present legal scholarship is faced with a root problem associated with legal understanding of those transformations that occur in digital reality. In the works of Russian scholars nowadays, such concepts as "digital paradigm of law", "digital imperative" are not rare, which indicates that digitalization will inevitably leave its imprint on legal phenomena and on the entire legal system as a whole.

At present, great expectations are associated with the implementation of the digital economy development program. In our opinion, this program will not be able to solve all the problems that have accumulated in the country. However, there is no doubt that the development of digital technologies, including in the field of public administration, will have positive results. So, it is known that, for example, e-government is created primarily with the aim of ensuring and facilitating the receipt of public services by citizens. In this direction, the development of digitalization will contribute to the improvement of the e-government infrastructure and help to increase the efficiency of public administration.

In our view, the changes provided for in the program "Digital Economy of the Russian Federation" act as clear indicators of the transition to a qualitatively new level of political and economic relations.

### **3. Research Questions**

This scholarly article is aimed at considering the following issues:

1. what are the legal foundations for the use of digital technologies in the governance of the subjects of the Russian Federation;
2. problems and prospects of legal regulation of the use of digital technologies in public administration at the regional level.

### **4. Purpose of the Study**

The purpose of this article is to analyze the legal basis for the introduction of digital technologies in the governance process of the constituent entities of the Russian Federation.

### **5. Research Methods**

Methodology of the study is based on the application of the principles of dialectics, methods of formal legal and comparative legal analysis, which made it possible to try to investigate this task and present our vision of this problem.

### **6. Findings**

It is important to note that at present in the scholarly literature the issues of legal support for the introduction of digital technologies in the governance of the constituent entities of the Russian Federation are not sufficiently elaborated. There is no doubt that digital technologies can give impetus for the development and improvement of the mechanism of public administration and can qualitatively change it. As Dobroliubova (2018) rightly notes, all stages of the development of digital technologies are accompanied by significant changes both in the organization of the activities of public authorities and in the interaction of citizens and public authorities. Thus, the stage of digital transformation is characterized by the integration of digital technologies into the process of formulating public policy, in connection with which opportunities are created for the realization of important areas of public policy, the implementation of which is impossible without the use of digital technologies.

Digitalization of public administration should not be considered as a restructuring of traditional management functions based on the use of new information technologies and systems, since the introduction of digital technologies in the sphere of public administration is aimed at improving the quality of public administration, in order to ensure breakthrough economic growth in Russia.

Malko and Soldatkina (2019) rightly note that in the field of e-government, at present, states have moved from the concept of "e-government" to the model of "digital government", which implies the

transformation of the entire sphere of public administration. Undoubtedly, this also requires an appropriate response from the legislator.

In the valid opinion of Poliakova et al. (2020) today the processes of globalization of the information space have changed, requiring the development of a system of strategic documents aimed at ensuring both national security in the information sphere and international information security on the basis of the synergy of these processes and increased responsibility for compliance with rules and requirements.

### **6.1. What are the legal foundations for the use of digital technologies in governance of the constituent entities of the Russian Federation?**

The trends of digitalization of public administration are reflected in a number of documents. However, according to the just remark of Zorkin (2018), despite a significant amount of the legal framework governing relations related to the use of information and communication technologies, most of its constituent normative acts were adopted before digitalization became a priority.

The Strategy of Scientific and Technological Development of Russia, The Strategy of Economic Security of the Russian Federation until 2030, etc. occupy an important place within the documents that set the vector for the development of digitalization at the federal level. Among the regulatory and legal acts in the studied area, a special place is occupied by the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030, approved by the Decree of the President of the Russian Federation of May 9, 2017 No.20337, in which improving the efficiency of public administration and the formation of a digital economy are viewed as national interests to ensure which the Strategy is aimed at.

However, the Strategy for the Development of the Information Society has some drawbacks associated with the use of old approaches to the field of public administration. This is evidenced, for example, by subparagraph e of paragraph 40 of the Strategy for the Development of the Information Society, which stipulates "the use of new technologies in the state authoritative bodies of the Russian Federation that ensure an increase in the quality of public administration." This allows us to conclude that, despite the increasingly complex and improving social relations, the state continues to operate according to the old laws, which does not correspond to the realities of today.

In 2017, the Resolution of the Government of the Russian Federation of July 28, 2017 No. 1632-r was adopted, with the help of which the Program "Digital Economy of the Russian Federation" was approved. In accordance with the Program, it involves elaboration of a legal basis for its development.

In the constituent entities of the Russian Federation, measures are also being taken to develop the legal framework that regulates relations in the area under study. Some regions have identified issues of digital economy development in regional strategies of social and economic development (e.g. the Republic of Tatarstan). Other regions have started to implement digital technologies development conceptions.(for example, the Conception for the Development of the Digital Economy of the Republic of North Ossetia – Alania

Thus, in the Conception for the Development of the Digital Economy of the Republic of North Ossetia-Alania, approved by the Order of the Government of the Republic of North Ossetia-Alania dated December 27, 2017, along with the persisting problems of digital inequality, low digital competence, low

level of ICT use, shortage and poor training of personnel for many years, there is also an insufficient level of development of the regulatory and legal environment for the formation of new institutions of the digital economy.

A number of regions are also implementing sectoral strategies for the development of digital technologies (for example, the Strategy for the Development of the Information Technology Industry in the Samara Region for the period until 2020 and for the future until 2025).

A special place in the system of political and legal foundations for the development of digitalization in the regions of Russia is occupied by the documents adopted for the development of the Digital Economy of the Russian Federation program, for example, in 34 constituent entities of the Russian Federation, programs for the development of digitalization are being implemented.

On February 3, 2020, the RNO-Alania adopted the draft law "On state support for the development of the digital economy." In our opinion, the adoption of this bill will undoubtedly contribute to the formation of effective legal mechanisms to stimulate the development of the digital economy in the Republic of North Ossetia-Alania and increase the efficiency of the region's policy in this area.

## **6.2. Problems and prospects of legal regulation of the use of digital technologies in public administration at the regional level**

Currently, the development of digitalization in the regions of Russia is facing a number of problems. Difficulties arise not only in the field of financial support and training of the necessary personnel with the necessary competence, but also in the area of legal regulation. Thus, the digital transformation of the public administration sector requires an appropriate response from the regional legislator, primarily in the field of legal regulation of the process of providing public services.

In addition, it is important to note the lack of legislative consolidation of the applied tools of the digital economy (e.g. blockchain).

As another problem, it should be noted that there is a need to clarify the norms of the Federal Law No. 152-FZ "On the Protection of Personal Data" dated 27.07.2006. E.g. in our opinion, the issue of the amount of information that can be disclosed without the consent of the subject and methods of depersonalization requires detailed disclosure in the text of the law.

In the process of using such a digital economy tool as big data in the field of public administration, certain problems are also revealed related to the imperfection of legislation on personal data.

The prospects for the use of digital technologies in the management of the constituent entities of the Russian Federation are associated, in our opinion, primarily with the technology of artificial intelligence. Artificial intelligence has tremendous potential in various public sectors such as education, physical infrastructure, transportation, telecommunications, data security and management, finance, healthcare, research and development, policy development, legal and judicial systems, etc.; and it is vitally important to recognize for the authorities in order to do the same in order to improve the quality of life of citizens and the effectiveness of governance (Carrillo, 2020; Sharma et al., 2020). The use of artificial intelligence in state governance processes and internal operations can provide tremendous benefits in terms of efficiency and effectiveness in policy development and delivery of services to businesses and citizens, ultimately increasing their satisfaction and confidence in the quality of governance and public service. However, the role of government as a "user" of artificial intelligence

technologies has received much less attention than the role of a “regulator” in currently adopted strategies (Kuziemski & Misuracab, 2020).

## 7. Conclusion

Summing up, it is important to note that the use of digital technologies in the governance of the constituent entities of the Russian Federation is an integral attribute of the contemporary state. This requires the development of an appropriate legal framework. Existing legal regulators often show an inability to regulate new relationships in the digital reality. Digital transformation changes the very approach to the organization of public administration, as there is a qualitative change in it. However, digital technologies in the governance of the constituent entities of the Russian Federation can be used in various fields. Taking into account the experience of foreign countries, such technologies as “big data”, blockchain, artificial intelligence, etc. can be applied in public administration. It seems that the use of digital technologies in the governance of the constituent entities of the Russian Federation will not only increase its efficiency but will also contribute to optimizing government spending. However, the process of their application must be based on an effective legal framework.

Legal support for the use of digital technologies in the governance of the constituent entities of the Russian Federation is in its infancy but has great potential for development in regulatory legal acts of the constituent entities of the Russian Federation. The development of the digital economy in the regions of Russia is complicated by a number of problems associated with a lack of qualified personnel, insufficient provision of the budgets of the constituent entities of the Russian Federation, digital inequality of regions, as well as the lack of a unified legal regulation for the development of digital technologies. In addition, the digitalization of the public administration sphere brings to a new level the problem of ensuring information security and legal support of this process.

## References

- Carrillo, M. R. (2020). Artificial intelligence: From ethics to law. *Telecommunicat. Policy*, 6. <https://www.sciencedirect.com/science/article/abs/pii/S030859612030029X>
- Dobroliubova, E. I. (2018). Public administration by results in the era of digital transformation: an overview of foreign experience and prospects for Russia. *State and municipal manag. issues*, 4, 70–93.
- Khabrieva, T. I., & Chernogor, N. N. (2018). Law in front of the challenges of digital reality. *J. of Russ. Law*, 1, 85–102.
- Kuziemski, M., & Misuracab, G. (2020). AI governance in the public sector: Three tales from the frontiers of automated decision-making in democratic settings. *Telecommunicat. Policy*, 6. <https://www.sciencedirect.com/science/article/pii/S0308596120300689>
- Malko, A. V., Soldatkina, O. L. (2019). Information and legal policy in modern society: a comparative analysis. *Comparative polit.*, 1, 42–58.
- Poliakova, T. A., Minbaleev, A. V., & Krotkova, N. V. (2020). New vectors of development of information law in the context of the civilization crisis and digital transformation. *State and law*, 5, 75–87.

- Sharma, G. D., Yadav, A., & Chopra, R. (2020). Artificial intelligence and effective governance: A review, critique and research agenda. *Sustainable Futures*, 2. <https://www.sciencedirect.com/science/article/pii/S2666188819300048>
- Zoloeva, Z. T. (2019). Legal framework for digital transformation in Canada. *Agrar. and land law*, 12(180), 248–250.
- Zorkin, V. D. (2018). *Law in the digital world. Reflections on the sidelines of the St. Petersburg International Legal Forum*. <https://rg.ru/2018/05/29/zorkin-zadacha-gosudarstva-priznavat-i-zashchishchat-cifrovye-prava-grazhdan.html>