

**Obywatel
w centrum działań
e-administracji
w Unii Europejskiej**

**Citizen-centric
e-Government
in the
European Union**

REDAKCJA / EDITED BY

Sławomir Dudzik · Inga Kawka · Renata Śliwa

Krakow Jean Monnet Research Papers

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JULIA VOLKOVA¹

THE IMPACT OF DIGITALIZATION ON THE DEVELOPMENT OF PUBLIC ADMINISTRATION SERVICES AND THE IMPROVEMENT OF PROCEDURES FOR JUDICIAL CONSIDERATION OF THE ADMINISTRATIVE CASES

ABSTRACT: The article examines the impact of digitalization on the development of service activities of the public administration and the improvement of judicial procedures of the administrative cases. It is stated that today, almost all spheres of life are affected by the development of modern information and communication technologies. Without e-commerce, mobile or SMS banking and other various electronic services that it is already impossible to imagine everyday life.

Like the entire progressive world, Ukraine also does not stand aside from the ongoing changes. Recently, a powerful information society tool with all its components has been created in Ukraine. An example of this is the Unified Web Portal of Public Services “Diia,” which provides an opportunity to receive public services, submit appeals, complaints, petitions, conduct electronic correspondence with authorities, conduct surveys, etc.

Digitalization is advancing at an incredible rate due to its ability to collect, use and analyze huge amounts of information (digital data). Such digital data is col-

¹ Doctor of Law, Professor, Julia Volkova, Professor of the Department of Administrative and Financial Law Kyiv National Economic University named after Vadym Hetman; <https://orcid.org/0000-0002-2799-3933>; ResearcherID N-1349-2016 (<https://publons.com/researcher/2219870/julia-dorokhina/>).

lected through the analysis of “digital footprints” that remain on various digital platforms because of the activities of individuals, social groups or businesses.

KEYWORDS: digitalization, administrative services, administrative proceedings, administrative process

WPLYW CYFRYZACJI NA ROZWÓJ PUBLICZNEJ DZIAŁALNOŚCI USŁUGOWEJ ADMINISTRACJI ORAZ USPRAWNIENIE PROCEDUR SĄDOWOADMINISTRACYJNYCH

ABSTRAKT: Artykuł bada wpływ cyfryzacji na rozwój publicznej działalności usługowej administracji oraz usprawnienie procedur sądowoadministracyjnych. Stwierdza się, że współcześnie niemal wszystkie sfery życia podlegają wpływowi rozwoju nowoczesnych technologii informacyjno-komunikacyjnych. Bez e-handlu, bankowości online czy mobilnej i różnych innych usług elektronicznych nie sposób już wyobrazić sobie codzienności.

Podobnie jak cały postępowy świat, Ukraina również nie stoi na uboczu dokonujących się przemian. Niedawno w Ukrainie powstało potężne społeczeństwo informacyjne ze wszystkimi jego składnikami. Przykładem tego jest Zunifikowany Internetowy Portal Usług Publicznych „Diia”, który daje możliwość otrzymywania usług publicznych, składania odwołań, skarg, petycji, prowadzenia korespondencji elektronicznej z urzędami, przeprowadzania ankiet itp.

Cyfryzacja postępuje w niewiarygodnym tempie ze względu na jej zdolność do gromadzenia, wykorzystywania i analizowania ogromnych ilości informacji (danych cyfrowych). Takie dane cyfrowe są zbierane poprzez analizę „cyfrowych śladów”, które pozostają na różnych platformach cyfrowych w wyniku działań jednostek, grup społecznych lub firm.

SŁOWA KLUCZOWE: cyfryzacja, usługi administracyjne, postępowanie administracyjne, proces administracyjny

1. Introduction

Today, almost all spheres of life are affected by the development of modern information and communication technologies. One of the realities of our life is digital transformation, or digitalization. It is without this phenomenon (without e-commerce, mobile or SMS banking and other various electronic services) that it is already impossible to imagine everyday life.

Like the entire progressive world, our state also does not stand aside from the ongoing changes. Recently, a powerful information society with all its components has been formed in Ukraine. An example of this is the Unified Web Portal of Public Services “Diia,” which provides an opportunity to receive public services, submit

appeals, complaints, petitions, conduct electronic correspondence with authorities, conduct surveys, etc.

Authorization on the portal (using an electronic signature, BankID or MobileID) allows everyone to find personal vaccination data, personal documents for their own movable and immovable property, get the necessary service, and then vote.²

Digitalization is advancing at an incredible rate due to its ability to collect, use and analyze huge amounts of information (digital data) about almost everything. Such digital data is collected through the analysis of “digital footprints” that remain on various digital platforms as a result of the activities of individuals, social groups or businesses. Global Internet Protocol (IP)-based traffic, which provides a rough idea of the scale of data streams, has grown from approximately 100 gigabytes (GB) per day in 1992 to more than 45,000 GB per second in 2017. And this despite the fact that now the data-based economy is only at the initial stage of its development, according to forecasts, by 2022 the volume of global IP traffic will reach 150,700 GB per second as a result of the emergence of an increasing number of new users on the Internet and the expansion of the Internet of Things.³

According to a 2018 study by the McKinsey Global Institute, “digitalization could be the next driver of growth in Central and Eastern Europe”. This conclusion, of course, applies to our state as well.⁴

2. Digitalization and the development of public administration services

In general, the term *digitalization* comes from English and in translation means *digitization*, *digitalization* or *digital transformation*, but today domestic scientists are increasingly using this term based on the requirements of practical transcription, and therefore the term digitalization has become widespread.⁵

² V Ukrainy zapustyli mobylnoe prylozhenye «Diia» («Hosudarstvo v smartfone»), <https://pravo.ua/v-ukraine-zapustili-gosudarstvo-v-smartfone-dija/> (26.08.2022).

³ *Doklad o tsyfrovoy ekonomiky 2019*, https://unctad.org/en/PublicationsLibrary/der2019_overview_ru.pdf.

⁴ S. I. Tul, *Suchasni metodyky integralnoi otsinky didzhitalizatsii svitovoi ekonomiky ta rynku pratsi. Prychornomorski ekonomichni studii*, “Naukovyi Zhurnal «Prychornomorski ekonomichni studii»” 2019, vol. 42, p. 12, http://bses.in.ua/journals/2019/42_2019.pdf.

⁵ B. C. Teteriatnyk, *Tendentsii didzhitalizatsii ta virtualizatsii yak vektor suchasnogo rozvytku svitovoho hospodarstva*, [http://webcache.googleusercontent.com/search?q=cache:mZF3TqktO2EJ:www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe%3FC21COM%3D2%26I21DBN%3DUJRN%26P21DBN%3DUJRN%26IMAGE_FILE_DOWNLOAD%3D1%26Image_file_name%3DPDF/Nvmgu_jur_2017_29\(2\)_7.pdf+%&cd=5&chl=uk&ct=clnk&gl=ua](http://webcache.googleusercontent.com/search?q=cache:mZF3TqktO2EJ:www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe%3FC21COM%3D2%26I21DBN%3DUJRN%26P21DBN%3DUJRN%26IMAGE_FILE_DOWNLOAD%3D1%26Image_file_name%3DPDF/Nvmgu_jur_2017_29(2)_7.pdf+%&cd=5&chl=uk&ct=clnk&gl=ua).

In particular, some researchers point out that the term *digital transformation* covers a wider range of meanings than its synonym *digitalization*. This is due to the fact that it is in European and American research traditions that the consequences of the transition from analog to digital type of information coding began to be studied not only as a technological, but also as a social, cultural and anthropological process.⁶

According to other authors, digitalization is a way to transform any information into digital form⁷. However, some scientists define digitalization not as a way, but as a process associated with the tendency to bring into electronic form various types of information used by a person, conditionally called by the researcher “digitization of being.”⁸ However, despite the dominance of such views in domestic scientific circles, such a definition of the phenomenon under study does not correspond to its real essence.⁹

The compilers of the Oxford English Dictionary claim that digitalization means “the action or process of digitization; transformation of analog data (images, videos and text materials) into digital form”, digitalization – “the introduction or increase in the use of digital and computer technologies by organizations, in a particular industry, country, etc.”¹⁰

Without delving into the analysis from above, it is worth pointing out that technological changes occur extremely dynamically and have a real impact on all spheres of society. However, it is worth noting that although these areas are in the process of development, they are in an insufficiently regulated legal space. Therefore, the application of the latest technologies in the activities of public authorities undoubtedly requires their proper legal regulation.

The adoption in 2012 of the law of Ukraine “On Administrative Services” was one of the significant events in the legislative and legal regulation of norms that would

⁶ *Slovarnyi zapas: dyhitalyzatsiia*, <http://www.strelNa.com/ru/magazine/2015/02/03/vocabulary-digitalisation>.

⁷ K. A. Kupryna, *Dydzhitalyzatsiia: poniatye, predposylky voznynoveniia y sfery pryimeneniia. Vestnyk nauchnykh konferentsyi. Kachestvo ynfomatyonnykh uslub: po materyalam mezhdunarodnoi nauchno-praktycheskoi konferentsyy 31 maia 2016 h*, no. 5-5(9), Tambov 2016, pp. 259-262.

⁸ A. V. Khalapsys, *Hlobalyzatsiia y metryka ystoryi*, <http://halapsis.net/globalizatsiya-i-metriNa-istorii>.

⁹ B. C. Teteriatnyk, *Tendentsii didzhitalizatsii...*, [http://webcache.googleusercontent.com/search?q=cacle:mZF3TqktO2EJ:www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe%3FC21COM%3D2%26I21DBN%3DUJRN%26P21DBN%3DUJRN%26IMAGE_FILE_DOWNLOAD%3D1%26Image_file_name%3DPDF/Nvmgu_jur_2017_29\(2\)_.pdf+%3D&cd=5&hl=uk&ct=clnk&gl=ua](http://webcache.googleusercontent.com/search?q=cacle:mZF3TqktO2EJ:www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe%3FC21COM%3D2%26I21DBN%3DUJRN%26P21DBN%3DUJRN%26IMAGE_FILE_DOWNLOAD%3D1%26Image_file_name%3DPDF/Nvmgu_jur_2017_29(2)_.pdf+%3D&cd=5&hl=uk&ct=clnk&gl=ua), (14.10.2022).

¹⁰ S. Brennen, *Digitalization and Digitization*, <http://culturedigitally.org/2014/09/digitalization-and-digitization/> (14.10.2022).

have concerned the minimization of bureaucratic and corrupt obstacles regarding the receipt of public services.

The adoption of this law is associated with significant changes that have occurred in relation to the generally established theoretical provisions of individual legal sectoral institutions, especially administrative law and administrative process. Among all the areas of administrative and other sectoral reforms, it is the service direction that demonstrates one of the best dynamics in the modernization of existing practices for providing administrative services to the population and business. Thus, the network of service centers providing administrative services operates at a fairly high level in Ukraine.¹¹

It should be emphasized that the very beginning of the relevant reform is associated with the adoption of the Law of Ukraine “On Administrative Services”, in pursuance of the provisions of which the formation of administrative service centers (hereinafter referred to as the ASC) under public administration began.

Thus, one of the first bodies that successfully completed the process of launching the ISS was the SFS, which in 2008 in Vinnitsa began to create a pilot project of the JSC “Transparent Office” of the Vinnytsa City Council.

Of course, the existing practices of providing administrative services by public administration are constantly being modernized, introducing more and more new services that improve the process of obtaining the service. For example, the Ministry of Internal Affairs in recent years has significantly reformed the practice of providing services to the modern network of service centers of the Ministry of Internal Affairs. Today, with the help of the website of this body, you can get such electronic services as: “Electronic driver’s office”, “Service for checking documents for traveling abroad to a vehicle”, “Service for checking the vehicle registration certificate”, “Online simulator for testing knowledge of traffic rules”. In addition, Facebook, in partnership with the Juvenile Police, cyber police and the Ministry of Digital Transformation, is currently launching a tool in Ukraine to notify of missing children AMBER Alert.¹²

At the same time, the Verkhovna Rada adopted draft law No. 5454 as a whole, which provides an opportunity to receive a quality service in a timely manner, despite quarantine restrictions, and government bodies force to comply with the deadlines for

¹¹ K. V. Kravchenko, *Do pytannia didzhitalizatsii instytutu apeliatsiinoho provadzhennia*, <http://pyuv.onua.edu.ua/index.php/pyuv/article/view/445/549> (12.09.2022).

¹² Ministry of Digital Transformation, *Facebook у партнерстві з Нацполіцією та Мінцифрою запускає систему сповіщення для пошуку зниклих дітей в Україні*, <https://thedigital.gov.ua/news/facebook-u-partnerstvi-z-natspolitsieyu-ta-mintsifroyu-zapuskae-sistemu-spovishchennya-dlya-poshuku-zniklikh-ditey-v-ukraini>, (16.10.2022).

the provision of administrative services, namely to the norm that stopped the course of administrative services for the period of quarantine. Because of this, the provision of services was stretched in time, and people sometimes had to wait for months for the submission of submitted documents.

According to the authors of this Law project, its implementation will allow to renew the term of the providing administrative services, as well as ensure the consideration of “stopped” applications for the order of their receipt. Ukrainians will be able to apply for administrative services, as before, without time limit.¹³

Thus, the existing practice of providing administrative services gives grounds to assert that, based on the Law of Ukraine “On Administrative Services”, the process of creating networks of administrative service centers continues, in which citizens are served by providing individual consultations, accepting applications and documents, issuing administrative acts, as well as improving existing services, primarily electronic services, and introducing new services.¹⁴

Since the goal pursued by the state to improve the service activities of public administration is to simplify the procedure for obtaining services, as well as improving the quality of service, the quality, speed, convenience of servicing citizens and the provision of as many services as possible online through electronic services are necessary steps towards the implementation of standards of world practice for the provision of administrative services to public administration.

Achieving this goal is possible by coordinating efforts to develop and implement new electronic services, namely the digitalization of administrative services, the maximum convergence of administrative services and the improvement of the system of monitoring the quality of service.

In order to establish the functioning of the service state – the state for citizens and business, to ensure the proper implementation of the rights of individuals and legal entities in the provision of public, including administrative, services, the creation of modern infrastructure, convenient and affordable electronic services for the provision of such services, on September 4, 2019, the President of Ukraine issued a decree “On some measures to ensure the provision of quality public services”, which actually proposed a number of ways to improve the systems for the provision of administrative

¹³ Ministry of Digital Transformation, *Ukraintsi zmozhut svoiechasno otrymuvaty adminposluby pid chas karantynu*, <https://thedigital.gov.ua/news/ukraintsi-zmozhut-svoechasno-otrimuvati-adminposlugi-pid-chas-karantynu> (14.10.2022).

¹⁴ M. M. Ternushchak, *Administratyvnyi protses u publichnomu administruvanni*, https://dndi.mvs.gov.ua/files/pdf/dissertation_Ternushchak_M_M.pdf (10.10.2022).

services, namely, a detailed list of measures to be implemented by government bodies has been approved.

This document imposed an obligation on the Cabinet of Ministers of Ukraine to ensure their implementation. Among such measures are:

1. definition and implementation of uniform requirements for the provision of public services, including key indicators of efficiency, waiting periods, indicators of satisfaction of the subjects of application;
2. gradual transfer of certain public services into electronic form and publication on the Unified Web Portal of executive authorities quarterly reports on the status of implementation of relevant measures with the display of information on services transferred to electronic form and services, the procedure and conditions for which are simplified;
3. implementation of an effective mechanism for monitoring the provision of public services, including by ordering a service by the intended subject of appeal, introducing convenient ways to obtain feedback from individuals and legal entities regarding the public services provided to them, improving the procedure for administrative appeal against decisions, actions or omissions;
4. elaboration of the issue of introducing new approaches to the formation and functioning of administrative service centers, in particular by: switching to the provision of administrative services of regional and district state administrations by local self-government service centers on the basis of co-financing by the state of relevant costs with ensuring an adequate network of centers for the provision of administrative services and the availability of such services, followed by the abolition of the obligation to establish administrative service centres under district public administrations; the allocation of part of the administrative fees (administrative payment) to the logistical support of the administrative service centres and the remuneration to the administrators of such centres, with the permanent budgetary assignment of such expenditures;
5. elaboration of the expediency of further provision of administrative services by state and communal enterprises;
6. settlement of the issue of payment for the provision of administrative services (administrative fee) by introducing uniform principles for determining the amount of the administrative fee for the provision of administrative services, the procedure for its payment and use;
7. introduction of effective ways to provide advice to individuals and legal entities, in particular by using “hot lines”, virtual interlocutors (“chatbots”), electronic databases

of standard questions and answers on the most popular state services related, first of all, related to pension and other social security, issuance of identity documents confirming the citizenship of Ukraine or the special status of a person, registration of the place of residence (place of staying) of the person, state registration of legal entities, individual entrepreneurs and public associations, state registration of property rights to real estate (including rights to a land plot) and their encumbrances, registration of vehicles, issuance of driver's licenses;

8. simplification of procedures for providing and receiving public services, ensuring their accessibility, in particular by: abolishing the need to submit an application for the provision of a public service in paper form in the presence of information necessary to receive such a service in other documents submitted by the subject of the application or national electronic information resources; dissemination of the practice of filling in the application for the provision of a public service by an authorized person of the subject of public service or the center for the provision of administrative services for its further signing by the subject of the application; introduction of mechanisms for prompt clarification (correction) of technical errors, descriptions in applications for the provision of public services and other documents submitted to the civil service, as well as automatic verification of the completeness and reliability of information in applications for the provision of public services in electronic form; assigning to the administrators of administrative service centers the obligation to enter the information necessary for the receipt of certain administrative services into the relevant information systems of the subjects of administrative services and the unified state web portal of electronic services; provision of certain administrative services in an automatic mode without human intervention, as well as through telephone communication using automated systems that make it possible, in particular, to identify the subject of treatment by means of voice recognition or answers to security questions; receipt at the request of the subject of the appeal of the results of the provision of public services by courier;
9. improvement of the system of advanced training of persons providing public services;
10. elaboration of the issue of introducing registration of the place of residence on the declarative principle by submitting an application in electronic form with ensuring the inviolability of the rights of the owner, as well as ensuring the interaction of the relevant registers of territorial communities with national electronic information resources;
11. introduction of the possibility of providing local self-government bodies and (or) notaries with certain public services, in particular those related to the registra-

- tion of civil status acts, registration of vehicles, issuance of driver's licenses, state registration of a land plot, provision of social services;
12. introduction of a mechanism for providing a comprehensive electronic service related to the registration of the right to a land plot;
 13. elaboration of the issue of introducing the possibility of crediting payments in the social sphere to a bank account opened by the recipient of the relevant funds in any banking institution;
 14. elaboration of the issue of providing through the unified state web portal of electronic services the opportunity for consumers of housing and communal services to submit to the executors of such services appeals in electronic form regarding their provision, installation, maintenance, replacement and verification of accounting units, to receive information on the progress and results of consideration of such appeals, to make payments for housing and communal services.¹⁵

The implementation of the announced measures should contribute to the further improvement of service activities, in particular in terms of digitalization, namely the electronization of the procedures for submitting applications and receiving services, the development and implementation of new electronic services, including mobile applications, the delegation of authority for the phased transfer of administrative services from local executive bodies to local governments and other entities, improving the quality of services by means of improving monitoring service, optimization of individual services, etc.¹⁶

To implement such measures, the Concept "State in a smartphone" was developed, which was later transformed into the Concept "Digital State", which contains specific practical steps, in particular, a number of pilot projects, such as the online service "Diia" – the largest digital project of modern Ukraine, which we implement together with the Ministry of Digital Transformation of Ukraine.

The goal is to make communication between citizens and businesses with the state convenient, transparent and humane. In particular, in order to turn Ukraine into a digital state, it is planned to digitalize many services, update the legislative framework, streamline the work of state registers, provide technical capabilities and data protection. The changes will affect not only administrative services, but also the spheres of healthcare, business, education, transport, courts, democracy, etc. Accord-

¹⁵ *Pro deiaki zakbody iz zabezpechennia nadannia yakisnykh publichnykh poslub*. Ukaz Prezydenta Ukrainy vid 04.09.2019, no. 647, <https://zakon.rada.gov.ua/laws/show/647/2019#Text> (12.11.2022).

¹⁶ T. V. Viacheslavovych, *Teoretyko-metodolohichni ta pravovi zasady vyryshennia administratyvnykh sudamy sporiv u sferi publichno-pravovykh vidnosyn*, http://phd.znu.edu.ua/page//dis/07_2020/Tylchuk.pdf.

ing to the plan of the Ministry of Digital Transformation, by 2024, 100% of public services will be available to citizens and businesses online. As of April 2021, Diia has over 3.6 million users.¹⁷

In general, at the initial stage, within the framework of the “State in a Smartphone” Concept, it was planned to implement about 90 pilot projects, including:

- The BankID initiative, which will allow Ukrainians to open a bank account from their smartphone without the mandatory physical presence of the client for identification.
- The introduction of non-cash payments for administrative services is systematic throughout Ukraine.
- Transfer of electronic reporting using an electronic digital signature to state bodies – the State Employment Service, the Social Insurance Fund, the Ministry of Defense, the State Statistics Committee, etc., which will simplify the reporting process when hiring employees, dismissals, business trips, etc.
- Creation of an electronic cabinet for customs (similar to tax) for effective control of the time of customs formalities.
- Online submission of documents in the “single window” without the participation of a customs broker and customs declaration without a special paid program.
- The order of excise stamps, which should take place online in Talnessa for a long time, but in reality, companies carry a FLASH drive to the territorial offices of the SFS.
- Introduction of electronic prescriptions for the treatment of animals, which will improve the quality and safety of products (meat, milk, etc.).
- The possibility of issuing consumer warranty coupons for household appliances and electronics in electronic form, following the example of some EU countries or the United States.
- Full implementation of the “Buy Safe” application, which will help determine whether the goods were officially imported into Ukraine, which means whether it is adapted to the requirements of our market (for example, household appliances) and complain about an unscrupulous entrepreneur.
- Creation of an electronic cabinet of applicants for visualization of all stages of coordination of clinical trials and an electronic cabinet for visualization of the process of customs clearance of goods with investigated medicinal products and auxiliary materials.

¹⁷ EGAP, *Diia, Tsyfrova derzhava*, <https://egap.in.ua/projects/diia-tsyfrova-derzhava/> (10.10.2022).

- Compliance with FAO requirements for accession to the system of electronic circulation of phytosanitary certificates in Ukraine.
- Pilot project “e-baby”, within the framework of which at the birth of a child all relevant state services and documents can be obtained via the Internet by filling out one online form, simultaneous registration of an individual as a taxpayer during the first registration of a passport of a citizen of Ukraine.
- Project “electronic pension”: registration of pension online.
- E-residency: the opportunity to register a business in Ukraine and open a bank account via the Internet after receiving an ID-card at the Embassy of Ukraine.
- Audit of electronic state registers, which will subsequently allow conducting an electronic population census.
- Launch in a few weeks of the developer’s office, where some of the licenses can be obtained without the participation of officials.¹⁸
- The e-Health project, namely the electronic health care system, which is being implemented in order to obtain the maximum possible number of medical services online, provides an electronic exchange of medical information and implements a program of medical guarantees to the population, including health insurance. For the full launch of the e-health system, work continues in the following areas: development of the Concept and joint communication strategy, as well as the principles of the architecture of the e-health system and (EEC); development of a functional checklist for the selection of medical information system for a medical institution; introduction of a gradual transition to electronic document management (documents, forms, data, reports, analytical services).

Today, the foundation of the Diia service is:

- implementation of the Mobile app, which will have the full functionality of the online service of the Diia website;
- launch of a single electronic cabinet and, in turn, a single electronic signature with the following functions: providing citizens or legal entities with access to personal data in state registers; providing access to all electronic services; providing effective feedback; provision of electronic consultations;
- full automation of services in the field of construction, namely the introduction of the developer’s electronic cabinet, with electronic services: notification of the beginning of preparatory and construction work; making changes to relevant messages; commissioning of facilities; issuance of a permit for construction work, etc.;

¹⁸ EBA, *Propozytsii vid biznesu shchodo kontseptsii derzhavy u smartfoni*, 2019, <https://eba.com.ua/propozytsiyi-vid-biznesu-shhodo-kontseptsiyi-derzhavy-u-smartfoni/> (14.10.2022).

- implementation of the e-Malyatko project, which provides the following services: registration of the child's birth and place of residence; registration of the infant in the EEC; obtaining material assistance at the birth of a child; obtaining a certificate of a child and parents from a large family.

At the same time, a draft ID-14 is being developed, which consists in obtaining a passport and a tax number of TIN for 14-year-old citizens simultaneously with the provision of electronic services for registering the child's place of residence, the e-Pension project with the functions of online appointment and recalculation of pensions, the appointment of allowances, benefits, surcharges and compensations to pensions, the renewal and transfer of pension payments, the introduction of SmartID – identification with an electronic digital signature for access to all electronic services and signing of electronic documents using a special mobile application for a smartphone.

In this context, work is being carried out in two directions:

1. creation of a cloud electronic signature with secure access to the personal key;
2. biometric identification of the user through a mobile application with data verification in the state demographic register.

In addition, it provides for the introduction of mobile electronic signature technology MobileID, which will ensure the storage of a personal key on a special secure SIM card.

To date, the project “Digital Identities of Citizens” has been successfully implemented, in the future it is planned to replace paper certificates, in particular, certificates on the composition of the family and registration of the place of residence for electronic interaction of government bodies, the introduction of an online data exchange system between state bodies “Trembita” with further connection to state registers.

It is also planned to introduce:

- e-Residence project – granting the status of a non-resident online for registration and doing business in Ukraine without the need to leave the country of residence;
- on-line system “electronic elections”, which will provide an automated calculation of the will of citizens in elections and the system “electronic census” to determine the population.

It should be noted that there is a network of service centers providing administrative services quite qualitatively from the point of view of the result.

According to official data, in the first six months of 2021, the connection of the CNAPs network to the information system increased by 320% and amounted to 1,290 CNAPs and Diia Centers. About 600 Centers are connected to the system of electronic interaction of executive authorities. 858 access points to administrative services work with the Diia portal.

Thanks to this, administrators work quickly and transparently, and Ukraine is approaching a regime without documents. In 2024, the CNAPs network will grow to 3.5 thousand access points.¹⁹

Despite the positive statistics, the practice of providing administrative services is constantly being modernized, in particular, new electronic services are being developed that optimize the process of obtaining the service.

However, speaking about the digitalization of services, it must be remembered that digitalization involves, first of all, providing one hundred percent of settlements with access to high-speed Internet and involving citizens in the program for the development of digital skills and competencies.

At the same time, the process of automating the CNAPs is being improved, which includes an electronic queue system, in particular, “Electronic record in the ASK”, “Universal services”, online consulting.

At the present stage of implementation of the basic conceptual principles, electronic cabinets on the websites of government bodies are integrated with the Unified State Web Portal of Administrative Services or the Public Services Portal “iGov”. In this aspect, the identification system is being improved, in particular, the BankID is being introduced, other methods of authorization are provided, such as filling out an electronic form and using EDS.

Improvement of the practice of providing administrative services takes place in the period of another and in terms of cooperation of communities within the framework of the U-LEAD with Europe program, which provides for the provision of technical and methodological support for the creation and arrangement of CNAPs and the connection of united territorial communities to the software package of automated work of CNAP “Vulyk”.

In particular, the software package for the automation of management service centers (Hive Information System) as a subsystem of the Electronic Interaction System of Executive Authorities (EIA) was developed within the framework of the EGOV4UKRAINE project (a project to support the ULEAD program with Europe) together with the State Agency for Electronic Management of Administrative Service Centers (CNAPs). The purpose of the system is to improve the availability and quality of CNAP services and ensure reliable storage and protection of information. “Vulyk” should accelerate the work of the CNAPs administrators by switching

¹⁹ Ministry of Digital Transformation, *Avtomatyzatsiia TsNAPiv: kilkist Tsentriv, pidiednanykh do informatsiinoi systemy, zroslo na 320%*, <https://thedigital.gov.ua/news/avtomatizatsiya-tsnapiv-kilkist-tsentriv-pidiednanikh-do-informatsiynoi-sistemi-zroslo-na-320> (15.10.2022).

to working with citizens' appeals in electronic form and simplified interaction with state registers in real time. Since currently in Ukraine almost 80-85% of CNAPs do not have information systems for managing the process of providing services, which would significantly increase the efficiency of work on servicing citizens.

In August 2018 – May 2019 piloting of the “Vulyk” took place in 10 cities of Ukraine with a population of 4 to 100 thousand inhabitants. Since August 2019, the connection to “Vulyk” CNAPs has begun, which are being opened with the support of the U-Lead project with Europe. As of July 1, 2020, more than 100 CNAPs were running on the “Vulyk” system. It is planned that the information system will be available to all CNAPs who wish to use it.²⁰

In addition, regarding the system for monitoring the quality of services, it is worth noting some practices to improve feedback. Thus, the implementation of the “Secret Client” project, which provides for the client of the service center of the Ministry of Internal Affairs to fill in the sections of the online questionnaire for assessing the established scale of individual service processes in service centers, is indicative and effective and should serve as an example for other government bodies in terms of developing and implementing electronic services that would allow visitors to evaluate the service process and submit their own suggestions for improving certain processes of a particular body.

3. The impact of digitalization to the improvement of procedures for judicial consideration of administrative cases

Among other things, it should be emphasized that as part of the judicial reform, the Ministry of Justice of Ukraine has introduced an e-service “Electronic Court”, which is aimed at improving the procedures for considering cases. In particular, the Electronic Court allows participants in court proceedings to submit documents to the court in electronic form, as well as to send such participants procedural documents in electronic form, in parallel with documents in paper form in accordance with procedural legislation.

Users can send to the court in electronic form any documents and materials provided for by the procedural legislation. The rights of access to electronic documents obtained by the court are granted to the judges in whose proceedings the relevant court cases are heard.

²⁰ *Informatsiina systema «Vulyk»*, <https://vulyk.gov.ua/infopages/about> (12.04.2023).

The court, after the preparation and signing of the procedural document, sends electronic copies of the procedural document, sealed with the electronic digital signature of the judge by e-mail, to the mailbox of the participant in the trial, if such a participant is registered in the system.

After receiving an electronic confirmation of the delivery of the e-mail to the user's mailbox, the responsible court officer prints out such a message and attaches it to the case file.²¹

In general, in the course of implementing the judicial reform, our state uses the positive experience of different countries of the world. In particular, the experience of Asia allowed the countries of Latin America and Europe to make the process of digitalization more adequate. While Asian courts have digitized in about 10 years, European countries, having started the trial around 2007-2009, already have a successful system.²²

According to experts, the digitalization of national courts is an acute challenge of today and an irreversible process in the context of the technological revolution, and informatization of society; it is an end-to-end direct interactive procedure that involves the presence of three components, such as:

- a) continuous end-to-end procedure – a procedure, no element of which implies the need to use paper or physical presence;
- b) direct procedure on-line – a procedure that can be carried out directly by the end user, without the intervention of an intermediary or a competent authority;
- c) on-line procedure – a procedure that can be performed via web network and is available to end users of services.²³

Digitalization significantly affects the transformation of the institution of legal proceedings. The use of *the end-to-end direct online procedure* in the organization and consideration of the case significantly changes both the system of administrative courts and the procedure for judicial proceedings.

The experience of the UK, where there is a single system of online courts (Online dispute resolution system), which allows citizens to resolve their disputes even without the intervention of a lawyer, is interesting.²⁴

²¹ *Elektronnyi sud – opys posluhy*, <https://www.kmu.gov.ua/service/elektronnij-sud> (18.10.2022).

²² Y. Myshchenko, *Kachestvennykh resheniy y edynstva praktiki mozhno dostych tolko dydzhytalyzyrovav sudy*, https://jurliga.ligazakon.net/analitics/191352_kachestvennykh-resheniy-i-edinstvapraktiki-mozhno-dostich-tolko-didzhitalizirovav-sudy---judging-khs-vs-ivan-mishchenko (17.10.2022).

²³ O. Kobenko, *Didzhitalizatsiia yak nova era rozvytku korporatyvnoho prava*, <https://sud.ua/ru/news/blog/145948-digitalization-yak-nova-erozvitku>, (14.09.2022).

²⁴ V. Moroz, *Elektronnyi sud: mif chy realnist?*, <http://yur-gazeta.com/Publications/Practice/Ships-Practice/Electronic-Trial-Myth-chi-Realist> (18.10.2022).

Modern information and telecommunication technologies are being introduced in Ukraine, in particular:

a) electronic document management systems [the legal basis of which is the Regulation on the Automated System of Judicial Document Management, approved by the Resolution of the Council of Judges of Ukraine dated November 26, 2010 No. 30 (as amended by the Decision of the Armed Forces of Ukraine dated April 12, 2018 No. 16)];

b) remote consideration of cases system;

c) electronic signatures and other manifestations.

Certainly, digitalization affects the timing of consideration of cases, since the workflow will be carried out much faster. In addition, the parties have the opportunity to get acquainted with the case materials much faster. Taken together, this will contribute to a more dynamic handling of cases.²⁵

At the same time, work is underway to implement the Unified Judicial Information and Telecommunication System (hereinafter – UCITS). An important component of UCITS is the subsystem (module) of the E-Court.

In general, the process of introducing an electronic court as a digitalization of documents and the transition of the judicial system from paper to electronic media dates back to the beginning of the XXI century. The leaders of this process were Asian countries: Korea, Hong Kong, Singapore, etc. One of the first countries to pass the test of the level of digitalization was Brazil.²⁶

In Ukraine, the first steps towards the introduction of an electronic court were made in mid-2018, when the State Judicial Administration of Ukraine created pilot courts that were supposed to start working with the Electronic Court. So, on December 1, 2018, the newspaper “Voice of Ukraine” published an announcement about the creation and operation of UCITS from March 1, 2019, consisting of 8 subsystems (modules), including an electronic court. But already on March 1, 2019, on the basis of the decision of the High Council of Justice of February 28, 2019 No. 624/0/15-19 “On the return for revision of the draft Regulation on the Unified Judicial Information and Telecommunication System.”²⁷

On October 4, 2021, the State Judicial Administration of Ukraine officially informed the ministries, central executive bodies, regional state administrations, local and

²⁵ *Tsyfrove vidobrazhennia*, <https://pravo.ua/Articles/digital-imaging> (11.10.2022).

²⁶ Y. Myshchenko, *Kachestvennykh reshenyi...*

²⁷ K. V. Kravchenko, *Do pytannia...*

appellate courts, the National Bar Association of Ukraine and territorial departments of SJA of Ukraine about the launch of individual subsystems (modules) of UCITS.

The letter informs that by the decision of the High Council of Justice dated August 17, 2021 No. 1845/0/15-21, the Regulation on the procedure for the functioning of individual subsystems (modules) of the Unified Judicial Information and Telecommunication System (EGITS) was approved.

In accordance with paragraph 2 of subparagraph 2 of Article 4 of the Law of Ukraine “On Amendments to the Economic Procedural Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Judicial Procedure of Ukraine and Other Legislative Acts”, the subsystems (modules) of UCITS begin to function 30 days after the publication of the relevant announcement by the High Council of Justice.

In the newspaper “Voice of Ukraine” dated 4.09.2021 No. 168 (7668), the High Council of Justice published an announcement about the start of operation of three subsystems (modules) of UCITS – “Electronic Cabinet”, “Electronic Court”, video conferencing subsystems.

Thus, the UCITS subsystems (modules) specified in the announcement of the High Council of Justice began to officially function from October 5, 2021.

The State Judicial Administration of Ukraine draws attention to the fact that with the beginning of the functioning of UCITS subsystems (modules) in accordance with the requirements of procedural legislation (paragraph 6 of Article 6 of the Economic Procedure Code of Ukraine, paragraph 6 of Article 18 of the Administrative Procedure Code of Ukraine, paragraph 6 of Article 14 of the Civil Procedure Code of Ukraine), lawyers, notaries, private executors, insolvency managers, forensic experts, state bodies, local self-government bodies and organizations the leadership of the state and municipal sectors of the economy must register official e-mail addresses in UCITS.

The SJA of Ukraine reminded of the need to ensure compliance with the above requirements of the procedural legislation regarding the implementation of mandatory registration of the official e-mail address in UCITS via the web link – <https://cabinet.court.gov.ua>.

The letter also requests: ministries and other central executive bodies to bring relevant information to the attention of enterprises, institutions and organizations in the field of their management; The National Association of Lawyers of Ukraine and the Ministry of Justice of Ukraine – to disseminate information, respectively, among law firms, lawyers, as well as public and private executors; regional state administrations to communicate information to local self-government bodies in the relevant areas;

the territorial department of the State Judicial Administration of Ukraine shall bring the information to the attention of the local general courts.²⁸

4. Conclusions

Therefore, summing up the above, it is appropriate to indicate that Ukraine has already created a legal framework for the digitalization of the judicial system. The main regulatory legal acts that create conditions for the digitalization of courts include the following laws of Ukraine: “On admission to court decisions” of December 22, 2005; “On information protection in information and telecommunication systems” dated April 19, 2014; “On Electronic Documents and Electronic Document Management” dated September 30, 2015; “On Access to Public Information” dated May 1, 2015; “On Electronic Digital Signature” dated November 2, 2016; “On Electronic Trust Services” dated October 5, 2017; “On the Protection of Personal Data” dated January 1, 2017; “On Information” dated January 1, 2017; “On Amendments to the Economic Procedural Code of Ukraine, the Civil Procedure Code of Ukraine, the Administrative Procedure Code of Ukraine and Other Legislative Acts” dated October 3, 2017 and others. At the same time, the Strategy for the Development of the Information Society in Ukraine of May 20, 2015, the Strategy for Reforming the Judicial System, Justice and Related Legal Institutions for 2015-2020 were adopted. of May 20, 2015 and the Concept for the Development of e-Governance in Ukraine of September 20, 2017 determine the main directions for the development and modernization of the judicial process, the Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023, etc.

As practice shows, digitalization radically changes the paradigm of public communication, and places different emphasis – not only on how we communicate, but also on what we communicate. New digital technologies make it possible to create and distribute huge amounts of information to an almost unlimited number of people – quickly, efficiently, without any significant costs. The use of these technologies leads to the application of the best world practices. It is digitalization that makes it possible to modernize through the introduction of electronic services the procedure for submitting applications and receiving services, as well as the optimal development and necessary modernization of the judicial process.

²⁸ *V Ukraini pochynaiut ofitsiino funktsionuvaty pidsystemy (moduli) YeSITS*, <https://dsa.court.gov.ua/dsa-pres-centr/news/1188679/> (19.11.2022).

26I21DBN%3DUJRN%26P21DBN%3DUJRN%26IMAGE_FILE_DOWNLOAD%3D1%26Image_file_name%3DPDF/Nvmgu_jur_2017_29(2)___7.pdf+&cd=5&hl=uk&ct=clnk&gl=ua.

Tsyfrove vidobrazhennia, <https://pravo.ua/Articles/digital-imaging>.

Tul S. I., *Suchasni metodyky integralnoi otsinky didzhitalizatsii svitovoi ekonomiky ta rynku pratsi. Prychornomorski ekonomichni studii*, "Naukovyi Zhurnal «Prychornomorski ekonomichni studii»" 2019, vol. 42, http://bses.in.ua/journals/2019/42_2019.pdf.

V Ukraini pochynaiut ofitsiino funktsionuvaty pidsystemy (moduli) YeSITS, <https://dsa.court.gov.ua/dsa/pres-centr/news/1188679/>.

V Ukrainy zapustyly mobylnoe prylozhenye «Diia» («Hosudarstvo v smartfone»), <https://pravo.ua/v-ukraine-zapustili-gosudarstvo-v-smartfone-dija/>.

Viacheslavovych T. V., *Teoretyko-metodolobichni ta pravovi zasady vyrishennia administratyvnymy sudamy sporiv u sferi publichno-pravovykh vidnosyn*, http://phd.znu.edu.ua/page//dis/07_2020/Tylchyk.pdf.

Monografia powstała jako druga w serii dotyczącej e-administracji — *Krakow Jean Monnet Research Papers* — w ramach realizowanego przez Katedrę Prawa Europejskiego Uniwersytetu Jagiellońskiego projektu Jean Monnet Module pt. „E-administracja — europejskie wyzwania dla administracji publicznej w państwach członkowskich UE i krajach partnerskich/eGovEU+”.

Książka przedstawia analizę wdrożenia i funkcjonowania e-administracji w Polsce i w Europie ze szczególnym uwzględnieniem wpływu technologii informacyjno-komunikacyjnych na działalność administracji publicznej na rzecz obywateli. Monografia ukazuje również zagrożenia związane z transformacją cyfrową administracji oraz konieczność uwzględnienia centralnego miejsca człowieka w tym procesie.

Monografia adresowana jest do badaczy zajmujących się administracją, prawem administracyjnym i europejskim oraz do praktyków. Mamy nadzieję, że publikacja poszerzy wiedzę na temat cyfryzacji administracji oraz zachęci do dalszych studiów w tej dziedzinie.

The monograph was developed as the second in a series on e-government — *Krakow Jean Monnet Research Papers* — as part of the Jean Monnet Module project, implemented by the Chair of European Law of the Jagiellonian University entitled “E-government — European challenges for public administration in EU Member States and partner countries/eGovEU+.”

The book presents an analysis of the implementation and functioning of e-government in Poland and Europe, with particular emphasis on the impact of information and communication technologies on the activities of public administration done for the benefit of citizens. The monograph also shows the threats related to the digital transformation of administration and the need to acknowledge the central place of a human in this process.

The monograph addresses researchers dealing with administration, administrative and European law, and practitioners. We hope the publication will broaden the knowledge about the digitization of administration and will encourage further studies in this field.



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