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THE LEGAL REGULATION OF E-GOVERNMENT FORMATION

Summary

Analyzing the interaction between e-government and citizens in Azerbaijan, it is possible to observe large-scale socio-cultural changes in the lives of the population under the influence of the information society. Although the principles announced at the beginning of the e-government path were far from the real situation, later regulatory frameworks were established, multifunctional centers were established, various e-government regulations for development and implementation, integration of state information systems to develop and expand domestic and international cooperation. Involvement of the population in management processes and cooperation with the state with the help of information and communication technologies began to create a wide range of opportunities. The article examines the legal basis for the formation of e-government, reflects the status of e-government, e-signatures, e-services provided to citizens by the State Agency for Citizen Services and Social Innovations.

Key words: *e-signature, research concepts, decree, electronic document, state agency, state program, e-government portal*

Introduction

In the past three decades there has been varying definitions of electronic government. However, extant literatures on E-government points to significant degree of "theoretical fragmentation" (Yildiz, 2007) within the E-government research discipline arising from varying definitions and theoretical approaches to the discipline by many researchers of E-government. (1). Theories and Concepts about E-government as defined by Bailur and Heeks (2007) are mainly represented in literature in the following formats:

1. Framework-based research concept: The framework-based research studies mainly uses frameworks that are derived explicitly from bodies of theoretical works. These include frameworks of various perspective on regulations, derived from imported theories from the field of political science.

2. Model-based research concepts: The model-based research concept mainly uses models that are presented without references to other or previous framework of knowledge. A notable example is the four-part "web stage" model developed by Layne and Lee.

3. Schema-based E-government research concept: The Schema-based research concepts found in E-government literatures mostly make use of a schema of techniques for E-government research. Examples include the use of data architecture.

4. Concept-based E-government research: Concept-based E-government research mostly makes use of concepts such as 'stovepipe government' and 'public-value-concepts' to describe E-government.

5. Category-based E-government research: Category-based E-government research works are seen in literature to make use of various factors and features found on E-government Websites to describe the category or type of E-government that it is thought to represent.

6. Non-framework-based research: non-framework-based E-government research does not involve the use of any recognisable framework of knowledge. Non-framework-based E-government research are seen in literature to simply present and explain some set of ideas and related data to describe E-government. (2)

Today e-government in the world is organised on two basic models – a centralised model based on cloud computing and a distributed model based on X-Road technology. Majority of European countries (Germany, France, Spain, etc), as well as some countries in Eastern Asia base their e-government models on cloud computing. E-government models based on cloud computing allow centralised, fast and convenient exchanges of information. Models based on X-Road allow secure exchanges of information between independent information systems of various states institutions. X-Road doesn't contain any data on its own, but provides secure exchanges of information between independent databases. Azerbaijan has decided to build its e-government model on X-Road and created an e-government gateway that provides secure exchanges of information between state institutions. Currently, there are signs of transition from a distributed model to a centralised model based on cloud computing. Main attributes of cloud computing are centralisation of information systems and placement of open data and applications on the Internet. The

Ministry of Communication and High Technologies is planning some activities in this direction, namely establishment of a data centre. Open Government Information Portal is already created. (3)

The e-government system has been applied in post-Soviet countries, including Azerbaijan, since the second decade of the 21st century. However, the development of e-government in the Republic of Azerbaijan is relatively rapid. As an example, I can say that in 2014 and 2016, the Republic of Azerbaijan made significant progress in the use of e-government and the e-government development index in the so-called "e-Government Control" published by the United Nations in different years.

Thus, in 2012, the Republic of Azerbaijan was ranked 96th among the countries implementing the e-government system in the world according to the relevant criteria, in 2014 it rose to 68th place, and finally, in the official data of 2016, e-government It is ranked 47th among the top 50 countries in the world that have implemented the system. In general, the formation of e-government in the Republic of Azerbaijan is based on international experience and the Order of the President of the Republic of Azerbaijan on approval of the State Program on Development of Communications and Information Technologies in the Republic of Azerbaijan for 2010-2012 (E-Azerbaijan). On some measures in the field of "Decree dated May 23, 2011 and other normative legal acts created a legal basis for its activities.

At the same time, it should be noted that along with these normative acts, in order to implement the e-government system in the country, the examples of other countries were initially followed. It is also ambiguous, given that the e-government system has been used in the United Kingdom, Japan and other countries since the United States since the mid-1990s. (4)

Over the past years, various decrees, laws and state programs have been developed and adopted in Azerbaijan, which play the role of the legal basis for the formation and development of e-services and e-government. According to the Order of the President of the Republic of Azerbaijan, the "National Strategy on Information and Communication Technologies for the Development of the Republic of Azerbaijan (2003-2012)" was approved (February 17, 2003). (5) The main goal of the National Strategy was to promote the development of democracy in the country and accelerate the transition to the information society through the widespread use of information and communication technologies.

Decree No. 429 signed by the President of the Republic of Azerbaijan İlham Aliyev on May 23, 2011 "On some measures in the field of organization of e-services of state bodies" Given the importance of e-services for the prevention of such cases, it has given a high impetus to the acceleration of work in this direction. (6) A very convenient interface for real-time payment (e-payment) of fees, money transfers and other electronic payments for services provided by some government agencies has been made available to the public.

In addition to the national strategy plan, a number of other laws have been adopted, decrees and orders have been issued, and concepts have been developed. These include:

Order of the President of the Republic of Azerbaijan dated October 21, 2005 on approval of the State Program on development of communication and information technologies in the Republic of Azerbaijan for 2005-2008.

The purpose of the "State Program for the Development of Communications and Information Technologies in the Republic of Azerbaijan for 2005-2008 (Electronic Azerbaijan)" The high-level organization of the implementation of the "National Strategy" consisted of planning and implementation of projects in accordance with the identified specific goals and activities in this area. Development of society in accordance with modern requirements, improvement of public administration and further increase of its transparency, ensuring development of knowledge economy, creation of national information resources, application of new technologies in all spheres of activity, legal protection of information security and freedom, integration into global information space Expanding the scope and ensuring full transition to the information society were considered to be key components of this activity. In connection with the planned work, a draft "Action Program for the formation of e-government" was developed and implemented in the country. (7)

"Law of the Republic of Azerbaijan on Electronic Signature and Electronic Document" which came into force on March 9, 2004.

The law has been one of the state measures to stimulate the formation and development of e-government in the country. Thus, the law defines the legal, organizational basis for the use of e-signatures and e-documents, as well as their application in e-document circulation (ESD) and the rights of related entities, designed to regulate the relationship between them. E-signature and ESD can be widely used in all areas of activity, except where prohibited by law. (8)

Decree of the President of the Republic of Azerbaijan dated May 23, 2011 on some measures in the field of organization of e-services of state bodies.

This Decree reflects the need for flexible management that can fully meet modern requirements, as well as the provision of e-services to the public to eliminate corruption and increase transparency in the activities of each government agency. According to the Decree, the central executive authorities must do the following:

- A special e-service section should be created on the official website in order to provide e-services to the public only within its competence;
- The name of the service provided, the exact list of documents required for the provision of the service and the electronic form of the relevant documents should be placed in the created e-service section;
- The unimpeded and free use of this section by individuals must be fully ensured.

One of the key issues in the development of e-government mentioned in this Decree is to ensure the creation and launch of an e-government portal within three months by the Ministry of Communications and Information Technologies (MCIT) to organize the use of e-services in government agencies based on the principle of "one stop shop". Was to show that. (6)

Order of the President of the Republic of Azerbaijan dated August 11, 2010 on approval of the "State Program on Development of Communication and Information Technologies in the Republic of Azerbaijan for 2010-2012".

It is necessary to address the following issues:

- Ensuring the application of ICT solutions at all levels of public administration, the creation of state IS and information resources and their development;
- Ensuring the integration of information (information) resources of the state and IS based on common ecological standards, technological, organizational and technical, implementation of measures and creation of a favorable environment for them, organization of information exchange between state structural bodies in a completely safe and secure way development of a single confidential multiservice network to meet modern requirements;
- Widespread application of "e-government" solutions to increase the efficiency and quality of services provided by relevant government agencies, the organization of e-services in accordance with the principle of "one stop shop". (7)

Decree of the President of the Republic of Azerbaijan dated September 4, 2012 on approval of the "Regulations on Interdepartmental Electronic Document Management (ESD) System"

The Regulations mentioned in the decree define the rules for the establishment, management and use of the interdepartmental ESD system. (9)

Decree of the President of the Republic of Azerbaijan dated February 5, 2013 on approval of the "Regulations on the e-government portal" and measures to expand e-services.

This Decree further improves the e-government portal in the country to organize the use of e-services provided by government agencies based on the principle of "one stop shop", increase the efficiency of all work on the organization of e-services, widespread use of e-services in government agencies. In accordance with the Decree of the President of the Republic of Azerbaijan No. 429 dated May 23, 2011, the "Regulations on the e-government portal" were approved and the State Program on expansion of e-services in government agencies and development of "e-government" in 2013-2015. The instructions on preparation of the initial draft of the law and its submission to the President of the country were reflected. (10)

Decree of the President of the Republic of Azerbaijan dated July 3, 2012 on measures to establish the "State Agency for Citizen Services and Social Innovations" under the President of the Republic of Azerbaijan and to improve the services provided to citizens by government agencies

This Decree further increases the transparency of government agencies in all areas of activity, the quality, convenience, modern form of services provided to citizens and the application of modern innovations in the provision of services, the implementation of interaction with citizens within the ethical rules, courtesy, ensuring citizen satisfaction and needs Improving the services to be provided due to the need to provide e-services, accelerating the process of transition to e-services. In order to implement all this, "ASAN service" centers have been established in a number of districts of Baku in order to ensure the implementation of the services provided to citizens by the above-mentioned agency and various government agencies. The official website of the agency is functioning. (11)

Conclusion. Globalization and the transition to the information society make it inevitable that ICT will adapt to modern standards in our time. Due to the widespread use of personal computers and the availability of the Internet, the level of ICT literacy in most countries of the world is constantly increasing. At the same

time, e-business and e-commerce are developing rapidly. Today, ICT is increasingly used in everyday life, medicine, health, education, law, science and public administration. The essence of e-government is not only the electronicization of the existing government, but also to make it more efficient and economical in terms of service delivery. When e-government is introduced, the state changes its processes and structures, and at the same time has the opportunity to establish a new level of relations between the state, citizens and organizations. Thus, the application of modern information and communication technologies is extremely inefficient without administrative reforms in public administration systems. It follows that the focus of e-government is not ICT, but government.

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