



Development trends of legal regulation of information support at the municipal level

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ABSTRACT

This article is devoted to the issue of both deployment and employment of information technologies in municipal administration and its legal regime. The Article analyses possibilities of information technologies' employment and its regulation by information, administrative and municipal law including territorial community self-government level. Using empirical and formal-logical analysis of laws and regulations authors draw out strengths and shortcomings of different approaches to the solution of the problem, changes in the statutory regime of the matters under research depending on the complex of internal and external elements. The authors draw the conclusion that for effective, full and complex information support of municipal entities and their organs, it is necessary to carry out inter-territorial integration and optimization of information resource regardless of the type of ownership. The authors conclude that state organs' and municipal organs' activity on formation of the unite information system is to be determined by specific legal rules designated to set rights and duties of state and municipal organs on creation of unite state and municipal information resource, to regulate the access to that information.

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1. Introduction

Necessity of employing of up-to-date information technologies for the realization of public authority duties is becoming urgent nowadays. Researchers report on widely spread utilization of information and communication systems saying that it is becoming a global trend of the last decades (Salihov, 2009).

The Russian Federation's main aims on IT development are the following: exercising of effective information support of state and municipal authorities, information support of the subjects exterior for public authorities including individuals, preserving and structuring of information space (Decree of the President of the RF, 1994).

In the system of local self-government Constitution of the RF, laws and regulations provide for the leading role of direct participation of people in self-government. It makes no wonder, because accordingly with the Constitution we have social welfare state with rights and freedoms of the individual as a main value. However, in practical functioning of local self-governments the leading role is played by the specialized organs of the self-

governments. These organs are elements of municipal public authority. Each of them passes its regulations and carries out decision-making in the scope of its powers. The operation of these organs must be transparent and easily reachable in electronic form. The population must have possibility to retain information on municipal organs' decisions, action proceeds and other legal acts.

It is necessary to take into account specific factors when making legal regulations of municipal organs' activity – branches of administration, directions of socio-economic development, demographic and migrant processes of a municipal entity.

Moreover, existing means of cooperation of individuals with public authorities are mainly oriented at individual cooperation. The development of IT in local self-government needs more efficiency due to the limits of resources. This can be done through cooperation of groups. Social networks and forums gained great popularity in internet. However, disregarding their wide spread these technologies cannot be used in local self-government, because they have fundamental shortcomings.

Performance of information function of the state includes not only administration of state information

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resource, but also municipal resource that has close connection with state information resource. That all in its turn leads to the necessity of making technological support for those functions.

2. Methods and materials

The implementation of the tasks was achieved on the basis of the analysis of the main provisions of the legislation of the Russian Federation at the Federal and municipal levels.

When writing the work, depending on the nature of the task, use different research methods: abstract-logical-when setting goals and objectives of the study; the comparative analysis of the main reasons for the formation and improvement of the system of legislation in Russia; inductive and deductive methods to identify prerequisites of development of legal regulation of information support at the municipal level.

In theoretical and practical studies on the issues of state regulation of information support at the municipal level, the authors used monographic method.

3. Legal regulation of information relations at the level of municipalities

3.1. Activity on forming and using of information resource

Information on state and municipal organs activities is a public information resource (data, messages, both paper and electronic documents), formed by state and municipal organs.

Activity on forming and using of information resource almost without exceptions is a result of creating new data or compilation of existing data, or making information at its form or at its core. At its form – means that there are processes of transformation of certain information for the most comfortable usage; at its core – means that new decisions are formalized as documents, or transformed on the basis of information resource (Spirina, 2008). In this connection, information on state and municipal organs' activity is classified by lawmakers in the following groups: (Federal Law, 2009)

- 1) Information created by state and municipal organs within the scope of their competence or organizations supervised by them;
- 2) Information submitted to state and municipal organs or organizations supervised by them;
- 3) Regulatory information (including laws and bylaws);
- 4) Non-regulatory legal information (e.g., decree of local government's administration; decisions of courts, etc.).

Unfortunately, state and municipal organs that have relevant information resource do not perform mass information services, partially because they do not possess any relevant technology, organization

and finances. In this case, it would be useful to establish non-government organizations performing these functions using state information resources. In this regard, it is necessary to provide the administrative law regime that regulates the system of cooperation between non-government organizations and state organs concerning information products and service based on state information resources.

Hence, it is necessary to standardize the forms of presentation of state and municipal information resource in telecoms. Usage of relevant technologies in the sphere of the current research may provide for:

- 1- Active informational cooperation between all state and municipal organs;
- 2- Creation of user-friendly interfaces to access to information;
- 3- Access to state and municipal information resource at the request;
- 4- More effective usage of state and municipal information resource.

Performing municipal duties in the computer-assisted form may help to develop municipal services' efficiency and improve municipal administration at whole.

Availability of municipal services in electronic form will increase, including through the development of the use of the capabilities of mobile devices to access a single portal that will also provide technological creation of mobile e-government services. The cooperation of the population with state and municipal authorities by e-mail will create e-mail system and integrate it with the infrastructure of public services, etc. This will greatly reduce the time required to obtain a standard reference, online consultation of citizens may be carried out online, and this is fast and efficient way to get feedback on the services provided by the authorities (Hajdarov, 2008).

The transition to the provision of municipal services in electronic form is achieved in stages, in accordance with the schedule of transition that is to be approved by the local government in each municipality. For example, the administration of the city of Rostov-on-Don approved the municipal program "Development of the system of state and municipal services in the city of Rostov-on-Don on the basis of multi-service centers providing services, Internet portal services and single point of telephone calls in 2009 - 2013 ". Its main task is to organize electronic document management and delivery of municipal services in electronic form. The administration of the city of Samara approved the plan for introducing electronic municipal services, dividing the process into five stages, setting a deadline for January 1, 2014 (Dmitrieva, 2012).

3.2. Problems of legal regulation of rendering state and municipal services

It is also necessary to establish quality standards for state and municipal services that will enable

citizens to get high-quality services in comfortable and affordable terms in the shortest possible time. In addition to the quality of service, it is necessary to eliminate formalism in the activities of local authorities to provide information to citizens. Quality requirements of the information are specified in the Federal Law "On access to information about the activities of state bodies and local self-government" dated by Feb 9, 2009 N 8-FZ, but as rightly writes S.E Gasumova, currently at the municipal level, these requirements are not fully carried out. Regularly, even creating their own websites, the authorities usually limit themselves to partial fulfillment of the standards: receiving domain name, posting pictures of their building, posting several links to the information they do not have to moderate regularly. Thus, instead of socially significant information authorities often seek to post the information about government's social significance. The content of the site does not meet any legal requirements or needs and interests of the audience, namely, missing feedback; no interactive ways for the visitors to interact and report on current problems; lack of effective administration of those problems.

As a result, the guarantee of access to information resources of government, especially local governments, acquires declarative character and requires the development of implementation. There is a contradiction between the progressive emerging guarantees of citizens' access to information and the creation of Internet resources authorities at all levels, on the one hand, and the lack of a real mechanism to ensure the implementation of these safeguards, on the other, causing negative estimate by population of its information rights (Gasumova, 2012). Along with this, there is a negative assessment by the population of the inadequate attitude of state and local governments to provide state and municipal services. It is no secret that a very high quality and timely services are available when it helps to fill relevant budget. Site of public services and multifunctional centers are willing to provide citizens with the information about how much you have to pay taxes, the information on any penalties, on where and how to file an income tax return, etc. On the contrary, it is not possible for a person entering the website of the Ministry of Construction and Housing of the Saratov region to make an appointment at the officer responsible for housing policy, because the relevant section of the website is in development for years. There is no possibility to receive on-line consultation either. We need not only to develop the services beneficial for the budget, but also the ones that correspond to the constitutional rights of citizens. That approach is quite relevant, especially for municipalities, because satisfaction with the work of local government in urban district (municipal district), including accessibility of information (by a percentage of respondents) is one of the indicators for assessing the effectiveness of the activities of these municipalities in according to the Presidential

Decree of 28 April 2008 N 607 "On the evaluation of the effectiveness of local government in urban and municipal districts" (Decree of the President of the RF, 2008).

It should also be noted that there are problems in cooperation of interaction state and municipal authorities. There should be a duty to make report by local governments to the governments of the subject of the Federation and the authorities of the subject of the Federation should make reports to the government of the Federation, as well as in the reverse order. Despite the fact that there was a number of resolutions adopted by the Government of the RF (Decrees of the Government of the RF, 2009), that are to solve these problems, we believe that they are clearly insufficient and therefore it is advisable to support the position of S.I. Semiletov on the necessity of the adoption of the federal law "On information interaction between state and municipal authorities" (Semiletov, 2011).

A number of problems arise because declared autonomy of local governments is not supported by sufficient financial autonomy. Municipalities do not have their own resources to put their services in electronic form. Lack of funds may be partly compensated by regional budgets; and this financial dependence of municipalities is the main "driving-belt" for some uniformity in the process of emerging of municipal services in electronic form: local governments receive funds from regional authorities; in return they have to comply with certain conditions.

The creation of a unified information system of the municipality should be based on the following interrelated principles:

- 1- The principle of forming a single hierarchical "vertical" of units in charge of information services and work;
- 2- The principle of preparation of information products for specific customers;
- 3- The principle of uniformity of all databases and data banks;
- 4- The principle of relevance of methods and algorithms and the goals and objectives of structural unit in charge (subject to the compliance of the rules on selection, transfer, processing, storage and delivery of information).

3.3. Implementation and development of automated information management systems

Moreover, the existing practice confirms that the greatest effect of the introduction of state and municipal information systems is achieved when the full range of activities are under special attention of the first officials of these bodies, and it is not being outsourced.

In turn, the creation, implementation and development of automated information management systems require the participation of experts in governance as well as users of those systems themselves. This work is carried out in stages in "bottom-up" and "top down" directions.

For instance, on the website of "VZHKH.RF" there are special tools for uploading, storing and exchanging of information between housing organizations and tenants. In addition, the social network and other networks are frequently used to create a community of tenants.

However, these methods of implementation of territorial self-government in electronic form create many problems. There are "closed communities" in networks that cannot guarantee access to all of the parties that need the information. A website "VZHKH.RF" is extremely uncomfortable and difficult for users; although there are examples of active use of the opportunities provided by this site.

The disadvantages include breaches of netiquette: trolling, flood, etc. The absence of the arrangements for clustering is one of the disadvantages. There are attempts to solve this problem, for example: <http://district.ani-project.org>. However, such projects are not popular yet. Although the idea is certainly interesting and requires careful study, support and further advance

As for legal regulations of computerization of municipal governance, relying on D.L. Abramovich's classification (Abramovich, 2007) of municipal legal acts on computerization:

- 1) Concepts and programs of computerization of the municipality;
- 2) Provisions on the Coordinating Council and on the authorized executive body of the municipality in charge of information technology;
- 3) Regulations governing the formation and operation of a unified system of information and communication tools;
- 4) Acts of organizational and administrative nature aimed to ensure interaction with the municipal administration of government and organizations in the municipality;
- 5) Regulations governing the use of information technologies in the units of the municipal administration, and others (Chebotareva, 2010); we can conclude that the municipalities are actively trying to regulate information technologies in the processes of interaction of governments with the population

According to Analytical Bulletin of the Federation Council of the RF #8 (Analytical Bulletin of the Council of Federation of the FS RF, 2009) the leaders of the municipal computerization are:

Petrozavodsk (Karelia) with its city program "Electronic Petrozavodsk" which is implemented since 2003. It includes a single communication network linking a number of urban information thematic portals of administration of Petrozavodsk (youth, investment, education, cultural, social services), the network of remote access, education management, office administration, municipal procurement, clinics and social protection is based on the use of information technology.

Yekaterinburg (Sverdlovsk region), which adopted the municipal program "Electronic Yekaterinburg", which laid the institutional foundations of the functioning of a unified city

information portal, as well as complex information systems, such as the "unified duty and dispatch services", "transport", etc.

Ryazan (Ryazan region), where the municipal program "Shaping Information Space City" allowed to create organizational framework for managing the use of information technology, leasing municipal land and municipal procurement, as well as in the municipal land registry.

Togliatti (Samara region), where the adoption of the Program of creation and development of information systems has made it possible to create a single system designed to integrate a unified information portal of the city authorities; virtual waiting room; Information Systems "Population" (Population Register); municipal procurement; electronic document using an electronic

In addition, as a pilot project in Tatishchevsky District of Saratov region since 2011 was actively promoted the provision of public and municipal services in electronic form on the basis of inter-agency cooperation (Abramovich, 2007).

It is possible to consider the legal regulation of the availability of information on the activities of municipalities.

For example, in Shusha district of the Krasnoyarsk Territory there is the Regulation (Order of the Administration of Tatishchevsky Municipal District of Saratov Area, 2011) of the cooperation between municipalities and individuals and legal entities with regard to the provision and receipt of information on the activities of municipalities. Article 2 of the Regulation determines that the information on the activities of municipal authorities should be open and accessible; timely and reliable; free. Seeking, receiving and transferring of that information must be carried out in a lawful manner. It is necessary to respect the rights and legitimate interests of the third parties in the process of providing access to information on the activities of municipalities, as well as state and commercial secrets.

One more positive example is the Regulations on the official website of the Administration of Sovetskaya Gavan, approved by the head of the urban settlement "the City of Sovetskaya Gavan" of June 4, 2009 № 109 (Regulations on the Provision of Information on Activities of Organs and Officers of Local Self-government, 2009). According to the said Regulations, the official website of the Administration Sovetskaya Gavan is created for the development of unite information space, information management activities of urban local governments, as well as the implementation of the principles of openness and transparency of their activities. Website is the information resource and is in municipal property of Sovetskaya Gavan. According to the Regulations the information posted on the official website of the Administration of Sovetskaya Gavan must follow certain requirements: the official status; free of charge; must not violate the honor, dignity and business reputation of individuals and legal entities; must not contain material relating to

the state or commercial secrets; must not interfere with current legislation and standards of morality.

As regards to the possibility of municipal authorities to place on the Internet information about themselves, it should be noted that not all municipalities have the necessary technical and financial resources. For example, this applies to small municipalities. However, in this case, the municipal authorities have the right to place the information on the official website of the corresponding subject of the Russian Federation or of the relevant municipal district. Thus, the federal legislator, realizing the difficulties in financial, organizational and technical condition of a number of settlements (especially rural), allows the use of public resources for such municipalities.

In general, analyzing the problems of formation of electronic information environment in municipal entities, it can be concluded that as in many other cases it all comes down to a lack of sufficient funding, due diligence and the level of training of officers in the field. With regards to financing, there was the example of the Federal Target Program "Electronic Russia 2002-2010" aimed at the formation of standards and guidelines for the use of information and communication technologies in public administration, ensuring effective interagency information cooperation on the basis of information and communication technologies and the integration of public information systems, ensuring the efficiency of interaction between state authorities and the public and organizations on the basis of information and communication technologies and management information systems activities of public authorities, that were to be financed from the federal budget. The subjects of the Russian Federation were in charge for the issue of creating standard software and hardware support of the activities of public authorities. However, many problems have not found its solution.

There is a whole range of issues of legal, organizational and technical nature that hinder the organization of state and municipal services to rural citizens in an interactive way. In order to ensure interactive participation of the rural population in the state administration, telecommunications should be presented in every rural locality. In this case, the spread of telecommunications includes not only access to telephones, but the access to internet for affordable prices as well to provide high-quality public and municipal services in electronic format.

As an indicator of the availability of information services to the population the number of telephones per 100 people (the level of installed phones) is frequently used. Denmark, Norway, Switzerland, the USA, Germany provide its residents with 60 to 70. In the CIS, the teledensity figures around 21.4. Saratov region in this regard looks better - the average telephone density is 37.42; at the same time in such rural areas, as Marx (27.7), Osinski (17.7), telephone density is extremely low (Decree of Government of the RF, 2002). By 2007 the Saratov region expected to have telephones in all rural localities, but it has

not yet been implemented. The regional target program "Social development of villages until 2012 in the Saratov region" allocated 6.7 million Rubles. It was supposed to create 4 new job positions.

It follows that the state and municipal information services are largely inaccessible to the villagers. Furthermore, based on this indicator it can be concluded that the Internet in the village is also underdeveloped, which in turn hinders the process of implementation of information technology and restricts the availability of e-government. On the other hand, due to the poor level of information development of local governments, the lack of sufficient level of computerization and access to the Internet, the legislation cannot information relations (URL:http://www.fms.gov.ru/programs/fmsuds/file_s/reg/saratovskaya/tv1.doc).

Thus, the question of telephones and connectedness in rural areas is very serious and requires prompt solution. As an example of the successful solution of this problem, we can see the experience of the neighboring country with similar economic, social and technical situation - Kazakhstan, where the funds are allocated to compensate for possible losses for operators that provide telephones and connectedness in rural districts.

The development of the Internet of rural districts aims to improve the quality of life of rural population, the development of new intellectual needs of rural residents, and to provide rural population with modern conditions of life.

Chuvash Republic Russia solves this problem by providing computers and Internet connection to rural libraries. This process resulted in the emergence of the so-called model libraries. These technologies allow providing legal information, including documents of municipalities. In this institutions population is trained to work on the Internet to search for information in electronic encyclopedias and reference books, to use the electronic mailbox, scan the required documents (Barbashin, 2009).

Another option to accelerate the processes of information in rural areas is the creation of information and advice centers on the basis of educational institutions, as a result of the implementation of the priority national project "Education" all schools in Russia are connected to the Internet

However, the existing programs of rural development do not take into account various aspects. For example, the creation of information counseling centers based in rural libraries and schools involves not only the provision of training in courses for librarians and schoolteachers, but also financial support for additional work. Only in this case, such centers will be able to increase computer literacy in rural areas.

Full participation of rural population in the governance is possible through a special federal targeted program, the respective programs of the subjects of the Federation, focusing on the

introduction of information technologies in the life of villagers. The details of the program will not only provide for the technical capabilities of the state and municipal e-services, and implementation of organizational measures, educational activities and provision of the solution of other related problems. Technologies of public-private partnership will enable to create more efficient organization of financing of these programs (Denisova, 2004).

As Bachilo (2011) observed it is quite possible nowadays for regions to ensure success in the computerization. For example, the administration and the Governor of the Khanty-Mansiysk Autonomous Okrug with the help of proper work organization and the legal support enabled the computerization of the Okrug's relevant units responsible for the use of information resources, for a very modest cost compared with other regions considering the fact that the Okrug is rich and has financial resources. There was successfully created the electronic subject of the Russian Federation - Yugra. With a rational use of human, financial, technological capabilities and smart organization they obtained good results at a very low cost (Bachilo, 2009). However, the success throughout the Russian Federation can only be achieved under the interest of senior officials of the RF subjects. Without their political will all efforts to deploy information technologies will stay formalistic and ineffective.

4. Conclusion

As can be seen from the above, the legal regime of access to the information on public organs activity includes forming of institutional and technological basis of informing of population. Primarily standards of providing with information by state and municipal organs are to be enacted, and it is for administrative law to develop measures to combat digital inequality.

State and municipal organs activity on the formation of the unite information system is to be determined by the special legal norms. These norms should regulate not only rights and duties of state and municipal organs in connection with development of the unite information resource, but they should determine access to that information, and to regulate development of unite statutory documentation on standardization and unification of protocols, information technologies and systems. Moreover, for the organization of electronic municipal administration at territorial community self-governments it is necessary to establish the mechanism of clustering that consists with borders of jurisdiction of territorial community self-government.

Conflict of interest

The authors acknowledge that the data do not contain any conflict of interest.

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