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ЗМІСТ ЕЛЕКТРОННОГО УРЯДУВАННЯ

Анотація. *Стаття направлена на дослідження змісту та ідеї електронного урядування. Проаналізовано найбільш загальні ознаки та ключові завдання електронного урядування із врахуванням початкового стану проблемної ситуації у даній сфері і запланованого кінцевого результату. Досліджено, охарактеризовано та надано визначення понять функцій, принципів та предмета електронного урядування. Встановлено та виділено суб'єкт та об'єкт електронного урядування, що є однією з передумов подальшого розвитку і підвищення ефективності діяльності електронного урядування в органах влади. Зроблено висновок про те, що запровадження системи електронного урядування не обмежується тільки автоматизацією управлінських процедур на основі комп'ютерних та телекомунікаційних технологій, але й дає можливість, звертаючись до одного державного органу за отриманням послуг, отримувати їх від усіх інших взаємозв'язаних органів влади.*

Ключові слова: електронне урядування, держава, цивілізація, інформаційно-комунікаційні технології, принципи, демократія, Інтернет.

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СОДЕРЖАНИЕ ЭЛЕКТРОННОГО УПРАВЛЕНИЯ

Аннотация. *Статья направлена на исследование содержания и идеи электронного управления. Проанализированы наиболее общие признаки и ключевые задачи электронного управления с учетом исходного состояния проблемной ситуации в данной сфере и запланированного конечного результата. Дано определение понятиям функции, принципов и предмета электронного управления. Установлено и выделено субъект и объект электронного управления, что является одной из предпосылок дальнейшего развития и повышения эффективности деятельности электронного правительства в органах власти. Сделан вывод о том, что введение системы электронного управления не ограничивается только автоматизацией управленческих процедур на основе компьютерных*

и телекоммуникационных технологий, но и дает возможность, обращаясь к одному государственному органу за получением услуг, получать их от всех взаимосвязанных органов власти.

Ключевые слова: электронное управление, государство, цивилизация, информационно-коммуникационные технологии, принципы, демократия, Интернет.

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CONTENTS OF ELECTRONIC GOVERNANCE

Abstract. *The article is aimed at the study of the content and ideas of e-government. The most general features, key tasks of e-government are analyzed, taking into account the initial state of the existing problem situation in this area and the planned final result. The definition of concepts of functions, principles and subject of electronic governance has been characterized and provided. The subject and object of e-governance is established and allocated, which is one of the prerequisites for the further development and increase of the effectiveness of e-government activity in the authorities. It is concluded that establishment of an e-government system is not limited to automating management procedures based on computer and telecommunication technologies, but also enables one state authority to receive services by obtaining it from all other interconnected authorities.*

Keywords: electronic government, state, civilization, information and communication technologies, principles, democracy, the Internet.

INTRODUCTION

At the present stage of mankind development, under the influence of international tendencies of information society, e-government system introduction and improvement in the state bodies with its gradual approach to European models, norms and standards is one of the most pending issues. At the same time, it is quite obvious that it is impossible to reach an advanced level of effective e-government without the prior explicit exploration and understanding of the features, tasks, functions, principles, subjects, objects and subject matter of e-government. In addition, domestic science has not paid sufficient attention to the issues of research and definition of the concept of functions, principles and subject matter of e-government.

Fundamental reason for e-government introduction is broad IT-penetration into all processes in the routine activities of ministries, departments, self-government executive bodies, both internal and external. At these particular circumstances real opportunity to ensure informational and functional interaction of the government with each citizen, each management entity arises [1, p. 35].

E-government cannot be considered separated from information and communication technologies development, in particular Internet, which at its initial stage has been just set of networks used for communication capabilities research. However, Internet quite quickly has become not only available global means for information exchange, but also a promising tool to research social phenomena and a convenient environment for informational and social services generation [2, p. 8]. As it was stated in this regard by P. S. Klymushin, e-government ensures public management development bottom-up as a permanent cognitive search for alternatives: from reflexive civil society and civil partnership to network public management [3, p. 82].

E-government concept doctrine study by domestic and foreign scientists, as well as author's approach provided to define the concept, will allow for e-government meaning and structure re-thinking. It is e-government concept definition that reflects all its fundamental elements and increases interest to theoretical comprehension of this type of power exercising.

E-government content and ideas research in international practice as well as in Ukraine, along with innovation-legal views and proposals development, is not easy, which explains incomplete scientific picture of the issue. Specific feature of the matter have been investigated by the following foreign and national scientists: V. S. Avdonin, O. A. Baranov, M. S. Vershinin, M. S. Demkova, S. V. Dzyuba, V. Iezhuninov, A. V. Iefanov, I. B. Zhyliaiev, V. G. Ivanov, Ie. L. Klepets, I. V. Klymenko, P. S. Klimushyn, M. G. Liubarskyi, M. N. Marchenko, V. P. Novosad, O. V. Petryshyna, S. P. Pogrebniak, S. K. Polumiyenko, T. V. Popova, I. A. Ruban, R. G. Seliverstov, A. I. Semenchenko, Iu. I. Tsekov, S. A. Chukut, V. Iu. Shepit'ko, R. V. Iurynets and others.

The purpose of the paper is to study the content and ideas of e-government based on research and generalization of the array of studies done by the leading foreign and national scientists and researchers, as well as to formulate the author's approach to the definition of e-government functions, principles and subject matter concepts.

1. MATERIALS AND METHODS

General scientific and specific for legal science methods and techniques of scientific cognition have been used in this study in order to achieve the stated goals and objective,. It has allowed us to analyze all issues related e-government content very carefully.

Thus, dialectical method has allowed to characterize and explore e-government content and ideas, which provides for people' awareness of the new opportunities to influence on political and economic life of the country, for their political activity growth, for their awareness of the possibility to make effect on state power through politically oriented web-sites and portals.

We've used comparative legal method to study and compare foreign experience and the array of data received by leading foreign and domestic scientists. The syn-

thesis method has assisted in establishing the fact that e-government, like all social and legal processes and phenomena, is based on a number of general and special principles that ground e-government formation and functioning objectivity in the public authorities taking into account foreground needs of citizens and global development of information society.

Generalization method has proved the fact that e-government system introduction is not limited by management procedures automation based on computer and telecommunication technologies, but also makes it possible to receive services from all interconnected authorities by appealing to single public authority.

2. RESULTS AND DISCUSSION

2.1. *E-government attributes*

According to A. I. Semenchenko, the attributes of e-government are as follows:

- purposeful coordinated activity of all public authorities and local self-government bodies, society, citizen and individual, business;
- state policy of e-government introduction formation and implementation as an integral part of the state policy of sustainable development of Ukraine;
- public administration principles, public authorities and local self-government bodies structure and functions along with their interaction with each other modification by society, citizens and business;
- administrative processes information technologies development efficiency improvement at the state authorities and local self-government bodies;
- e-government information infrastructure creation;
- public officers, individuals, business training provision to master information-communication technologies, e-government technology utilization;
- e-government development and its capabilities utilization incentive system creation [4, p. 3–5].

P. S. Klimushkin [4] brings focus on the key attributes of e-government. He argues that although there are different interpretations of this term, e-government concept in the global practice is based on the following:

- focus on the needs of citizens;
- economic efficiency;
- openness for public control and initiative.

We consider it appropriate to agree with this position of the scientist. The author also emphasizes that e-government is the form of state management organization featured with an active interaction of between public authorities and local self-governments in between along with society, individual and citizen, business through information and communication technologies. One more feature of e-government is the transparency of the state apparatus activities, since such a form reduces (if not eliminates) the "dependence of an individual from self-will of public official", and

therefore prevents corruption. E-government is the tool of society democratization, an integral part of information society functioning [5, p. 26].

E-government attributes are given to the fullest extent by well-known domestic researcher and scientist V. V. Marchenko. In particular, he highlights the following features:

- maximum use of modern information and communication technologies, automated hardware and innovative software products in the management and regulatory activity of the executive authorities;
- electronic document flow and electronic document management, electronic reporting, etc.;
- interaction between all participants of e-governance, partnership relations formation based on interagency interaction;
- electronic systems integration, administrative services integration;
- commitment to create single integrated government portal (the one operating omnidirectionally);
- dependence on the legislative regulation, available financial, personnel, organizational, methodological and informational-technical support;
- openness, transparency, accessibility of public information, depersonalization, wide coverage of electronic systems users;
- remote and interactive (in real time mode, on-line) management form;
- support services to citizens, orientation towards their demands and requests;
- public control, public involvement into management and state decision-making;
- dual nature of e-government: brings both positive effects and generates a number of issues need to be solved [6, p. 66–79].

2.2. E-government objectives study and formulation

Studying certain aspects of e-government content, it is reasonable to start with objectives as one of the most important component of e-government. While formulating the objective it is necessary to ground on the fact that it is the goal and the final result of e-government, herewith it should be realistic, that is, take into account the initial state of a given questionable matter in the area and the intended final result.

Exemplarily, the concept of e-government development in Ukraine defines the following objectives to ensure e-government development in Ukraine:

- citizens' rights for access to the state information protection ensuring;
- citizens involvement into state affairs management [7];
- state management techniques improvement;
- management decisions quality upgrade;
- "information inequality" overriding, in particular through special centers (points) establishment, service centers (call centers), web portals for information services provision;

- arrangement of services provision to the citizens and business entities in electronic form using Internet and other means, primarily on "single window" basis;
- providing citizens with opportunity to study throughout whole their lives;
- depersonalization of administrative services provisions in order to reduce corruption level in public authorities;
- information interaction organization between public authorities and local self-government bodies on electronic document circulation basis using digital signature;
- ensuring electronic documents transfer and long-term storage in the state archives, museums, libraries, maintaining them in an up-to-date state and providing access to them [8].

In its turn, Agency in e-government of Ukraine states that its primary objectives are as follows:

- state policy implementation in information technology, e-government, national and electronic information resources generation and utilization, information society development sphere;
- introducing for consideration of the Vice Prime Minister of Ukraine – Minister of Regional Development, Construction and Housing and Municipal Economy proposals on state policy formation in this area [9].

In A. I. Semenchenko's opinion missions of e-government in Ukraine are as follows:

- integrated information space creation for organizational and administrative documents exchange, processing and storage in electronic form, being prerequisite for further creation of the central electronic archive of electronic documents;
- strengthening control over organizational and administrative documents accomplishment;
- increase managerial decisions making efficiency;
- prerequisites creation for transition to internal electronic document circulation in government agency using electronic documents only, etc. [10, p. 65].

According to the leading Ukrainian scientists, namely O. A. Baranov, M. S. Demkova and S. V. Dziuba, e-government development tasks should be established in accordance with the benefits being provided by these technologies society and the state development:

- providing human and citizen rights for remote access to all types of public state information of individual and social significance;
- individual and citizen involvement to participation in the state affairs;
- further improvement of e-government technologies;
- informational inequality overcoming;
- services provision arrangement for legal entities and individuals in integrated way remotely – though Internet or through other means;
- restructuring of relations between public authorities and local self-government bodies with individual and citizen;

- facilitating economic development;
- backbone legal support [4, p. 7].

Investigating the objectives of e-government and sharing the opinion of V. V. Marchenko, we can say that e-government has a large number of tasks that in most cases "reformulate" the goal of e-government, do not foresee specific result achievement within the established time frame, are not scientifically substantiated, since they are based rather on hypothetical than actual possibilities of practical implementation of one or the other task.

2.3. E-government functions characteristics

Exploring the essence of e-government we consider it obvious that the quality of the practical implementation of the task depends on the clarity of its functions establishment. That is why it is necessary to establish the functions of e-government.

In O. L. Slobodian's view, e-government performs the following key functions:

- public services quality and accessibility for citizens improvement, procedures simplification and administrative costs reduction;
- insuring information openness concerning executive authorities activities, expanding access to it and providing the possibility of citizens and civil society institutions of direct participation in the processes of draft decisions that are adopted at all levels of state administration preparation and examination;
- permits issues (for specific kinds of business activities; for meetings and public events conducting, for advertisements placement, etc.), including accreditation, qualification, certification;
- registration (the titles, official records of births, deaths and marriages, business entities, associations of citizens, etc.);
- legalization of documents (Consulate legalization), nostrification (acceptance of foreign university degrees) and verification (establishing authenticity of certificates of goods origin);
- recognition of certain status, rights of individual (granting pensions, subsidies) [11, p. 6].

In line with the Art. 6 of the Law of Ukraine "On the National program of information technologies development, public authorities, within their competence, perform the following functions in the process of informatization (including e-government):

- copyright protection for data bases and software created for information technologies implementation and personal data;
- information means utilization standards, norms and rules establishment;
- citizens' and citizens associations' access provision to public authorities and local self-governing bodies information, as well as other data sources;
- state information security provision, etc. [12].

As an example, the State Agency for Electronic Government in Ukraine, in accordance with the tasks imposed on it, performs the following functions:

- generalizes the practice of legislation application in the issues within its competence, develops proposals for legislative acts improvement;
- arranges forecast-analytical studies conducting on the state of information society, e-government and information technology sphere development;
- performs the functions of the general state customer of the National program of information technology development;
- carries out state registration of public authorities, local self-government bodies and other legal entities of public law electronic information resources;
- within the powers provided for by law, ensures proper functioning of the Integrated web portal of the Cabinet of Ministers of Ukraine;
- carries out monitoring of information content of the official web-sites of executive authorities;
- coordinates executive authorities' activities related to electronic information systems and resources creation and integration into Integrated web-portal of executive authorities;
- coordinates and monitors the activities connected with the National register of electronic data resources establishment, keeping and making operational;
- develops requirements to electronic document circulation data formats in public authorities;
- participates in training arrangement and prepares proposals to improve the system of professionals training and retraining in the field of informatization, e-government, etc. [9].

That is why e-government functions are the most general and main directions of state power influence and activity in democracy development sphere by using a wide range of advanced and sophisticated electronic information and communication technologies.

2.4. General and special principles of e-government

It should be noted that, like all social and legal processes and phenomena, e-government is based on a number of general and special principles that justify the objectivity of e-government formation and functioning in public authorities, taking into account the dynamically changing demands of citizens and global development of information society.

The general theory of law, etymological meaning of the word "principle" is traditionally used (from the *Latin* principium – the original, the definitive, something from which everything else originates) – foundation, basis, guiding idea, set point position of any phenomenon (doctrine, organization, activity, etc.) [13, p. 24]. According to S. P. Pogrebniak, principles are not eternal requirements, their existence

is conditioned by certain socio-historical context. However, the principles do not become less sacred, if it is impossible to guarantee their eternal life [14, p. 26].

First of all, we consider it necessary to draw attention to the fundamental principles of e-government, included into Declaration of Principles of Information Society Formation proclaimed in 2003 in Geneva, namely:

- the role of public authorities and all concerned parties in promoting information and communication technologies utilization;
- information and communication infrastructure;
- access to information and knowledge;
- providing everyone with access to information; 4) capacity development;
- building up confidence and security while using information and communication technologies;
- favorable environment;
- information and communication technologies development and utilization should be focused on advantages creation in all aspects of our daily lives, etc. [15].

In accordance with the Concept of e-government development in Ukraine, key principles of e-government are as follows:

- transparency and openness;
- confidentiality and information security;
- unified technical standards and interoperability;
- focus on service consumers' interests and demands [8].

Also position of V. Iezhuninov merits the attention; he distinguishes the following principles:

- involvement of all branches of public authorities to e-government;
- extensive provision of e-democracy, publicity and openness of public authorities and local self-government bodies functioning;
- public authorities' services quality;
- access to e-services of public authorities;
- general computer literacy;
- e-services provision by the state authorities, extensive information technologies development in these authorities;
- information security provision;
- unified technical standards and regulations;
- e-services interaction and continuity [16, p. 166–167].

As opposed to the previous author, O. I. Slobodan highlights the other principles of e-government:

- one-time document registration;
- possibility to perform various operations in parallel in order to reduce documents circulation time and increase the efficiency of their execution;
- document circulation continuity;

– developed reporting system with regards to various statuses and attributes of documents [11, p. 4].

However, in this particular case, the principles primarily related to electronic document management are considered. In turn, M. S. Vershinin proposes to distinguish between the following principles of e-government, such as:

- focus on citizens;
- convenience and ease of use;
- business transformation;
- cost and complexity;
- servicing;
- adequacy;
- scale of solutions;
- execution;
- reporting;
- speed of implementation;
- readiness for action [17].

However, V. V. Marchenko in his thesis paper does not agree with the attribution of cost and complexity to the principles of e-government, which, to the contrary, should be targeted to simplification and cheapening [6, p. 99].

Also, the opinions of the leading Ukrainian scholars S. V. Dziuba, I. B. Zhylyae, S. K. Polumiyenko, I. A. Ruban, A. I. Semenchenko are not less interesting. In their collaborative work they state that e-government primarily should be based cooperation and partnership principle, which envisages state's actions control by society and business, eliminates command- administrative models use and prescriptive management mechanisms of state administration, along with unequal relations between the state and other participants of the process and in-between [18, p. 28–30].

Following analysis and summering of all the above, we believe that the principles of e-government are the established general basic provisions and principles of e-government organization and functioning, feasibility and effectiveness of which in the theoretical, legal and practical activities is scientifically and practically grounded at the national and international levels, as well as those that should create the ground to develop any mechanism for e-government introduction and development.

2.5. Subject, object and subject matter of e-government

The necessity to define subject, object and subject matter of e-government is one of prerequisites for further development and improvement of e-government effectiveness in public authorities.

State and law theory defines subject of law as a participant in social relations, acting as legal rights and obligations carrier, including public authorities and local self-government bodies, their officials, other individuals and legal entities [19, p. 234]. That is, subject of law essence provides for not only the potential opportunity to

participate in legal relationships, but also real participation in them through legal assigning of subjective rights and legal obligations.

Thus, I. V. Klymenko and K. O. Linov noted that all entities are the subjects – both physical (people or machines) and abstract (organizations) concerning which information is recorded. At the same time, the authors argue that subjects may be "containers containing other entities" or play the role of "resources" which can be created, modified or used in service interaction process [20, p. 39].

According to V. V. Marchenko, the subject of e-government in executive bodies is a variety of subjects of administrative and legal relations [6, p. 149]. The author also notes that the ministries are also subjects of e-government, as they adopt relevant orders, elaborate information development strategies that make impact on e-government development [6, p. 152].

When investigating the object and subject of e-government, we consider it expedient to analyze the concept of "object" and "subject" and determine the essence of the object and subject of electronic governance. In this context one should pay attention, firstly, to the fact that the presence of an object, as rightly noted by VS Avdonin, necessitates the activity of one or another subject – a management system, which in turn justifies the relevance of the chosen scientific problem [21, p. 10]. Secondly, in determining the nature of the "object" and "subject" it is important to explore the categories in close connection, given that they relate to both general and partial.

When investigating the object and subject matter of e-government, we consider it expedient to analyze the concept of "object" and "subject matter" and decide upon the essence of the object and subject matter of e-government. In this context it is necessary to pay attention, firstly, to the fact that the presence of an object, as rightly noted by VS Avdonin, necessitates the activity one or another subject's activity – management system, which in turn justifies the relevance of scientific problem being chosen [21, p. 10]. Secondly, while determining the nature of the "object" and "subject matter" it is important to explore these categories in close connection, given that they corelate as entire and particular.

In the theory of state and law, the object of law is social relations that can be subject to legal regulation and require it. The object of legal relationship is real or intangible assets, and rights and obligations of the parties to the relationship arises for their receipt, transfer or use. Objects of legal relationships are specified and individualized, they are connected with the rights and responsibilities of legal relations' subjects, possibility to use and dispose something and allow to claim actions of other persons of certain nature [19, p. 237].

In turn, the subject matter is always unique, it determines its independence and originality – the features distinguishing it from other sciences. For example, the subject matter of jurisprudence are patterns of emergence, development and operation of state and legal phenomena and processes, their specific aspects and manifestations, which together form legal validity. The subject matter of the theory of law is the most

common patterns and trends of state and legal phenomena and processes occurrence, development and operation, as well as concepts common for the whole legal science [19, p. 15–17].

We consider expedient the point of view of Iu. I. Tsekov, who claims that the subject matter is within the limits of an object; in other words, the concept of "object" and "subject matter" correlate as general and partial, due to which specific part is allocated in the object – subject matter [22, p. 16]. That is why the subject matter of e-government is a set of demands, interests and claims of the subjects of e-government that using the opportunities of modern information and communication technologies are coordinated and implemented in the form of electronic services and electronic interaction to ensure the quality of public administration, openness and transparency of power for a individual and a citizen.

CONCLUSION

Consequently, the key purpose of e-government introduction is the extensive informatization of all processes in the routine activities of ministries, departments, local executive authorities, both internal and external. Such circumstances facilitate actual opportunity to ensure informational and functional interaction of the government with each citizen, each subject of management. In addition, e-government system introduction is not limited to administrative procedures automation based on computer and telecommunication technologies, but also enables referring single state agency to receive services from all other interconnected authorities.

For this reason, it follows from the foregoing that e-government promotes partnerships relations forming between public authorities and society, between authorities and individual citizen, between authorities and business, in order to increase the efficiency of all subjects of the relations arising due to e-government operation and, as the result, modern information society development.

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