

The Moderns Digital Technologies In Lawmaking

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Abstract: Information and communication technologies in the legislative process are not only a technical issue. This is, first of all, a question of people's participation in lawmaking, the possibility of influencing the process of passing laws. In addition, the digitalization of lawmaking has an instrumental side. Its essence lies in solving the problem of complete automation of law-making processes and comprehensive systematization of legislation. Solving this problem is associated with overcoming the risks that involuntarily arise as a result of low technical and legal quality and insufficient consistency of legal acts.

1 INTRODUCTION

The problems of the formation of the digital space and its impact on the development of human civilization are associated with the evolution of the information society.

In the studies of E.P. Semenyuk proved that a low level of information interaction entails weak evolution.

Each stage of human development, any social changes caused by material necessity, are explained mainly by the development of information connections and the corresponding information support.


Building a digital society is a complex and multifaceted task, which includes not only organizational and technical measures, but also legal support for a special area of social relations in the sphere of circulation of information (digital sphere), which objectively requires regulatory mediation from public authorities.


In one of his speeches V.V. Putin said that Russia's future is unthinkable without technological leadership, and to achieve it it is necessary to reduce risks in various areas. In particular, the role of the "electronic-state" cannot be identified outside of the relevant administrative procedures, and not all issues


in this part have yet received their regulatory and legal resolution.

Unfortunately, we have to admit that the pace of solving these problems does not yet meet the requirements of the time. This situation, in our opinion, did not arise by chance. It is known that the widespread introduction of such technologies is the path to transparency and openness in the activities of state, municipal and other management bodies, including in the field of lawmaking. It is clear that this does not suit certain layers in bureaucratic circles, primarily the middle and lower levels, who are accustomed to "fishing in troubled waters." Indeed, in conditions of lack of information, it is always easier to engage in lobbying, implementation of corruption schemes, and resolution of one's narrow issues without regard to public opinion and without taking into account state interests.

This problem has become especially relevant in the context of a systemic global economic crisis, when law-making decisions must be made promptly, but at the same time, having gone through all the necessary procedures of preparation, discussion and examination. This truth – periculum in mora (danger in delay) was known back in Ancient Rome, however, from its indisputability, a not entirely obvious conclusion follows that modern Russian law does not

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have a sufficient number of mechanisms that would allow, in times of crisis, to quickly develop the rules of law necessary in a given situation and carry out procedures for their legitimation, and then also quickly achieve the implementation of these norms, which are so necessary at this moment in time. In solving these issues, the capabilities of modern digital technologies in lawmaking are simply difficult to overestimate.

2 METHOD

According to S. Mironov, information and communication technologies in the legislative process are not a technical issue. This is, first of all, a question of people's participation in lawmaking, the possibility of influencing the process of passing laws. It is difficult to disagree with this opinion, since, in this way, communication channels become a conductor of society's ideas into the offices of legislators. With the help of such "electronic democracy" people gain wide access to information and the opportunity to participate in the preparation of law-making decisions.

Thanks to the intensification of public dialogue using digital technologies, democratic processes can give a powerful impetus to the further development of the state's law-making policy. The creation of a new digital basis for such a policy will reduce the barriers between government and society, government and the individual.

The introduction of new digital technologies based on artificial intelligence not only increases the productivity of lawyers, but also ensures efficient processing and storage of information, which allows you to analyze data and generate expert opinions similar to a "human expert".

The problem of digitalization of lawmaking has one more – instrumental side. Its essence lies in solving the problem of complete automation of law-making processes and comprehensive systematization of legislation. Solving this problem is associated with overcoming the risks that involuntarily arise as a result of low technical and legal quality and insufficient consistency of legal acts. Of course, this area of digital development of law-making policy is very important, but there is no need to go to extremes here.

So, it is impossible, in our opinion, to agree with what was proposed by L.V. Goloskokov's understanding of modern legal doctrine as a symbiosis of law and information and communication technologies, which will create a special legal

mechanism based on automated, semi-automatic or even automatic processes of lawmaking and law enforcement. Such an understanding seems too utilitarian even within the framework of the concept of the information society. This position actually reduces the system of legal regulation to a technocratic level and eliminates the value-cultural component of law as a complex social phenomenon.

At the same time, without the use of such technologies it is already difficult to imagine the development and functioning of modern legal institutions and, probably, that is why the presented point of view has its supporters. So, S.V. Baturina, for example, believes that automation of law-making processes may well find application in some narrow areas where a machine does not need to have even a modicum of intelligence to successfully do such work. To support his thought, the author cites a statement by A.V. Malko that "legal regulation is carried out mainly with the help of management information, where a model of the required action is clearly constructed, and in this regard it is worth remembering that the functioning of an ordinary traffic light absolutely fits into this description: working in the simplest binary code, it sends management information - a signal of either incentive or restriction, while no one is surprised by its "ability" to successfully regulate the behavior of millions of people on the roads, and people have long forgotten that they once gave part of their seemingly irreplaceable rule-making powers to the simplest machine".

3 RESULTS

In our opinion, in this case, such a comparison is inappropriate. Transferring to an automaton (computer, robot) part of the functions of a law-making body, even "in some narrow areas" of the law-making process, will inevitably lead to aggravation of existing problems, and, in addition, will negate the solution to the issue of responsibility for the results of law-making activities. Consequently, the further development of the digital direction of law-making policy is to prevent the possibility of "semi-automatic or automatic" execution of even some public legal functions of the state, especially in the field of law-making.

From what has been said it does not at all follow that we are against automation as a way of modernizing the law-making process from a technical point of view. The fact is that the concepts "automated" and "automatic" have completely

different meanings. So, if automatic is understood as a process carried out autonomously from the will of the subject (in our case, a law-making body or an official with law-making powers), then automated is a process that reflects the will of the said subject, but is carried out with the help of machines.

In our opinion, automation and informatization of law-making activities, as well as the use of digital technologies discussed above, are promising directions in the development of information capabilities of law-making policy.

The function of ensuring the activities of the State Duma (including information) is performed by the State Duma Apparatus. It does not produce new information, but creates and ensures the functioning of the basic mechanisms of all information processes.

Internal functions for streamlining the work of the State Duma are performed by the Council of the State Duma, which is created for preliminary preparation and consideration of organizational issues of the activities of the chamber, generates information only insofar as it is necessary to coordinate the work of the Duma itself. The Council plans the activities of the Chamber based on operational information.

Subjects of the law of legislative initiative participate in digital information and communication processes; committees of the State Duma; State Duma deputies taking part in the discussion of the bill. In addition, experts are involved in the discussion of bills, public discussions, round tables, etc. are held.

As noted above, in matters of introducing new and improving information and communication technologies already in service with the State Duma, an important role belongs to the Duma Apparatus, as a coordinating center responsible for the work in this direction of a number of structural divisions, each of which performs its own functional role. The work of the Information Technology Support Department is of particular interest to us. The apparatus of the State Duma. It is this organization that organizes the uninterrupted functioning and development of the common computer network of the lower house of parliament, allowing deputies and structural units of the apparatus to quickly receive the necessary information.

Thus, the State Duma apparatus has created and is actively using an electronic database of regulatory and legal information "For the Law". The volume of the database is several hundred thousand documents of federal government bodies and government bodies of the constituent entities of the Federation. Their number increases every year. Regulatory acts are maintained in a controlled state. The Duma has a common computer network of the chamber, local

computer networks (LAN) of structural divisions, individual centers for deputies and staff, communication and information and reference centers.

The automated electronic system of another structural unit of the Duma Apparatus - the Organizational Directorate - is designed to support the planning of legislative work, coordination of the activities of committees, factions and deputy groups. For example, in the Committee on Regulations and Organization of Work of the State Duma, a group has been created that monitors the use of this electronic system (in particular, during voting). Members of the voting control group at chamber meetings have the right to unhindered access to all information necessary to carry out said control. The control group reviews and verifies the validity of statements by deputies about inaccuracies in the results of roll-call voting, recording of speeches and other errors in the operation of the electronic system.

As is known, legislative activity is associated with the use of a large number of different documents, the processing of which (searching, viewing, editing, extracting the necessary information) is monotonous and labor-intensive, requiring a significant investment of time. Therefore, there was a need to create systems that use information banks and provide automation of document processing. Work in this direction is already underway.

The automated document flow system of the State Duma provides a unified automated technology for working with documents. It provides for maintaining a unified electronic card. This system makes it possible to create, store and transmit documents in electronic and paper form, maintain versions of documents, and monitor the execution of management instructions. The specific object of processing is texts - primarily in natural (for example, Russian) languages. Typical actions: text formatting (breaking into pages, paragraphs, aligning page edges, etc.), correcting spelling and punctuation errors, checking the presence of sections required for a given text document, eliminating discrepancies and logical contradictions, achieving the clearest possible description of facts.

As part of the implementation of the concept of digitalization of law-making activities, the Legal Department of the State Duma Apparatus took the initiative to create a National Electronic Archive of Russian Legislation. The idea of the concept of creating such an archive belongs to V.B. Isakov. In the absence of such an archive, many judgments and assessments regarding the volume, structure, dynamics, and trends in the development of

legislation inevitably have an approximate evaluative nature. Information about adopted and current regulatory legal acts is scattered across 14 federal archives and tens of thousands of published and unpublished sources. Collecting the archive of Russian legislation in one place is a task that requires enormous material and organizational resources, which is problematic in the current conditions. But this work can be done digitally if you divide it into parts, think through a unified methodology and properly organize the interaction of participants.

4 DISCUSSION

In the fair opinion of the author of the Concept, the creation of a national electronic archive of Russian legislation is a task of enormous cultural, scientific and practical significance. It aims to present to an unlimited circle of users (politicians, scientists, government officials, graduate students, students) the entire array of Russian legislation, from the first codes of customary law to acts of current legislation adopted in recent years. The National Digital Archive can be used to study the history of legal regulation, comparative legal research, codification of legislation and elaboration of various versions of legal reform.

The national digital archive is expected to include legal documents in the form in which they were adopted. The database contains information about both the source of publication and the storage location of the original legal -document. When the original document differs from the officially published text or contains important additional elements, this is reported in the scientific auxiliary commentary or by including a photocopy of the original text. The user interface should provide reconstruction of the current version of the document at any point in time and restoration of "chains" of interrelated documents.

The creation of a national archive of Russian legislation may be an important incentive and give impetus to the development of similar work at the regional level (archives of regional legislation), as well as act as the first stage in the creation of databases of comparative law, as one of the methods of law-making policy.

Information technologies are also being introduced into the work of the upper house of parliament. Thus, since 1995, labor-intensive work has been underway to create an information and communication system (ICS) of the Federation Council. This system is designed to ensure the individual and collective activities of senators and the apparatus of the upper chamber. It is designed to

increase the efficiency of the legislative activity of the Federation Council, ensure the adoption of optimal strategic decisions, and improve the interaction of the leadership of the Federation Council and deputies with citizens and government bodies.

Informatization of legislative activities of the Federation Council includes the implementation of a set of interrelated processes for tracking and procedures for the passage of bills in its committees and commissions. This allows you to more quickly plan legislative work and have complete and reliable information about the progress of the project.

ICS tasks are divided into two parts:

1) system-wide – centralized information support for the Federation Council, its apparatus, as well as external users;

2) problem-oriented - information services for specific committees, commissions, members of the Federation Council, structural divisions of the Apparatus.

The specifics of the database of the Federation Council (as well as the State Duma) are determined by its main tasks and functions. At the heart of the ICS is a collection of various databases of social and legal information. The Federation Council's catalog of digital resources contains hundreds of databases and includes: name of the database; content of all databases; The source of information; means of accessing databases.

For effective and comprehensive information and analytical support for the work of the Federation Council intended for Information and Analytical Management . The main goals of such support are:

-reference and analytical support for the legislative work of committees and commissions, providing members of the Federation Council with analytical materials on issues of the Council's jurisdiction;

-analysis of the most important laws, forecasting the possible consequences of their adoption, development of proposals for the legislative activities of the Federation Council;

-preparation of reports, reference, analytical and recommendation materials on a range of problems under the jurisdiction of the Federation Council, preparation of materials on topical problems in the life of the state, implementation of reforms, forecasting the development of society.

The work of the Federation Council involves the rapid exchange of information and documents both between participants in the legislative process and within the chamber. In these matters, the Information and Documentation Support Department of the Chamber's Office is trying to keep up with the times.

The Concept for the Development of the Information and Communication System of the Federation Council, developed by him, not only made internal work more efficient, but also made it possible to improve the interaction of the chamber with regional parliaments.

The first communication via teleconference with the regions took place at the beginning of 2010 during the annual meeting of the Chairman of the Federation Council with secretaries of state - deputy heads of federal executive bodies. All this became possible after the introduction of the most modern information system at that time, which made it possible to significantly improve the interaction between the upper house of the Russian parliament and regional bodies of representative power.

In addition, for more than ten years, all plenary sessions of the chamber have been broadcast online on the Internet, and a special video archive of such meetings has been created. Much has been done for the daily work of members of the Federation Council. In particular, the unified "Calendar of Events" system on the corporate website allows you to keep abreast of chamber events even while working in the regions.

Another trend in the work of the Federation Council is the transition to electronic document management. The procedure for providing members of the Federation Council with documents for the plenary meeting was changed. They arrive electronically. Refusal of paper media has allowed saving more than three hundred million rubles since 2009. The "Electronic Archive" system with its "virtual reading room" is functioning successfully. This is, in fact, a whole library of materials, decisions of chamber meetings, committees and commissions, and round tables held in the Federation Council. Using new technologies, you can not only work with documents, but also, for example, sign them. Today, 100% of users - senators and staff members - use electronic digital signature technology in their work.

There are also innovations in the procedure for receiving citizens' appeals. You can now leave your suggestions by calling. Calls are recorded around the clock on an answering machine, stored in an archive, and then in the form of audio files they enter the system of multi-channel digital audio recording and preparation of transcripts. Decisions on them are made in the same manner as on written appeals.

5 CONCLUSIONS

As you can see, the development of information capabilities of law-making policy is accelerating as

more and more new digital technologies appear. In accordance with this, it is necessary to change approaches to organizing the information space in the field of lawmaking. Today it is no longer enough to post a bill or law adopted by deputies of the State Duma and approved by members of the Federation Council on the website and give a comment on it. It is necessary to "draw" the site visitor into the so-called Internet communication, which will make him a living participant in the law-making process.

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