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TRANSFORMATION OF LAWMAKING ACTIVITY IN THE DIGITAL WORLD

Digital transformation has covered almost all spheres of modern society, including lawmaking activity. The dynamic introduction of digital technologies into the legislative process is conditioned by the need for boosting the efficiency, transparency and accessibility of decisions taken by public authorities. The current stage of the development of society and the state may be characterized by the state institutions' desire not only to automate internal processes, but also to include in lawmaking elements of open interaction with citizens via digital channels.

This report is intended for examining key areas of digital transformation of lawmaking in Russia, identifying the problems to arise, and assessing the prospects for legal regulation in the new environment.

1. Main vectors of digital transformation of lawmaking activity

Digitalization of the legislative process is not just a kind of modernization of the procedures, but the structural transformation of the entire approach to lawmaking. Today, the lawmaking work is more often carried out by using digital tools and platforms that simplify communication between authorities and involve the public in discussions. E. V. Gorbunova emphasizes, "Introducing digital technologies in the legislative process makes it possible to reduce the time required for interdepartmental coordination, ensure transparency and consideration of the stakeholders' positions"¹.

¹ Gorbunova E. V. Digitalization of the legislative process: challenges and prospects / E. V. Gorbunova // State power and local self-government. – 2021. – No. 9. – P. 24–29. (In Russ.)

Digitalization of lawmaking activity affects not only technical aspects, but also the very philosophy of lawmaking. Traditionally, the lawmaking process has been confined within a narrow group of professionals – deputies, experts, and officials. At present, due to developing the digital environment, this group gradually grows. Modern digital tools allow creating the more flexible, dynamic and responsive system of making laws.

This is facilitated by platform solutions, such as the Legislative Support System of the State Automated System “Lawmaking”, which allows tracking the stages of drafting laws, increasing thereby citizens’ awareness of the legislative activity and making the legislative process more transparent. Publishing federal constitutional laws and federal laws on the Official Internet Portal of Legal Information contributes to the transparency of the legislative process (www.pravo.gov.ru).

Moreover, digital transformation opens up new forms of citizens’ engagement. Through e-petition and public discussion platforms, such as the Russian Public Initiative, citizens can not only express their opinions, but also directly influence the content of future laws. According to T. L. Zaitseva, “electronic participation forms can reduce barriers to interaction between citizens and the state, converting lawmaking into the more open and adaptive to social expectations process”².

At the regional level, measures have also begun to be taken, aimed at digitalizing the lawmaking process for the purpose of involving the public in the lawmaking activity. In St. Petersburg, from July 1, 2024, to September 1, 2024, for considering the residents’ opinions and involving the citizens in the lawmaking process, their comments and suggestions on the draft law of St. Petersburg “On Regulating Certain Issues Related to Establishing Additional Requirements for

² Zaitseva T. L. Digital transformation of public power: lawmaking aspects / T. L. Zaitseva. – Moscow: Norma, 2022. – 152 p. (In Russ.)

Keeping Dogs in St. Petersburg, and on Amendments to Certain Laws of St. Petersburg” were collected. Citizens could submit their comments and suggestions electronically via the website of the Legislative Assembly of St. Petersburg.

Digital transformation also helps build horizontal links between various participants in the lawmaking process. Government agencies, research institutions, professional associations, and civil society can participate in discussion and expert review of regulations online. This network interaction model contributes to the better and more balanced elaboration of draft laws.

At present, on the website of the Legislative Assembly of St. Petersburg, residents of St. Petersburg, legal entities and other interested parties have a wide range of opportunities for taking part in lawmaking, from voting in polls on the need to regulate a matter to participating in public consultations as part of the regulatory impact assessment procedure for draft laws.

It is also important that digital technologies open up new horizons for monitoring law enforcement. Big data analysis tools provide opportunities for studying how laws work in real life, which provisions are efficient, and which require adjustments. This is especially important in conditions of rapidly changing social and economic realities, where traditional methods of legislative analysis lose their relevance, as they cease to cope with the information arrays.

Furthermore, digitalization changes citizens’ expectations and demands. People are getting used to the prompt receipt of information, convenient format for submitting documents, and transparent processes. In this regard, lawmaking activity should be adjusted to citizens’ expectations, by offering them convenient, understandable and accessible forms of engagement. The formation of “digital citizenship” requires for the government to be not only open, but also truly interactive, able to respond to requests in real time.

Digital technologies, inter alia, also provide the growing analytics and forecasting capabilities. Currently, one of the promising areas is integrating digital models of legal processes, which allow testing the consequences of certain norms to be adopted even before their approval. This not only increases the legislation predictability, but also reduces the likelihood of legal errors and conflicts between the legal norms. For instance, S. D. Knyazev points out that “the use of machine learning algorithms in the process of analyzing the legislation opens up prospects for developing so-called “predicative lawmaking” based on predicting consequences of the decisions”³. In future, such tools may become an integral part of legislative bodies’ work.

Thereby, the digitalization of lawmaking does not just mean introducing innovative technologies, but fundamentally rethinking the role of law and the way of its formation. The lawmaking digitalization requires both the technical maturity of legislative bodies, as well as the change in approaches to lawmaking, and the high-level legal culture among the officials involved in lawmaking.

2. Legal and organizational aspects of the lawmaking digitalization

Institutional changes in the field of lawmaking require the regulatory framework capable of ensuring the new digital instruments to function. It is important to legislate the electronic participation forms, the use of electronic signatures, digital identification, and other aspects of digital interaction in lawmaking activity.

In the Russian Federation, there are a number of federal laws related to digitalization, for example, Federal Law No. 59-FZ dated May 2, 2006, “On the Procedure for Considering Appeals from Citizens of the Russian Federation”,

³ Knyazev S. D. Law and algorithm: digital law and the future of the legislation / S. D. Knyazev. – St. Petersburg: Yuridicheskiy Tsentr Press, 2021. – 176 p. (In Russ.)

Federal Law No. 149-FZ dated July 27, 2006, “On Information, Information Technologies, and Information Protection”, Federal Law No. 63-FZ dated April 6, 2011, “On Electronic Signature”. The Regulations of the State Duma of the Federal Assembly of the Russian Federation also act as the basis for the lawmaking digitalization.

Along with this, at the level of the constituent entities of the Russian Federation, the basis for introducing digital technologies into the lawmaking process is also being developed. For instance, in St. Petersburg, the Regulations of the Procedure for Meetings of the Legislative Assembly of St. Petersburg, approved by the Resolution No. 9 of the Legislative Assembly of St. Petersburg, dated December 22, 1994, are applied, according to which, for example, voting results are posted on the official website of the Legislative Assembly of St. Petersburg on the Internet.

This indicates the focus of the Russian legislation on both the digitalization of the lawmaking process and the digital transformation of some branches of law in general.

A promising organizational and legal area for developing the lawmaking process is the integration of digital technologies into the parliamentary procedures. In recent years, the legislative bodies have developed the practice of electronic voting, the use of video communication and automated document management. For example, the Regulations of the State Duma provide for a number of opportunities to use digital technologies, for instance, minutes and transcripts of the meetings of the State Duma are posted in the Electronic Information Resources Fund of the State Duma.

In conditions of the lawmaking digitalization, issues of information security and personal data protection are becoming particularly relevant among organizational aspects. There is a need for creating the regulatory environment to

ensure the resilience of digital processes in relation to external interference. According to T. L. Zaitseva, in the condition of digital transformation, insufficient legal regulation of information security instruments creates risks of loss of confidence in the results of lawmaking activity⁴.

The issue of technological and legal compatibility of information systems of various branches of government is no less acute. The lack of the unified digital legal space results in reducing the efficiency of interaction in lawmaking. S. D. Knyazev emphasizes that “developing interdepartmental digital platforms requires establishing the unified regulations and standards, and this, in turn, implies significant changes to the legislation”⁵. The unified electronic document management system could improve the interaction of various branches of government in the issue of lawmaking.

Thereby, further development of the legal and organizational framework is a key factor in improving the lawmaking process.

The digital transformation of legislative activity is not just the equipment modernization, but the profound change in the structure and the philosophy of lawmaking. Issues of openness, interaction with society and the use of big data and artificial intelligence come to the fore. However, successful experience in implementing digitalization is impossible without appropriate regulatory regulation, ensuring information security and developing new professional standards for legislators.

Digital lawmaking should not only consider technical capabilities, but also preserve the fundamental values of the lawful state – legality, transparency, justice, and public involvement in the decision-making process.

⁴ Zaitseva T. L. Digital transformation of public power: lawmaking aspects / T. L. Zaitseva. – Moscow: Norma, 2022. – 152 p. (In Russ.)

⁵ Knyazev S. D. Law and algorithm: digital law and the future of the legislation / S. D. Knyazev. – St. Petersburg: Yuridicheskiy Tsentr Press, 2021. – 176 p. (In Russ.)