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## РОЛЬ ЦИФРОВІЗАЦІЇ ДЕРЖАВНИХ ПОСЛУГ В ЯКОСТІ ГАРАНТІЇ ПРАВ ЛЮДИНИ НА ВЗАЄМОДІЮ З ДЕРЖАВОЮ ТА ВЗАЄМНУ ВІДПОВІДАЛЬНІСТЬ В УКРАЇНІ

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## THE ROLE OF DIGITALISATION OF PUBLIC SERVICES AS A GUARANTEE OF HUMAN RIGHTS TO INTERACT WITH THE STATE AND MUTUAL RESPONSIBILITY IN UKRAINE

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**Анотація.** Статтю присвячено дослідженню питання цифровізації у державному секторі, що набуває особливої актуалізації з огляду на останні тенденції (пандемії, кризи, воєнні конфлікти) в усьому світі. Розвиток науково-технічних досягнень з кожним кроком демонструє великий потенціал, ціллю якого має бути добробут населення, безпека та можливість реалізації всіх прав та інтересів людини. Відтак виникає необхідність справедливого балансу інтересів та взаємної відповідальності людини та держави, що також має розглядатися з позиції цифрових технологій. Відповідно до мети дослідження, у статті розглянуто зміст сучасного стану цифровізації державних послуг; визначення ролі цифровізації державних послуг в якості гарантії та забезпечення прав людини на взаємодію з державою та взаємну відповідальність в Україні. Зазначено, що порядок надання адміністративних послуг це не лише ряд цілеспрямованих заходів, які повинні приблизити до ефекту «надання сервісу», що у свою чергу, означає орієнтацію на людину в правовій державі. Побудові моделі правової держави сприяють сучасні технології, які покликані забезпечити полегшення реорганізації з «адміністративно-командної» у «сервісну» державу. Таким чином, цифрові технології в організації надання публічних послуг населенню, націлені сприяти зміні значення людини як реального суб'єкта процесів сервісного спрямування. Зауважено, що метою підвищення якості надання адміністративних послуг в Україні та розширення їх спектру має бути: спрощення в отриманні державних послуг для населення; рівність в можливостях їх отримання; справедливість (не можливості застосування штучних перепон та отримання неправомірних винагород). Разом з тим наголошено на тому, що «зручність і доступність» повинна гарантувати право людини на взаємодію з державними органами та взаємну відповідальність і не стати в кінцевому результаті моделлю «цифрового контролю» людського буття, при якому будуть порушуватися основні права людини та громадянина.

**Ключові слова:** цифровізація, права людини, взаємна відповідальність, державні послуги.

**Формул:** 0; **рис.:** 0, **табл.:** 0, **бібл.:** 15.

**Abstract.** The article is dedicated to the examination of the digitalization issue in the public sector; which gains particular relevance considering recent global trends (pandemics, crises, military conflicts) worldwide. The advancement of scientific and technological achievements at every step demonstrates significant potential, the goal of which should be the welfare of the population, safety, and the ability to realize all human rights and interests. Hence arises the necessity of a fair balance of interests and mutual responsibility between individuals and the state, which should also be considered from the perspective of digital technologies. In line with the research objective, the article discusses the current state of digitalization of public services; defines the role of digitalization of public services as a guarantee and provision of

*human rights to interact with the state and mutual responsibility in Ukraine. It is noted that the provision of administrative services is not just a series of targeted measures aimed at achieving the «service provision» effect, which in turn implies a focus on the individual in a rule-of-law state. Modern technologies, aimed at facilitating the transformation from an «administrative-command» to a «service» state, contribute to building the model of a rule-of-law state. Thus, digital technologies in organizing the provision of public services to the population aim to facilitate a change in the perception of individuals as real subjects of service-oriented processes. It is emphasized that the purpose of improving the quality and expanding the range of administrative services in Ukraine should be: simplifying access to public services for the population; equality of opportunities to obtain them; fairness (the absence of artificial barriers and the receipt of unlawful rewards). However, it is underscored that «convenience and accessibility» should guarantee the right of individuals to interact with government bodies and mutual responsibility and not ultimately become a model of «digital control» of human life, where basic human and citizen rights are violated.*

**Keywords:** digitalization, human rights, mutual responsibility, public services.

**Formulas:** 0; fig.: 0, tabl.: 0, ref.: 15.

**Problem statement.** For Ukraine, rapid digital development is not only another step towards closer integration with the European Community but also an opportunity to build a state governed by the rule of law. At the same time, it is important that the goal of digitalization is to simplify the provision of public services to the population; ensure equality of opportunities; and prevent artificial barriers and unlawful rewards. On the other hand, such convenience and accessibility should guarantee the human right to interact with public authorities and mutual accountability, and not ultimately become a model of «digital control» of human life that violates fundamental human rights.

**Relevance of the research topic.** The issue of digitalization in the public sector remains particularly relevant given the recent trends of pandemics, crises, military conflicts, etc. The development of scientific and technological achievements demonstrates great potential at every step. This potential should be aimed at promoting the welfare of the population, ensuring security, and enabling the exercise of all human rights and interests. Thus, there is a need for a fair balance of interests and mutual responsibility between the individual and the state, which should also be considered from the perspective of digital technologies. Within this framework, the digitalization of public services has an important role in terms of the need to respect and guarantee human rights.

**Purpose and objective of the article.** The purpose and objective of the article are to study the content of the current state of digitalization of public services; to determine the role of digitalization of public services as a guarantee and assurance of human rights to interact with the State and mutual responsibility in Ukraine.

### **Analysis of the latest research and publications.**

A sufficient number of research papers by domestic and foreign scholars have been devoted to the digitalization of the management activities of public authorities. These are mainly works in the field of public administration. Let's focus on the latest works. It is worth mentioning the study of M.M. Pavlov «Digitalization of the management activities of local self-government bodies» (2021), in which the scientist proposed a comprehensive mechanism of digitalization of the management activities of local self-government bodies based on the study of digital transformations in the public administration system and taking into account the positive practices of foreign experience. In her comprehensive study «Digital Competencies of Public Servants» (2023), N. Novichenko analyzed the problems of improving digital competencies of public servants, identified the features of digital governance, studied the trends of digital society in Ukraine and abroad, defined the framework of competencies of public servants in artificial intelligence and considered possible ways of their implementation. The work of N. I. Piskokha «Digital Governance in Local Self-Government Bodies» (2023) focuses on the provisions of digital governance in local self-government bodies based on artificial intelligence and databases, on the basis of which the author's approach to substantiating the provisions on the use of artificial intelligence in public administration was proposed, and recommendations for the development of programs and projects for the digital development of communities in Ukraine were developed. The study by L. Marchenko «The Newest Paradigm of Fiscal Policy in the Context of Digital Transformation of Society»

(2023) proves that the implementation of digitalization approaches to the fiscal space will contribute to the achievement of social justice in the tax system, i.e., it will have a positive impact on the interaction between tax authorities and taxpayers. S. Petkun's study «Theoretical and Methodological Conceptualization of the Mechanisms of Public Administration of Social Security of Ukraine in the Context of Digital Transformation» (2024) formulates the principles of public administration in the context of Ukraine's digital transformation. It is noted that the development of digitalization will lead to a more flexible variation of procedures for providing administrative services to the population, which guarantees social security. N. Husarevych's study «Introduction of the Latest Digital Technologies in the Electoral Process in Ukraine» (2024) substantiates the author's approach to a set of provisions on the electoral process in the context of digitalization. A. Semenoha's research «Digital Financial Services in the Formation of the Digital Economy» (2024) is devoted to the relationship between the development of digital services and the formation of the digital economy. Thus, in Ukraine, the issues of digitalization have received considerable attention at the level of individual scientific studies, but it is worth noting that all of them are of a specialized nature and cover the issue of mutual responsibility of individuals and state bodies only sporadically. In view of this, the problem of finding mechanisms to ensure this responsibility is relevant.

#### **Presentation of the main material.**

Considering the issue of digitalization of administrative services, it is necessary to note the definition of «administrative services,» which, according to Part One of Article One of the Law of Ukraine «On Administrative Services,» is defined as the result of the exercise of power by the provider of administrative services at the request of an individual or legal entity, aimed at acquiring, changing, or terminating rights and/or performing duties of such person in accordance with the law [1]. The peculiarity of the content of public services, according to scholars, is manifested in their correlation with the established social standards

to the process of their regulation focused on the result [2, p. 29; 3, p. 75]. Unlike the economic category of «service,» «administrative service» is a special, specific category because it is a service activity of state bodies that differs from economic activity in the purpose and procedure of its provision. Summarizing the researches of scientists, S.L. Pyzhov notes that the purpose of providing public services to a person and a citizen is to ensure the principle of providing a decent life by the state, where human centrality is not only a requirement for state bodies to «serve» a person but also their duty [2, p. 28, 45]. The Administrative Services Delivery Process is a series of targeted actions that should bring us closer to the effect of 'service delivery', which in turn means focusing on people in a rule of law state. Building a model of the rule of law is facilitated by modern technologies, which are designed to facilitate the reorganization from an «administrative command» to a «service» state. In this way, digital technologies in the organization of public services to the population aim to contribute to a change in the importance of the person as a real subject of service processes.

With the development of digital technologies and their application in the administrative sphere, the concept of «digitalization of public services» has found, on the one hand, a broad and, on the other hand, similar interpretation in research circles. Accordingly, the general idea of this concept was expressed by M.M. Pavlov, according to whom «digitalization of administrative activity» is the process of introducing digital technologies in public administration to provide services to citizens (business), formed on the principle of «anything - to anyone - anywhere - anytime,» characterizes the change in the nature of the state apparatus, and is based on digital transformations that create changes in human nature, thinking, life, and management [3, p. 20 Дус]. Fully supporting this statement, it is worth adding that such a process should be fully protected from the disclosure of confidential information about a person. Sharing the opinion of V.B. Averyanov, who aptly notes that the essence of the term «administrative services» is not aimed at the emergence of a separate type

of administrative and legal relations between a person and public authorities, but is aimed at a qualitative reassessment of the nature of their relationship [4, p. 239-240], it should be noted that the scholar separates «administration of power» from «provision of service» by public authorities, which, although constituting a different format of relations, is seen as outlining a single principled position - «service» by officials of public authorities to a person with the aim of improving the latter's well-being and implementing the proclaimed human rights.

According to the European Ideas, the initiative «e-Europe. An Information Society for All» (Lisbon, 23-24 March 2000), where the section «Government Online» states that the Internet should provide all citizens and legal entities with easy access to the public sector for information, services, and administrative procedures [5]. It is also possible to mention the Strategy «i2010 - European Information Society for Growth and Employment» (Communication of 1 June 2005), which outlines the directions for the information society and the Action Plan «Electronic Europe 2005: An Information Society for All» (Communication of 28 May 2002), the main objective of which is to stimulate the development of electronic services [5]. It should be noted that the Okinawa Charter on the Global Information Society (22 July 2000) declares the importance of «active use of information technology by the public sector and the promotion of online services that are necessary to ensure improved accessibility of government to all citizens» [6]. Thus, these international documents proposed taking a course towards building a legal community that, through the digitalization of public services, should guarantee the observance of human rights to interact with the state and mutual responsibility in relations between the authorities and public administration bodies and citizens, as well as promote democratization and improvement of administrative services.

Accordingly, at the legislative level of our state, the essence of the concept of «digitalization of public services» is reflected in the Concept for the development of e-government in Ukraine, according to which e-government, as a form of organization of public administration, should

contribute to: Improving the efficiency, openness, and transparency of the activities of public authorities and local government; achieving a high level of expectations from the activities of authorities, particularly the development of modern electronic forms of interaction, transparency and openness of activities, involvement of citizens in managerial decision-making; ensuring any activities of authorities (including the provision of public services) that use information and communication technologies [7]. At the same time, in accordance with Regulation (EU) No. 910/2014 of the European Parliament and of the Council dated 23 July 2014, certain comments are made on addressing the following issues: reliability and degree of trust in electronic identification (clause 16); growth of cybercrime (clause 4); secure electronic identification and authentication (clause 5); security of electronic services, in particular electronic signatures (clause 7).

In addition, clause 15 of the document states that electronic identification means should only be used if their level of reliability is equal to or higher than the level required for the relevant online service. It is also noted that a public sector body in connection with access to an online service should apply only the level of reliability «substantial» or «high» [8]. This proves that there are certain reservations about the application of «borderless» digitalization. Certain requirements for the «protection» of online services and the use of electronic identification means are contained in national legislation, in particular: Article 15 of the Law of Ukraine «On Electronic Documents and Electronic Document Management» indicates the obligation to protect information with limited access and confidential information in information, electronic communication, information and communication systems that provide for the exchange of electronic documents containing state information resources, or information with limited [9]; Clause 7 of Article 4 of the Law of Ukraine «On Administrative Services» indicates the principle of protection of personal data [1]; Part 1 of Article 4 of the Law of Ukraine «On Electronic Trust Services» defines among

the main principles of state regulation in the areas of electronic identification and electronic trust services the protection of personal data processed in the process of electronic identification and the provision of electronic trust services [10]. The Law of Ukraine «On Protection of Information in Information and Telecommunication Systems» also contains certain provisions regarding the integrated information security system [11]. The Law of Ukraine «On the National Bank of Ukraine» contains provisions on the means of protecting information on banking and payment market activities (Clause 7 of Article 7) and sets out requirements for methodological support on processing, storage, protection, use, transfer, disclosure, and the destruction of information constituting a financial service secret, banking secret (Clause 22 of Article 7), etc. [12]. Chapter 10 of the Law of Ukraine «On Banks and Banking Activities» contains a list of provisions on the protection of banking secrecy and confidentiality of customer (individual or legal entity) information [13].

Special attention in this area should be paid to the Law of Ukraine «On Personal Data Protection,» which most significantly embodies the possibilities of using Internet technologies for the benefit of humanity, reflects the views of the European Community on the implementation of information and communication systems, as well as warnings regarding the protection of personal data and confidential information about a person. Pursuant to Article 6(1) of the Law, there must be a clear purpose for processing personal data of a person established in the legislation, which must comply with the legislation on personal data protection. At the same time, the composition and content of personal data must be relevant, adequate and not excessive in relation to the purpose of their processing (part 3 of Article 6). The law does not allow the processing of data on an individual, which is confidential information, without his or her consent, except in cases determined by law, and only in the interests of national security, economic welfare and human rights (part 6 of Article 6). It is stated that personal data shall be processed in a form that allows identification of the individual to whom

they relate for no longer than is necessary for the legitimate purposes for which they were collected or further processed. At the same time, further processing of personal data for historical, statistical or scientific purposes may be carried out subject to ensuring their proper protection (Article 6(8)). Article 7 of the Law also prohibits the processing of personal data on a person's racial or ethnic origin, political, religious or ideological beliefs, membership in political parties and trade unions, conviction to a criminal sentence, as well as data relating to health, sexual life, biometric or genetic data. When giving consent to the processing of their personal data, a person has the right to know about the sources of collection, the location of their personal data, and the purpose of its processing (paragraph 1). Part 2 of Article 8: receive a response to a request whether his personal data are processed, as well as receive the content of such personal data (paragraph 4 of part 2 of article 8); make a reasoned request with an objection to the processing of their personal data (paragraph 5 of part 2 of article 8); make a reasoned request to change or destroy their personal data by any owner and manager of personal data, if these data are processed illegally or are unreliable (paragraph 6.h.2). Of Article 8); to protect their personal data from illegal processing and accidental loss, destruction or damage due to intentional concealment, failure to provide or untimely provision of them, as well as to protect against the provision of information that is unreliable or discrediting the honour, dignity and business reputation of an individual (paragraph 7 of Part 2, Article 8), etc. [14]. Thus, the legislator has focused on the security of electronic interaction. In accordance with paragraph 2 of Part 1 of Article 1 of the Law of Ukraine «On the peculiarities of providing public (electronic public) services,» an electronic public service refers to the service provided by public authorities, local authorities, enterprises, institutions, organizations that are in their management, including administrative service (including in automatic mode), which is provided using information and telecommunication systems on the basis of the application (appeal, request) submitted electronically using information and

telecommunication systems (including using the Unified State Web Portal of Electronic Services), or without submitting such an application (appeal, request) [15]. Accordingly, amongst other things, the State Policy in the field of public (electronic public) services is based on the principles of the rule of law; equality before the law; openness; transparency; reusability; technological neutrality and data portability; citizen-orientation; inclusivity and accessibility; security and confidentiality; decision-making support; administrative simplification; information storage; evaluation of efficiency and effectiveness (Article 4) [15]. It is worth noting that the content of this Law actually implies that the essence of digitalization of public services is the integration of digital technologies into a fundamentally new - electronic - format of modern human life, the purpose of which is to ensure the right of a person (client) to receive services in a convenient way. It should be noted that, despite the rapid integration of society into digital dependence, the legal basis for the proper provision of visual administrative services should remain the combination of proper service delivery through digital technologies.

Thus, the digitalization of public services can act as a guarantee of human rights to interact with the state and mutual responsibility in Ukraine, provided that the following components are in place: access to the Internet for people regardless of their place of residence; a conceptual solution to the issue of security of electronic services and protection of personal data; implementation of European

standards for the introduction of a «service» of service provision; support for the practice of «dialogue with a person», support for the policy of «human centrism» or «client orientation».

Conclusions: The digitalization of public services should serve as a guarantee of human rights to interact with the state and illustrate the mutual responsibility of the individual and the state in Ukraine. In this context, the digitalization of administrative services is one of the areas of development of the service state, which means: serving people through the provision of high-quality services in electronic format, which, accordingly, expands human rights and freedoms; strengthening transparency, accountability, and responsibility of public authorities. The digitalization of public services is thus intended to provide «e-democracy» within the framework of various societal needs, conditions, and processes. Such a democracy is not possible without strict respect for human rights: the right to have one's personal data protected from unlawful processing; the right not to be compelled to provide information about oneself or others that is not necessary (or superfluous) to receive a lawful service; and the right not to have personal data stored in databases not provided for by law. Accordingly, the digitalization of public services should not turn into the category of «digitizing a person» as an object or a means and become a means of control. On the contrary, the digitalization of public services should be subject to legitimate public pressure in the vector of information provision, transparency, and quick feedback (inclusivity) from public authorities to people.

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