

ELECTRONIC PETITIONS IN EUROPEAN STATES AND UKRAINE SOLVING SOCIAL AND ECONOMIC PROBLEMS

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ABSTRACT

The purpose of the article was to study the essence and significance of the modern tool of e-democracy which are e-petitions that establish a dialogue between the state and municipal authorities and citizens, including the solution of economic problems. The authors have analyzed the peculiarities of filing and considering e-petitions in the United Kingdom, Germany, Finland and Latvia and have carried out a comparative analysis with the Ukrainian e-petitions. Both advantages and disadvantages of e-petitions in Ukraine as a tool of e-democracy were identified. The authors of the article have concluded that each petition that has received the required number of votes for consideration needs a detailed analysis and a comprehensive response in regard to the feasibility, efficiency and economic results of the relevant decisions.

Key words: Electronic Petitions, Ukraine, Europe, Social and Economic Problems, Electronic Democracy

INTRODUCTION

The e-government mechanism envisages citizens participating in government activities with the help of modern information and telecommunication technologies, including electronic petitions. Eventually, an important task of public administration institutions is to dynamically respond to changes in public relations. The introduction of information technology into the practical activities of public administrative agencies is the key to its effective operation. All developed democracies are currently trying to introduce information technology and to form e-government. The most successful democracies (USA, the UK, Germany and other countries) have accumulated considerable experience in using online petitions and have formulated appropriate laws and regulations that can be implemented in Ukraine to establish the political and legal conditions necessary to strengthen civil society and its institutions. The use of electronic means of communication allows public administration agencies to interact quickly and efficiently with citizens. The advantage of this is the convenience both for citizens (no queues, the need to contact public administration, wasted time, etc.) and for state and local governments (prompt processing of requests, savings on paper responses and postage).

An electronic petition (online petition or Internet petition) is one of the most popular ways for civil society to interact with government agencies. It is no coincidence that the number of states implementing this instrument of e-democracy is constantly increasing. The Institution of Electronic Petitions has its characteristics in each state where it was introduced: different forms, submission procedures and legal consequences. An e-petition is an independent form of direct democracy, when citizens participate in the management of public affairs. A democratic state regime presupposes the existence of effective mechanisms for citizens and their

associations to form the state policy and express their interests. Public administration agencies and their officials must constantly maintain a dialogue with citizens, because feedback plays a significant role in building a democratic state, which aims at real protection of citizens' rights, building a civil society.

LITERATURE REVIEW

One of the forms of citizens' appeals to the authorities in Ukraine is the submission of petitions, a collective appeal, which must be signed by a certain number of citizens with a certain suggestion or requirement to the public administration agency. Therefore, one of the modern forms of citizens' appeals is an electronic petition, as this issue was introduced in connection with the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine "On Citizens' Appeals" on electronic appeals and e-petitions" and legal regulation of e-petitions.

Article 40 of the Constitution of Ukraine guarantees everyone the right to send individual or collective written appeals or to personally address state authorities, local governments and officials of these agencies, who are obliged to consider the appeal and give a reasoned response within the statutory period (Constitution of Ukraine, 1996). Therefore, the Law of Ukraine "On Citizens' Appeals" of October 2, 1996, was amended to implement provisions on electronic petitions (On the appeal of citizens, 1996). The Law regulates the issue of practical implementation by citizens of Ukraine of the right granted to them by the Constitution of Ukraine to make proposals to public authorities, associations of citizens under their statutes to improve their activities, expose shortcomings, challenge actions of officials, state and public agencies. This Law also provides an opportunity for citizens of Ukraine to participate in the management of state and public affairs, to influence the improvement of public authorities and local governments, enterprises, institutions, organizations regardless of the ownership, to protect their rights and legitimate interests and restore them in case of violation.

The Presidential Decree No. 68/2016 of 26 February 2016 approved the National Strategy for Civil Society Development in Ukraine for 2016-2020 in order to create favorable conditions for the development of civil society, various forms of participatory democracy, effective public interaction with public authorities and local governments. The development of this Strategy is attributed to changes in the main trends of civil society and its growth in various areas - from promoting reforms at the state and local levels, European integration and e-government to providing voluntary assistance to the Armed Forces of Ukraine, other military formations, law enforcement agencies, authorities during a special period, conducting an anti-terrorist operation, assisting internally displaced persons (National Strategy for Promoting the Development of Civil Society in Ukraine for 2016-2020).

At the same time, Ukraine still lacks effective mechanisms for communication between citizens and public authorities, including through the use of information and communication tools. However, the information society requires improved methods and forms of direct democracy. Collective appeals such as electronic petitions are widely used within international practice and provide a special procedure for responding to the addressee and confirm the effectiveness as a systemic mechanism of public dialogue. Electronic petitions affect different new areas of public life, such as electronic voting (Amelin et al., 2019), electronic messages and documents (KIrillova et al., 2018), etc.

RESEARCH METHODOLOGY

The study implements both general scientific and special scientific methods, the basis of which is the application of the results of theoretical research, statistical and other generalized information on the e-petitions in Ukraine and European countries. The general scientific methods of analysis, synthesis, generalization, induction, deduction, ascent from abstract to concrete and vice versa are applied in the article. The special methods such as historical and

legal (study of the historical aspect of electronic petitions in Ukraine and Europe); method of theoretical and legal forecasting (study of promising directions and reform of e-petitions); comparative (comparative analysis of the formal and actual state of e-petitions application in European states and Ukraine) are used.

RESULTS AND DISCUSSION

Nowadays, e-petitions are widely used in many Western democracies. It has been noted that the first mass collection of signatures in the form of a petition took place in Great Britain in 1838 when the London Working Men's Association demonstrated a program of political change in the form of a bill "The People's Charter" and organized the collection of signatures with the text of the charter. The collection of signatures took place at rallies, and a petition with the signatures of more than 1.2 million people was submitted to the Parliament in 1839 (Nedbai 2014, 26). And in 1999, the Scottish Parliament launched the portal "E-petitioner" (The Scottish Parliament: Petitions), where it was possible to send proposals to Parliament MPs through an electronic form almost for the first time in the world.

In 2011, the UK government launched a new government portal of petitions with detailed rules for petitioning, citizen support and government response. If the online petition is supported by more than 100,000 people after its publication, it should be submitted to Parliament for public discussion (HMGovernment).

"We the People" website was launched in the United States in 2011, where citizens can place petitions by collecting signatures. It is important that petitions are not limited to the US citizens. Under the initial conditions, each request that received more than 5,000 signatures within 30 days was to receive a formal reasoned response from the US Presidential Administration. However, due to the extremely rapid popularity of such issues and their mass support, the minimum number of signatures was increased to 100 thousand, which must be collected within 30 days (Garber, 2013).

The e-petition tool in Finland is called the "idea collection" service and was posted on the website of the Finnish Ministry of Civil Service (Avoim Ministerio). There is a requirement of 50,000 signatures that can be collected within the period specified by the petitioner, but not longer than 6 months. You can vote not only for, but also against the idea of a petition. Accordingly, next to the text of the petition there is a pie chart, which in different colors shows the distribution of votes "for" and "against". You can log in to the service even through social networks, which greatly simplifies registration (Nedbai, 2014, 28).

Since 2005 an electronic platform for submitting petitions to the German Bundestag has been operational. The legal precondition for this is the Art. 17 of the Basic Law of the Federal Republic of Germany, which defines the right to appeal to the Bundestag: "Everyone may lodge a personal or collective complaint in writing with the relevant state agencies and representatives of the people's will". The process of submitting electronic petitions had begun with the creation of a special website on the Bundestag's website. The procedure for submitting and studying petitions was as follows: a special petition commission of the Bundestag analyzes the petition on a formal basis and decides whether it can be published on the Bundestag's website. If, after publication, the petition is supported by more than 50,000 people, it should be considered at an open meeting of the petition commission with the participation of its initiators. However, as a result of the consideration of the petition, the petition commission does not make a final decision. It can only send petitions to the Bundestag with recommendations and suggestions (Babin & Vakariuk, 2019, 27). The number of e-petitions is constantly growing. Thus, compared to 2006, when their share was 17%, now it is 34% of all petitions (Riehm, Böhle & Lindner, 2014).

The special attention of e-petitions investigation in Europe should be paid to the experience of Latvia, where the main drivers of its launch were public activists. The system of electronic petitions was created by two young enthusiasts: businessman Kristofs Blaus and

marketing expert Janis Erts. They believed that good ideas should not be left at home but reached by decision-makers and beyond. Therefore, in 2010 they began to work on creating a portal, as well as drafting and promoting the first initiatives to the Saeima. The creators had no experience in lobbying or defending interests, but there was a great enthusiasm, as well as a belief in the idea and good tips that helped them to understand how to implement the idea (Par ManaBalss.lv).

In 2011, on their initiative, the Internet portal “My voice” (“Mana Balss”) was created. The first e-initiatives were to “open an offshore” and to “Open Saeima”. And in the first hours of the portal work, several hundred signatures were collected in support of these initiatives. A week after the opening of the portal at an extraordinary meeting of the Saeima was considered the first bill “on offshore opening”, which was supported by the Saeima of Latvia. Such results and further activities of the portal have made it an important link in public communication with the Saeima (Par ManaBalss.lv).

Today, the Latvian web portal Mana Balss is a civil initiative platform where every Latvian citizen can place his or her initiative and collect signatures for submission to the Saeima. The petitions portal operates in both Latvian and Russian, but submitting petitions is available only in Latvian.

The e-petition system is highly appreciated abroad. Thus, The New York Times journalist S. McGrane noted that thanks to Mana Balss, Latvia has led Europe's efforts to change the form of political participation on the Internet. Any citizen of Latvia, who is 16 years of age and whose identity is confirmed by Bank-ID, can submit an e-petition on the “Mana Balss”. Each initiative, signed by at least 10,000 Latvian citizens and which meets the legal criteria, is delivered to the Saeima. After successful authentication, Internet banks send their name, surname and personal ID to the “Mana Balss” portal, where they are stored in secure databases. A person can vote once for each e-initiative. Only the first and last names are in the public domain. At the request of the Saeima, a database of subscribers under electronic initiatives is compared with a register of citizens, who will be able to verify the authenticity of all subscribers using their database of persons (Par ManaBalss.lv).

The ManaBalss.lv states the activity of the society, proposing initiatives and supporting activities with donations, has put Latvia at the forefront of digital democracy. The achieved number of 26 supported initiatives out of 38 proposals submitted to the Saeima and other institutions since 2011, according to their data, is the highest success rate among such platforms in the world (Par ManaBalss.lv).

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This tool of e-democracy is also provided in the legal acts of the Council of Europe, in particular in Recommendation CM/Rec (2009) 1 of the Committee of Ministers of the Council of Europe of 18 February 2009, where the petition is defined as a dialogue between citizens and democratic institutions on the issues mentioned in the petition, and therefore contributes to the realization of the right to be heard.

Some countries use not only Internet services, but also a wide range of media that are available to inform the public about the system of submitting and participating in petitions. They involve the media in collecting votes in cooperation with TV channels (Austria, Czech Republic), provide the opportunity to support petitions via SMS (Scotland) and the use of blogs (Scotland and France). Other countries have waived the requirement to submit petitions in writing (e.g., Portugal, Slovenia and Hungary), while others have a network of distributed offices or cooperation partners in their country (France, Portugal, Slovakia and Wales) or have established call centers (for example, a telephone line for children in Portugal). It should be noted that these comprehensive strategies take into account the fact that the Internet is highly attractive only to certain groups of the population and not to everyone (Riehm et al., 2014).

An e-petition is a special type of collective petition that has a specific range of recipients, must gain the support of a certain number of people for limited time and will be considered in a special way.

The procedure for submitting and reviewing electronic petitions in Ukraine has the following stages:

1. Formulation of the essence of the appeal, determination of the addressee (President, Supreme Council of Ukraine, Cabinet of Ministers of Ukraine or local self-government agency). The essence of the appeal should also be stated here, as well as the last name, name, middle name of the electronic petition's author (initiator) should be indicated.
2. Filling in an electronic petition on the official websites of the relevant agencies or the websites of public associations. In this case, the website of the relevant agency or public association collecting signatures must indicate the beginning date of the collection of signatures and information on the total number, as well as the list of persons who have signed the electronic petition.
3. Verification of an electronic petition carried out within two working days from the date of its sending by the author (initiator) for the compliance with the requirements of the above Law. In particular, it is checked on the absence of calls to overthrow the constitutional order, violate the territorial integrity of Ukraine, promote war, violence, cruelty, incitement to ethnic, racial, religious hatred, calls for terrorist acts, encroachment on human rights and freedoms, etc.
4. Publication of the electronic petition on the official website of the addressee or on the website of the public association collecting signatures. In addition, the official website of the relevant agency or the website of the public association should indicate the beginning date of the collection of signatures and information on the total number and list of persons who have signed the electronic petition.
5. Collection of signatures in support of the petition. An electronic petition addressed to the President of Ukraine, the Supreme Council of Ukraine, and the Cabinet of Ministers of Ukraine should be considered in case there are at least 25,000 signatures of citizens in its support within no more than three months from the date of publication of the petition. The number of signatures for petitions submitted to local governments is determined by the statutes of territorial communities and depends on the population. An electronic petition that has not received the required number of votes in its support within the established period should be considered after the deadline for collecting signatures in its support as an appeal of citizens in accordance with this law.
6. Sending a petition to the addressee, if the collection of signatures was carried out through the website of the public association and which within the prescribed period has collected the required number of signatures in support, no later than the next day after the deadline for collection of signatures should be sent by the public association to the official website of the agency, where the petition is addressed to, indicating the date when the collection of signatures began, the date when the electronic petition was sent, the total number and list of persons who signed the electronic petition (or a link to the source of such information on the Internet), the term of collecting signatures, the name and e-mail address of the public association.
7. The electronic petition should be considered immediately, but not later than ten working days. At this time, the agency, to which the e-petition is addressed, can collect and analyze information and arguments, give orders and instructions within its powers, put issues under control, and most importantly - to develop a further action plan to address the issue.
8. The results of the review should be announced on the next working day after completion: published on the official website, sent personally to the initiator of the e-petition and to the public association in case it collected signatures (Afanasieva, 2015).
9. The electronic form of the petition has a number of advantages over its paper counterparts, in particular.
 - Convenience and accessibility for citizens who can express their position, support an idea without leaving home;
 - Free of charge nature;
 - Minimization of manipulations with the number of signatories (Malyshev, 2015), forgery of signatures, as in order to support the petition, it would be necessary to pass the mechanism of verification of the person, prevention of automatic input of information;
 - The special status of the appeal and the opportunity to be heard by the highest agencies and officials of the state and local governments, in contrast to the usual individual or even collective appeals.

As petitions raise socially ambiguous issues, they will help to know the position of officials on important issues. In case of a positive response to the petition, it will be possible to continue to exercise control or even greater pressure on the authorities to implement the subject of the petition. If there is a motion, the petition can be considered, including with the participation of its initiator, at a session of the relevant council, which will result in a decision.

The public nature of the response implies that the addressee's attitude to the petition can be of only two options: supporting or not supporting a certain position. However, the addressee, depending on the wording of the petition, may apply an intermediate option in the form of partial support of the petition. For example, agree with the proposal, but suggest another way to implement it (Malyshev, 2015).

Analysis of petitions to the highest state agencies (the President of Ukraine, the Supreme Council of Ukraine and the Cabinet of Ministers of Ukraine) that received 25,000 signatures allows us to draw the following conclusions. First, the number of such petitions is insignificant, so, on the official website of the President of Ukraine, there are answers to 61 e-petitions, on the website of the Supreme Council of Ukraine - 13, and on the website of the Government of Ukraine - only 8. Secondly, quite often answers to these petitions have the character of a promise to do something in the future, rather than concrete steps taken to resolve the issue. Most of the responses to the petitions concerned education and the environment. Not many of the submitted petitions are focused on economic issues. Many of them are submitted to entities that cannot resolve them due to their legislative powers. For example, e-petition No. 22/066668-ep concerned the abolition of budget funding for political parties in Ukraine, but this issue does not concern the scope of activities of the President of Ukraine and his powers. And the petition No. 22/009785-ep on granting the Odesa seaport the regime of the free economic zone "Porto-Franco" rather relates to the competence of the Cabinet of Ministers of Ukraine (Electronic petitions. Official Internet Representation of the President of Ukraine).

Among the restrictions on petitions, the law defines the following: the overthrow of the constitutional order, violation of the territorial integrity of Ukraine, propaganda of war, violence, cruelty, incitement to inter-ethnic, racial, religious hatred, calls to commit terrorist acts, encroachment on human rights and freedoms.

Along with this, the Art. 74 of the Constitution of Ukraine contains a provision that a referendum on tax, budget and amnesty bills is not allowed. If we consider a petition as a kind of direct democracy, there is a question, whether it is necessary to limit the possibility of submitting petitions regarding taxes, the budget and amnesty. Such constitutional restrictions definitely concern the prevention of possible populist referendums, as a result of which the economic system of the state may collapse. Although collecting the required number of signatures does not oblige the authorities to automatically execute petitions, it can be a tool for manipulation and pressure on the authorities.

Petitions at the local level are extremely important, as they help local governments to hear the views and requests of people on various issues of community life. We analyzed the work with electronic petitions of the Kyiv City Council (Ukraine). Thus, 6515 petitions for the period from October 2015 to February 2021 were published on the website of the Kyiv City Council, where only 57 received a sufficient number of signatures. Among such petitions, which broke the 10,000-signature barrier, local authorities supported 43 petitions, where less than half have already been implemented and a third are still being implemented. The most concerned areas of e-petitions were transport, landscaping and the environment, road management, etc.



**FIGURE 1
SUCCESSFUL PETITIONS SUBMITTED TO THE KYIV CITY COUNCIL**

Source: (Electronic petitions. Kyiv City Council 2020).



**FIGURE 2
MAIN AREAS OF SUBMITTED PETITIONS TO THE KYIV CITY COUNCIL**

Source: made by authors on the basis of (Electronic petitions. Kyiv City Council 2020).

At the same time, there are many problems in the process of submitting and resolving petitions. In particular, it is due to the technical functionality of the websites where petition signatures are collected. Petitions are often duplicated by scattering vague voices addressed to entities that do not have the authority to resolve them. There is no possibility of authorization through social networks, instead it is necessary to pass the registration procedure on each website.

Refusal or inability to implement e-petitions reduces the interest and trust in this tool of dialogue between the government and individuals. It is confirmed by the analysis of the processed petitions, which collected the required number of votes. Therefore, the resolution of petitions by local governments on issues of local significance seems to be more effective. In our opinion, the institution of electronic petitions is somewhat underestimated by the authorities, which do not use this bridge of dialogue with society.

CONCLUSION AND RECOMMENDATION

E-petitions are aimed at reducing social tension, restoring dialogue between public administration agencies and citizens, as well as facilitating the prompt response of state and local government agencies to public challenges and initiatives. With the introduction of electronic petitions, citizens will have a new tool for communicating with the state and local governments in order to address issues of public importance. At the same time, petitions can be a form of effective democratic pressure on the government. At the level of local communities, petitions will be useful to draw the attention of local councils to local problems and ways to solve them. E-petitions can replace various opinion polls of dubious origin, although they will not reflect the views of all segments of the population, but only those who have access to and use the Internet.

Although the law imposes an obligation to respond to electronic petitions, the fulfilment of the promises made by the addressee in response is not a legal but a political obligation. Therefore, it is important both to respond to the e-petition and to have the appropriate mechanism for its implementation. Of course, 25,000 signatures cannot represent the absolute majority of votes in society and this tool cannot replace a form of direct democracy, but they allow to hear public opinion on important and topical issues, which requires reasoned professional and responsible responses to e-petitions.

At the same time, petitions should not become an instrument of manipulation of certain groups or individuals to push openly populist proposals or be means of manipulation. Electronic petitions are aimed at forming a new tool for communication between citizens and public administration agencies, providing an opportunity to respond quickly to changes and challenges that arise in society. E-petitions can play a positive role in establishing a public dialogue with the authorities to address many economic issues. Therefore, each petition that receives the required number of votes for consideration requires a detailed analysis and a thorough response on the feasibility, efficiency and economic results of the relevant decisions.

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