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DIGITAL TRANSFORMATION OF GOVERNANCE DURING THE PANDEMIC AND RESPECT FOR HUMAN RIGHTS

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Abstract

The worldwide pandemic has made things different. What seemed unbreakable fell like a house of cards. The need to maintain a stable equilibrium at difficult times requires new solutions from public administration, and the inevitable digital transformation of all spheres of human life cannot be ignored. The main concern of human rights defenders is the position of States that it is not important to respect civil liberties in times of pandemic. The speed with which digital transformations are taking place in all sectors of life only heightens these fears. The use of digital technology allowed for total control of citizens. But no good cause can justify the violation of fundamental civil rights and freedoms. Only the joint efforts of the State and society and clear regulations will make it possible to preserve the balance of interests and prevent the total introduction of authoritarian regimes. Regulatory regulation of processes in public administration, influenced by extreme situations undergoing digital transformation, requires a systemic approach based on the experience of other countries. Only such actions will make it possible to strike a balance between State interests and the interests of citizens and to protect their inalienable rights. The purpose of this study is to attempt to summarize the problems associated with the digitization of public administration during a period of restrictive measures.

1. Introduction

The inevitability of digital transformation in all spheres of human life can no longer be ignored. What recently seemed to be a fantastic film plot has now become a reality. This reality requires clear legal regulation. This problem is exacerbated by the measures taken at the national level as a result of the spread of the COVID-19 virus. The noble objective of protecting populations from mass transmission of the virus often leads to ill-conceived actions that ultimately violate the constitutional rights of citizens.

Regardless of the area affected, whether it be education, medicine, housing and public services, justice, the challenge is to respect human rights. Numerous protests around the world attest to the global concern about this issue. The transfer to remote work and training, the restrictions imposed on the freedom of movement of citizens and the interruption of businesses, all these measures must be justified first and foremost. In addition, it is more important than ever to regulate them in accordance with constitutional requirements.

COVID-19 has posed a new challenge for all of humanity. It was planned to use digital technologies in the supervision of people earlier. The pandemic has accelerated this process. Human rights defenders around the world, analyzing the laws adopted in this context, as well as their application in practice, note the emergence of a threat to human rights. In addition to freedom of movement and the right to choose a place of residence, freedom of speech and privacy are under threat. Anti-extremist and anti-terrorist regulations are now rivaled by fake law. The use of biometrics, mobile surveillance applications, has created incredible opportunities to monitor citizens. We all hear lately the expression that the world will no longer be the same. When introducing online services for socially unprotected citizens, it is very important to maintain the usual communication channel with a living specialist who can answer at the other end of the line and has the authority to solve the citizen's problems. Otherwise, we may face digital exclusion - the inability to gain access to digital communications, resources and services, or significant difficulties and limitations in their use. The biggest concern is that the measures taken under the pretext of fighting the virus may remain forever. Therefore, it is necessary now to assess all the changes that have occurred in relations between states, on the one hand, and business and citizens, on the other hand, for the preservation of all civil rights in the new post-pandemic era.

2. Problem Statement

The main concern of human rights defenders is the position of States that it is not important to respect civil liberties in times of pandemic. The speed with which digital transformations are taking place in all sectors of life only heightens these fears. The measures taken by most governments to try to control covid-19 were as unprecedented as the speed with which the virus spread. Many researchers, in analysing the responses to pandemics, have noted the tendency of even democratic States to resort to authoritarian methods in governance (Nyamutata, 2020).

International treaties protect human rights. States provide constitutional guarantees of these rights. Without State guarantees backed by adequate legal instruments, international and constitutional norms become declaratory.

The process of digitalization of social services causes a number of difficulties for citizens, especially of retirement age and citizens who find themselves in difficult life situations. The ability to use digital money and digital services is not just a matter of rejection for many. Difficulties with their use in a certain category of citizens are caused by a limited budget, which does not allow purchasing expensive technical means, limited physical capabilities, caused by both health conditions and age-related changes. It should also be noted that in Russia, elderly citizens are the most unprotected from fraudulent activities, including the use of electronic technologies. The ability to independently, without intermediaries, use government services in electronic form without outside help can be difficult. Not all retirees understand that by entrusting their password to someone they know, they trust him with access to personal information on all government websites (Kaufmann & Tzanetakis, 2020). Striking a balance between the measures that countries are taking to combat the pandemic and respecting civil liberties is the main task of human rights defenders. This task is part of a set of tasks that need to be resolved as part of the digitalization of public administration.

3. Research Questions

The main issue for which this study is being conducted is how to use progressive innovation to contain and control the pandemic without violating the rights of citizens. Restrictions have been introduced to varying degrees in all countries. Unfortunately, introduced to protect citizens from the virus, they have violated rights that seemed to be stable, such as the right to freedom of movement, privacy, work and education. The right to accessible justice has been severely restricted. For example, because of the pandemic, the right of citizens detained in Russia in connection with the investigation of criminal cases to see their defence counsel is severely restricted. Quarantine measures prevent the defendant from communicating with a lawyer without a time limit. The principles established by procedural legislation to ensure the transparency and openness of judicial proceedings are also violated. For example, because of the quarantine, the personal reception of citizens by the courts and other State bodies has been suspended. It is prohibited for persons who are not parties to the proceedings to attend open court sessions.

The main violation here is the inconsistency of the decisions taken by the management of these bodies, which are contrary to the law, in the absence of the right to such orders. These actions undermine public confidence in State policies. Other measures violate the confidentiality of personal data. Pagliari discusses the ethical problems associated with tracking the movement of citizens through mobile applications (Pagliari, 2020). The initial orientation of State support measures towards a standard living situation poses a serious problem. If the circumstances of life do not fit the pattern well, those in need may not receive assistance.

4. Purpose of the Study

The purpose of the present study is to attempt to summarize the challenges faced in today's digital governance environment. The main instrument of State administration is legal regulation. The receipt of a government commission makes it necessary to draft regulations for the constituent entities of the Russian Federation. The process is well under way. The speed with which such documents are accepted as a matter of urgency affects their quality. And the main problem is that the main actor of a regulated relationship is

not considered. Is it clear and convenient to use a citizen's service? Have these services been tested? What are the possible mistakes, how can they be prevented or corrected?

Regulatory officials are sometimes detached from the real world. They have little idea that not everyone has access to the Internet, modern technology and the opportunity to use public services. The impact of the COVID-19 threat on the digital transformation of government is widely debated (Gabryelczyk, 2020).

The fact that in Russia this influence has led to an acceleration of the process seems to be unconditional. Questions that could not be resolved for a long time were resolved almost immediately. Our citizens have come to believe that the state system is rather inert. In the new environment, however, public officials have demonstrated the ability to act quickly and, importantly, to act. At the beginning of April on the Moscow portal «My documents» it was possible to get only one service - registration of death. Within a month, instructions for receiving services under the new conditions were put in place, and by early May, 90 digital services were available. State services in electronic form, such as automatic prolongation of disability, simplified registration of the unemployed, assistance to Russian tourists who cannot return to their home country. But rapid digitization has led to significant challenges in the area of citizens' rights. Thus, the service «issuing of electronic passes» became a real surprise for citizens. It wasn't just that there was no request for such a service from citizens, and it wasn't imaginable. The idea of controlling the population on self-isolation, when it first appeared, was immediately transformed into the flesh of administrative decisions, which were immediately implemented. Prior to Russia, similar measures had been introduced in other countries: Italy, Spain, France, Poland, etc. When speaking of control applications, Russia often refers to the experience of other countries. Italy was the first country in Europe to suffer from the virus. The pandemic monitoring app was set up in three days: on March 23, the government requested help from universities and technology companies, and on March 26, the service was ready. The monitoring app was people downloading on their smartphones voluntarily. In the view of the Government, effective monitoring of the spread of infection and the movement of citizens should not lead to the surveillance of the population through digital platforms.

5. Research Methods

Regulatory regulation of processes in public administration, influenced by extreme situations undergoing digital transformation, requires a systemic approach based on the experience of other countries. It is not possible to study the questions posed by mathematical models alone. At the same time, the use of an interdisciplinary approach would help to find answers to the outstanding problems. Various methods have been used to study the digital transformation of governance during the pandemic. General scientific methods of knowledge applied in the work have revealed the most acute problems. Comparative method - draw on the experience of other countries. The analysis is applied in the study of scientific works, practical situations. Functional and structural approaches, both formal and comparative, have uncovered all aspects of the complex process of public administration.

6. Findings

Digital transformation affects all the inhabitants of the world, concerns all legal relations in all areas of life. Thinking about whether it's good or bad is more of a philosophical conversation. Digitization is inevitable and our task is to see and calculate those changes that will have a fundamental impact on the near future of mankind (Schulz et al., 2020). This requires interdisciplinary research in public administration, a synergistic approach (Moşteanu et al., 2020).

The pandemic has caused a global crisis. Industrial production suffered from the disruption of links between production and sales due to the closure of borders, and the solvency and demand for industrial products decreased.

The economies of all countries have experienced global difficulties. Public health has come under crushing blows even in wealthy and stable countries. All this caused the need for humanitarian assistance not only to those categories of citizens who were considered vulnerable due to loss of work or forced resettlement, but also to those who were recently considered completely protected. Mutual assistance between states is manifested especially clearly in matters of a medical nature. However, overcoming the crisis is not limited to solving health problems. It is impossible without strengthening solidarity and interaction both at the international level and within the regions affected by the crisis, increasing the social responsibility of the population, adjusting the mechanisms of state and economic governance, combating inaccurate information, as well as digitalizing cultural institutions, education and education systems.

With the spread of coronavirus infection, national authorities have begun to actively use digital technologies to control and monitor sick or potentially infected citizens. Many governments have initiated the launch of mobile applications based on Bluetooth technology that determine the location of users using geolocation. At the same time, to preserve the confidentiality of personal data, the developers have excluded the possibility of their transfer to state processing centers, providing for the automatic deletion of information after a certain period of time. It is noteworthy that the installation of such applications is exclusively voluntary and is designed to assist citizens in ensuring their safety by sending notifications about contacts with COVID-19 patients. The government subsidizes private technology initiatives to prevent disease by reducing physical contact between people. Wherever possible, software for video conferencing and webinars is being introduced, the experience of states in the fight against the COVID-19 pandemic is being introduced. Much attention is paid to expanding citizens' access to the Internet and increasing the connection speed.

Digital technologies are widely used in medicine. It becomes possible to study the results of patient diagnostics remotely using big data analysis and artificial intelligence. Mobile applications are being created that can determine the predisposition of individuals to COVID19 based on tracking and measuring certain health markers such as voice, pulse and blood pressure.

Telemedicine is becoming one of the leading medical research tools, allowing doctors to consult remotely and monitor patients during quarantine. Systems for tracking the movements and contacts of patients and citizens in contact with them have been developed and implemented, including for identifying violators of the quarantine regime. In Taiwan, Germany, Italy, such control was carried out using geolocation and data from cellular operators. Electronic bracelets are used in Hong Kong and China. In Poland and Singapore, they use specialized applications through which calls are made at random in time,

notifications are received, photographs are taken (Pandey et al., 2021). In China, Spain, France, the United States, drones are used with visual surveillance systems and face recognition systems.

Against the backdrop of all these measures, a protest is inevitable among citizens accustomed to free movement around the world. The European Union, having created its own world without borders, introduces restrictions prohibiting uncontrolled travel, unreasonable leaving home. All this cannot cause concern in the coming total control and limitation of civil liberties. States around the world are in a difficult situation. None of them have such experience. It is all the more important during this period to unite efforts and strengthen international ties. Successful strategies must be used to address common threats as well as innovative challenges. Only the participation of all stakeholders, who have combined the efforts of business, science and public authorities, will make it possible to overcome the crisis while preserving democratic rights and freedoms (Brunetti et al., 2020).

7. Conclusion

The goal of the digitization of public administration has just been to make it more efficient. The pandemic has refocused this objective by demonstrating the advantage of digital technology in minimizing physical contact. A problem that has arisen is the reduction of privacy and the creation of unprecedented control over a citizen by the State, which creates a real risk of violation of civil rights and freedoms. The level of digital governance in the world is uneven, and the pandemic has brought different challenges to each country. Contradictory and sometimes uncoordinated rulemaking in Russia makes it difficult to establish a coherent and consistent legislative framework that balances the interests of the State and society. Future research needs to be further developed in the context of a more thorough understanding of the ways and means of providing digital public services, as well as of the ethical principles behind such systems and the role of the individual (both user and performer) in this system. The digital reality in which humanity found itself required clear legal regulation to ensure that fundamental human rights were not violated.

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