

## **WHAT SHOULD AN IDEAL E-ADMINISTRATION MODEL COMPRISE?**

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### **Abstract in original language**

Bilgisayar ve ona bağılı teknolojilerin 20.yüzyılın ikinci yarısından sonra hayatın her aşamasına egemen olmaya başlaması, hukuk ve kamu yönetimi sahalarında kavram ve ilişkilerin alışlagelen formlarını zorlamaya, onları dönüştürmeye başlamıştır. Bu dönüşüm, halen devam eden bir değişimin, sosyal düzeni de derinden etkileyen bir tetikleyicisi ve vazgeçilemeyen hakim bir belirleyicisi olmuştur. Bu bağlamda, vatandaş ile idare arasındaki alışageldiğimiz klasik ilişkileri, internet ve diğer bilgi teknolojilerinin devreye girmesiyle yeni görünlümlere kavuşmaktadır. İdare hukuku alanında genellikle, e-idare (e-administration) adıyla bilinen bu yeniliklerin kullanılmasıyla, idarenin ve idari faaliyetlerin biçim değiştirdiği görülmektedir. Bu değişim, bir yandan kamu yönetimini, diğer yandan idare hukukunu derinden etkileyecek ve dönüştürecek bir başlangıcın sinyallerini vermektedir. e-İdarenin oluşumunda ve başarısında etkili faktörler; ülkenin gelişmişlik düzeyi, mali yeterliliği, altyapı düzeyi, ülke mevzuatının buna fırsat vermesi, kamuoyu desteği gibi unsurlardır. Son yıllarda yaşanan küresel kriz, e-Devlet uygulamalarına bir ivme düşüşü olarak geri dönmüştür. Yabancı literatürde başarılı bir e-Devlet için ve dolayısıyla normal olarak e-İdare için gerekenlerle ilgili tartışmalardan yararlanarak Fang'ın sıraladığı gereklilikler listesi genişletildiğinde ortaya çıkan liste, şimdilik "ideal" kabul edilebilir. E-İdarenin iyi bir şekilde uygulanabilmesi için sayılan on özellik şöylece belirtilebilir: - Anlaşılabilir ve şümlü (comprehensive) olma, - Bütünleştirilmiş (integrated) olma, - "Hazır ve nazır" (ubiquitous) olma, - Şeffaf (transparent) olma, - Kolay ulaşılabilir (accessible) olma, - Güvenli (secure) olma, - Özel (private) olma, - Yeniden tasarlama (re-engineered), - Birlikte çalışabilir (interoperable) nitelikte olma, - e-Yönetişimi dikkate alma.

### **Key words in original language**

İdeal e-idare modeli; kişisel verilerin korunması; kamu idaresinin elektronikleşmesi.

### **Abstract**

The dominance of computer and information technologies in the second half of the 20th century has begun to transform the conventional forms of concepts and relations in law and public administration. This transformation has become a trigger and an indispensable decisive factor of an ongoing change which has deep impacts on the social order. In this context, the conventional relations between citizens and administration have appeared in

new forms with the emergence of the Internet and other information technologies. In administrative law, this innovation, mostly referred to as e-administration, results in changes in administration and administrative activities and applications. This change gives the signals of a start that will have deep impacts on and transform both public administration and administrative law. The factors that influence the emergence and success of e-administration are the level of development, financial capability, level of infrastructure, national legislation and public support in a country. The recent global crisis has led to a decrease of acceleration in e-State applications. In international literature, Frag suggests a list of requirements for e-State and hence for e-administration. An expanded version of this list can be accepted as the “ideal” for the time being. Ten characteristics required for the good practice of e-administration are as follows: - being comprehensive - being integrated - being ubiquitous - being easily accessible - being transparent - being secure - being private - being re-engineered - being interoperable - taking e-governance into consideration.

### **Key words**

E-administration; electronisation of public administration; protection of personal data.

## 1. INTRODUCTION

“Information Technologies”, as new miracles of communication technologies, provide us with incredible opportunities and facilities through such products as mobile phones, notebooks, digital cameras, MP3 players, video cameras, simple robots, projectors and so on. Just to name a few of these facilities: lecturing through teleconference systems; sending our mails in a couple of seconds rather than in a couple of weeks without paying anything; downloading a book in pdf format from the database of any library in any part of the world, or browsing and finding rapidly a term you need in a book you download; finding the related institution quickly following a simple search when you need help; paying taxes by visa cards without going to tax office or buying a product from a website in any part of the world for your friend paying by visa cards. The evolution resulting from these opportunities and facilities take us to a point that we could not have even imagined 10-15 years ago both in our private life and in public sphere.

The dominance of computer and hence information technologies in the second half of the 20th century has begun to transform and evolve the conventional forms of concepts and relations in law and public administration. This evolution has become a trigger and an indispensable decisive factor of an ongoing change which has deep impacts on the social order. The ages before and after the emergence of computer (and particularly the emergence of Internet technologies) are clearly distinguished from each other. This process has produced unexpected opportunities and differences with regard to administrative law. At this point, it is required to discuss how a digitalized world contributes to and

what it detracts from administration and administrative law. As technology and evolution are generally associated with progress, it usually requires courage to express their potential drawbacks. The fact that whether technology itself is disadvantageous can be better discussed at the end of the 21st century. Leaving this topic to other studies, this study focuses on offering “public services”, as both ideal and practical values of the administrative law, in a digital environment.

## 2. THE IDEAL E-ADMINISTRATION MODEL

The factors that influence the emergence and success of e-administration are the level of development, financial capability, level of infrastructure, national legislation and public support in a country. The recent global crisis has led to a decrease of acceleration in e-State applications. The OECD Information Technology Outlook 2008 published in 2009 sets as follows the priorities to be followed in information and communication technology policies: the State itself as the leading force with regard to e-government, wideband information and communication technologies, research and development programs, educational support, wider use of information and communication technologies in business, wider use of technology among people and in houses, importance of industry-based and on-the-job training, general development of digital contents, revision of information processes and contents in public sector, and support for discoveries related with information and communication technologies. These priorities envisaged for the years following 2008 are required for a more advanced e-government system and for the development of current models. However, before this, it should not be disregarded that there are some minimal conditions which determine the success of an e-administration and which also represent ideal requirements. These conditions can be regarded as a list of requirements.

In international literature, Fang suggests a list of requirements for e-State and hence for e-administration. An expanded version of this list can be accepted as the “ideal” for the time being. Ten characteristics required for the good practice of e-administration are as follows:

**Comprehensive:** E-administration should have a comprehensive and far-reaching content to the extent possible.

**Integrated:** Establishing an integrated system helps prevent entering the same information more than once, and thus helps save money and time. In this respect, it is required to enable coordination between projects and investments, to operate the current information infrastructure more efficiently and harmoniously in view of goals, and to avoid repetitions in the operation of systems.

**Ubiquitous:** With a system that is everywhere at any time, the e-State portal should be accessible any time through any internet connection.

**Transparent:** The system should be user-friendly. It should be designed in a way to allow even the most inexperienced computer users to access the information they need easily.

**Easily accessible:** The system should be accessible by anyone. E-administration services should be designed in consideration of disabled people. It is important that visually-impaired, hearing-impaired and other physically-handicapped citizens also have online access to services. If this opportunity is not provided, any official website will fail its attempt to reach as many people as possible, and the system itself will be in a “handicapped” position.

**Secure:** E-administration systems have to ensure the security of information provided to beneficiaries of public services. It is important to secure the content of information stored in the system and to guarantee the security of administrative proceedings. As mentioned in many resources, for a secure communication, the internet system should be based on confidentiality, integration, identity authentication and non-repudiation.

**Private:** The proceedings of beneficiaries and the contents of these proceedings should be protected efficiently, and should never be revealed.

**Re-engineered:** It is not sufficient just to copy electronically administrative processes and procedures. It is required to revise the whole mission and to construct a digital structure.

**Interoperable:** An efficient e-government website comprises units from each level in the hierarchy of the State and particularly other up-to-date e-administration websites related with their needs. The success of an e-administration system depends on interoperability of simultaneous functioning of systems that meet certain standards. From the technical perspective, the achievement of an ideal e-administration depends on the efficient functioning of interoperable information and communication systems.

**Taking e-governance into consideration:** E-administration should lead to e-governance. With e-governance systems, it is possible to implement democratic procedures and policies that construct an e-society. In this respect, such a design is the main means of not only administration but also collective and democratic decision-making process and community participation.

The coexistence of the abovementioned requirements lead to the establishment of an ideal e-administration system. This list shows that details are required for not only the establishment but also the functioning of

the system. It is also seen that continuous and serious efforts are needed to ensure the functioning of this system.

### 3. CONCLUSION

The achievements of information and communication technologies in the field of e-commerce in private sector have been an encouraging force for using these innovations in public sector. In the last decade, the global use of information and communication technologies in public sector resulted in new, unexpected and unconventional applications and styles in administrative and other official procedures. The administrative law, as an independent and active domain of public law, received its share from this development. At this point, our first theoretical suggestion is that it is required to revise and sometimes even reinterpret the administration, administrative organization, public service, public personnel and other administrative concepts. Given that information and communication technologies will have profound effects on the administration, the administrative law of future should be redesigned. The current public administration discipline and many chapters of the classical doctrine of public law should be either reconstructed or reinforced with patches. If we interpret the last decade correctly and e-administration applications continue with the same acceleration, prevalence and success, the use of these new technologies by the administration in public services will not only bring about new types of administrative conflicts but will also completely change the administration itself as well as the administrative law.

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