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PUBLIC ADMINISTRATION AND E-GOVERNMENT IN SERBIA

In the context of a knowledge-based economy, the concept of e-government is taking effect in terms of efficiency, effectiveness, as well as in meeting the needs of democratic transition. Introducing e-government is an integral part of widespread public administration reforms that include "redefining" government. The main premise of e-government is that government information and services must be equally accessible to all citizens. Access to vital government information and rendering on-line public services (e.g. issuing permits, personal documents, submitting applications etc.) by an "open government" is creating a new quality of public services. Due to this, technical aspects of introducing e-government must seriously consider legal issues that arise from the new information and knowledge-based communication between government and citizen. In this model, the status of citizens as "customers" of e-government public services is prerequisite.

Keywords: *E-Government.– Public Administration.– Administrative Reform.*

1. INTRODUCTION

We live in an information society and a knowledge economy where information and knowledge management is essential.[1] "When we talk

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[1] For Internet resources related to the field of knowledge-based economy and knowledge management in information societies, see: *http://www.enterweb.org/know.htm*, last visited 26 September 2009.

about the new economy, we're talking about a world in which people work with their brains instead of their hands. A world in which communication technology creates global competition. A world in which innovation is more important than mass production. A world in which investment buys new concepts or the means to create them, rather than new machines. A world in which rapid change is a constant. A world so different its emergence can only be described as a revolution."[2] As pointed out, "Innovation at present has become a key driver of sustainable economic growth and a necessary part of the response to many social needs all over the world. The changing nature of scientific research makes earlier distinctions between basic and applied research less clear and less policy-relevant. An effective interface between innovation and science systems is therefore more necessary than ever."[3] In this context, "Knowledge-based economy is not a branch of economy. It is rather a compatible system of legal and economical preconditions, as well as managerial and economical mechanisms together with modern technologies and human recourses. This system appears in the process of development of the market economy supported by the new technologies. The new growth opportunities can only be seized through a comprehensive strategy based on a policy mix that is suited for each region or country."[4]

In the environment of a knowledge-based economy, the idea of e-government is taking effect in terms of efficiency, effectiveness and in meeting the needs of "democratic transition". There are three basic elements of e-government:

– ensuring open government and transparency in the activities of government agencies;

– providing on-line services enabling citizens to use the Internet to pay taxes, access registries, make applications or undertake procedures, elect their representatives, express their opinions, as well as participate in the administrative decision-making processes, and

– interconnecting government agencies.

"With e-government a new box is being opened and one which might potentially further increase the problems of government use of

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    2   Wired's Magazine Encyclopedia of the New Economy, *http://www.enterweb. org/know.htm*, last visited 26 September 2009.

    3   K. Krisciunas, "EU Enlargement and the Lisabon Process: Contemplation on Objectives and Realities of Knowlwdge Economy", *Juxtaposition of European Union Enlargement and Lisabon Processes (Proceedings)*, Kaunas University of Technology, Kaunas 2004, 6.

    4   R. Daugėlienè, K. Krisciunas, "Peculliarities of Knowledge-Based Economy's Assesment: Theoretical Approach", *Juxtaposition of European Union Enlargement and Lisabon Processes (Proceedings)*, Kaunas University of Technology, Kaunas 2004, 16.

technology – and it may be that we will see that the underlying tension of government technology is actually a legal tension: that is, that there is something about the legal nature of government which makes technology much more difficult to apply than it is in a commercial environment. This is obviously important; since the message of e-government is that the state should take the techniques and methodology of commerce and apply them to this new relationship of the ICT-based state and ICT-based citizen."[5]

2. ADMINISTRATIVE REFORM AND THE RULE OF LAW

Modern administrative systems and actions derive from a relatively non-differentiated organizational structure of the absolutistic states of the 17th century.[6] Reactions against the administration as the monarch's "personal instrument of government" were inspired by Locke's and Montesqueau's doctrines of the separation of powers and realized by revolutions at the end of the 18th century in Europe and America. However, as the administration steadily became an equal partner in the division of powers, the previous view of the administration as a "suspicious instrument of the monarch" started radically to change. Today, the experience of developed countries indicate that an administrative system cannot be conceived as an "instrument" or "apparatus" (e.g. of the ruling class), nor can modern administrative action be perceived only as a normative structure of legal procedures.

In Europe, the past decade has shown two fundamental processes: on one hand, integration of developed Western European countries within the framework of the European Union, and on the other hand, transition of Central and East European countries towards political pluralism, market economy, administrative efficiency, information technology application, democratization and human rights protection.

After the fall of the Berlin Wall in 1989, many former European communist countries, as they struggle to overcome the existing one-party political systems and closed command economies[7] found themselves going

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[5] *Cf.* P. Leith, "Legal Issues in e-Government"**,** *http://www.lri.jur.uva.nl/~winkels/ eGov2002/Leith.pdf*, last visited 27 September 2009.

[6] *Cf.* S. Lilić, "Turbulence in Administrative Transition: From Administration as Instrument of Government to Administration as Public Service"*, Third International Conference of Administrative Sciences* (Beijing, 8–11 October 1996), International Institute of Administrative Sciences, Bruxelles 1996.

[7] *Cf.* J. M. Kovacs, M. Tardos, *Reform and Transformation in Eastern Europe: Soviet-Type Economics on the Threshold of Change*, Routledge, London/New York 1992.

through a period of – often rather turbulent – social and political transition.[8] These changes effect, *inter ali*a, the respective legal order and government organization of post-communist European countries, including the functional and organizational patterns of their administrative systems. As consequence, the existing legal frameworks and administrative action in these societies gave way to modern and democratic notions of government and administrative action that is supported by efficient functional and organizational structures and mechanisms of legal and political control and openness toward technological innovation.

The existing system of control over the administration in Central and East European post-communist countries had to restructure and orient itself towards politically accepting, legislatively formulating and procedurally implementing fundamental democratic standards that secure efficient safeguards of human rights, not only formally in constitutional and legal documents, but also in the everyday communication of the citizen with governmental and administrative authorities. On the other hand, the existing concepts of government and administrative control, were brought out of the pre-dominating system of authoritative control of the higher instance, into open and transparent forms of "good governance" and "access to justice", that include judicial review and ombudsman-type independent institutions. No real democratic reform of government and administration was possible without accepting human rights safeguards and control standards of administrative action embedded in the principle of the rule of law and democratic concepts of legitimate government and administrative action. No more could the government and its administration be viewed as a soviet-type instrument of "class repression", but had to be defined as a system of social regulation oriented towards rendering public services and protecting human rights.[9]

Administrative reform and reorganization of existing administrative systems in European countries moved in the direction of strengthening democratic control over state administration, increasing its accountability to democratic elected bodies, de-centralizing and de-concentrating the central government structures, while maintaining the administrative system under the strict principles of the rule of law and protection of human rights. The need to modernize the administrative systems and administrative action in Europe goes much beyond subjecting it to provisions of legal documents. "The challenge with which public administration is faced in Central and

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[8]   *Cf.* J. M. Kovacs (Ed), *Transition to Capitalism: The Communist Legacy in Eastern Europe*, Transaction Publishers, New Brunswick/London 1994.

[9]   S. Lilić, *Influence of the Soviet Doctrine of State and Law on Theory of Administrative Law in Serbia.*, http://www.slilic.com/upload/docs/SLilic%20Soviet%20Doctrine%20and%20Serbian%20 Administrative%20Law.pdf, last visited 27 September 2009.

Eastern Europe is to redefine even its role in society, or, more concretely, its relations with politics, the economy and civil community. It is, therefore, worthwhile to recall that the dynamics of administrative transformation are intimately linked to changes in the political, legal, social and economic environment in which public institutions operate and on whose material and immaterial inputs they crucially depend. Legitimacy, authority, legality, acceptance and finance are amongst the most important resources required for effective administrative activity and they cannot be generated by the public administration itself. Accordingly, the outcome of politics aimed at public sector reform is decisively shaped albeit predetermined, by political, legal, social and economic developments."[10]

Countries in Europe still on levels of mid and late industrial development, as well as those in early stages of high technology developments, will doubtlessly need to consider present European integration tendencies, not only in respect to their general social and economic development strategies, but also in regard to their administrative systems and administrative actions as well. Administrative legislation reforms and administrative system compatibility with European integration processes should be the basis for the future technological transformation of the respective administrative systems and their organizational and functional development.[11] Comparatively speaking, the transformation of administrative systems should also be aimed at undertaking functional and organizational,[12] as well as technological[13] and personnel[14] reforms that are in line with achieving higher standards of administrative efficiency and human rights protection, particularly in regard to the issues of privacy[15] and data protection.[16]

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[10] *Cf.* J. J. Hesse (Ed), *Administrative Transformation in Central and Eastern Europe: Towards Public Sector Reform in Post-Communist Societies*, Blackwell Publishers, Oxford 1993.

[11] *Cf.* S. Lilić, *European Integration, Administrative Legislation Reform and Administrative System Compatibility* (Report), International Institute of Administration Sciences, International Conference: "Administrative Implication of Regional Economic Integration", Madrid 1990.

[12] *Cf.* J. Emery (Ed), *Organizational Planning and Control Systems – Theory and Technology*, Columbia University, Collier-Macmillan Limited, London 1969.

[13] *Cf.* J. Baquiast, *Nouvelles Technologies et Reforme Administrative*, Revue Français d' Administration Publique, No. 37, Paris 1986.

[14] *Cf.* H. Reinemann, "Organization and Information Management", *New Technologies and Management – Training The Public Service For Information Management*, IIAS, Brussels 1987.

[15] *Cf.* J. Michael, *Privacy and Human Rights: An International and Comparative Study with Special References to Developed Information Technology*, Dartmouth, UNESCO Publishing, Hampshire 1994.

[16] *Cf.* C. Bennet, *Regulating Privacy: Data Protection and Public Policy in Europe and the United States*, Cornell University Press, Ithaca/London 1992.

Transition and integration processes in Europe also have a significant impact on the perception and quality of human rights, which should be taken into account in the present and future reforms of administrative systems.[17] The legalistic principle of legality, expressed through the ideal "that all citizens are equal before the law", has historically played a crucial role in institutionalizing (particularly in regard to judicial and administrative procedure), the relation between the citizen and the state (administration):[18] the greatest moral value and practical effect of the "equality" principle being the (legal) protection of the citizen from the foul actions of the state. Today, however this traditional principle is considered one-sided and obsolete: it is argued that, for the principle of legality to be legitimate in a modern administrative environment, apart from the law, the consent of the citizen is also needed. This is the result of the higher level of information and knowledge the citizen has access to, as well as ideological and interest independence of the citizen in communicating with the government and the administrative system.

3. E-GOVERNMENT AND EU STANDARDS

Introducing e-government is an essential part of widespread public administration reform that includes the redefining of the role of modern government.[19] The advantages are obvious. "First, e-government aims to be more customer-oriented. Governments can get rid of a lot of red tape by using computers. Instead of going to a tax office or a municipal bureau, citizens can download the necessary brochures and forms immediately, 24-hours a day and 7 days a week directly from the Internet. Second, public administration becomes more efficient with e-government. Both money and paper can be saved when public administration connects to the Internet. Procedures and routines are automated in order to save on expensive civil servants. Third, e-government modernizes public administration."[20]

E-government is closely linked to concepts (e.g. New Public Management) that are to ensure a new quality in managing complex social environments, particularly in view of a knowledge-based economy. The main premise of e-government is that information and services must be

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[17] *Cf.* A. Rosas, J. Helgesen, D. Gomien, *Human Rights In a Changing East-West Perspective*, Printer Publishers, London/New York 1990.

[18] *Cf.* S. Lilić, *Information Technology and Public Administration – The Citizen's Influence*, Information Age, Vol. 12, No. 1, London 1990.

[19] S. Lilić, M. Marković, P. Dimitrijević, *Nauka o upravljanju (Administrative Science),* Chapter on E-government, Beograd 2001, 368–375.

[20] S. Zouridis, M. Thaens, "Reflections on the Anatomy of E-government", *The Informationa Ecology of E-government – E-government as Institutional and Techological Innovation in Public Administration*, (eds. V. Bekkers, V. Homburg), IOS Press 2005, 26.

accessible to all citizens without personal privilege or discrimination. However, this also means that some information is classified and that these protected zones must be under strict legal control. The global phenomenon in using information and communication technology (ICT), the Internet, personal computers, mobile telephones and digital television has transformed many aspect of government. Access to information and rendering on-line public services (e.g. issuing of permits, personal documents and applications) by an "open government" is creating a new quality of public services. This kind of communication offers the citizen many new forms of participating in democratic processes and decision-making. The potentials of information and communication technology enabled governments to develop the concept of e-government. Many governments today offer and distribute information through their web pages, create digital databases and render public services on-line.[21]

The e-government topic became part of governmental agendas with big visibility, because "societies have realized the importance of using ICT within public administration."[22] The United Nations define e-government as the capacity and will of the public sector to develop the use of information and communication technology in order to up-grade rendering of public services to the citizens. Of the 179 countries, that according to the 2005 UN Report, have implemented some form of e-government, the highest rate of implementation has been achieved by the US, Denmark, Sweden and the UK. In the region of South Eastern Europe, Slovenia holds position 26, Croatia 47, while Serbia and Montenegro hold an embarrassing 156th position.[23]

E-government is a concept in which information and communication technology is used in all fields of public and political administration and on the basis of which public administration is transformed and redefined as a civil service. E-government is not a one-step process and cannot be implemented as a single project. It involves multiple stages or phases of development. United Nations Online Network in Public Administration (UNPAN) presents five stages of introducing e-government:

– emerging web presence,

– enhanced web presence,

– interactive web presence,

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[21]   J. Morison, *E-government: a New Architecture of Government and a New Challenge for Learning and Teaching Public Law*, *http://www.unizar.es/derecho/fyd/lefis/documentos/JMfinaldraft.pdf*, last visited 27 September 2009.

[22]   A. M. de Cunha, P. M. Costa, "Towards Key Business Process for e-Government", *Building the e-Service Society*, (eds. W. Lamersdorf, V. Tschammer, S. Amarger), Kluwer Academic Publishers 2004, 6.

[23]   UN Department of Economic and Social Affairs, Division for Public Administration and Development Management, *UN Global e-Government Readiness Report 2005 – From e-Government to e-Inclusion*, New York 2005, 13.

  – transactional web presence, and

  – fully integrated web presence.

"The 'emerging' stage includes a formal but limited web presence through independent government web-sites with static organizational or political information. The 'enhanced' presence refers to the expansion of web-sites with content of dynamic and specialized information and links to other official pages including government publications, legislation newsletters. The 'interactive' presence includes a sophisticated level of formal interactions between citizens and service providers such as e-mail and post comments areas. The capacity to search specialized databases and download forms and applications or submit them is also available. The 'transactional' presence offers secure transactions like obtaining visas, passports, birth and death records, licenses, and permits. The 'fully integrated' or seamless presence refers to the stage where lines of demarcation are removed in cyberspace."[24]

Regarding the legal framework, the EU document on the "Interoperable Delivery of Pan-European e-Government Services to Public Administrations, Businesses and Citizens – IDABC" (April 2004), *inter alia*, states (Art. 8–11): The European Council, meeting in Lisbon in March 2000, adopted conclusions aimed at preparing the transition of the European Union by 2010 to the world's most competitive, dynamic, and knowledge-based economy, capable of sustainable economic growth with more and better jobs and greater social cohesion. The European Council, meeting in Brussels in March 2003, drew attention to the importance of connecting Europe and so strengthening the internal market and underlined that electronic communications are a powerful engine for growth, competitiveness and jobs in the European Union and that action should be taken to consolidate this strength and to contribute to the achievement of the Lisbon goals. To this end, the development and establishment of pan-European e-government Services and the underlying telematic networks should be supported and promoted. The elimination of obstacles to electronic communications between public administrations at all levels and with businesses, as well as with citizens, contributes to improving the European business environment, lowering the administrative burden and reducing red tape. It may also encourage businesses and citizens of the European Union to reap the benefits of the information society and to interact electronically with public administrations. Enhanced delivery of e-government services enables businesses and citizens to interact with public administrations without special information technology skills or prior knowledge of the internal functional organization of a public administration.[25]

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[24] J. Lee, "Searching for Stage Theory in e-Government Development", *Developments in e-Government*, (eds. D. Griffin *et al*.), IOS Press 2007, 34.

[25] *Decision 2004/387/EC of The European Parliament and of The Council of 21 April 2004 on the Interoperable Delivery of pan-European e-Government Services*

Creating an e-government means the application of ICT in the functioning of public administration as a whole (including central, local and regional public services), thus modernizing and increasing the efficiency of administrative procedures by promoting the use of the Internet in public administration.[26] The interaction between e-government and ICT result in new concepts in the communication between the government and the citizen, as the citizen as customer "buys" public services by means of a "Single Window Government" or "One-Stop Shop". This offers many advantages, such as information sharing, network connections, e-mail, direct submission of e-applications to administrative agencies, continuous workflow, on-line questions and answers, public terminals (e.g. for voting) and so on.[27] In satisfying the needs of the citizen, ITC plays a crucial role. The citizens want to enjoy the benefits of a simple, comfortable, modern and secure public service. They also want to be well informed and to participate in public policy matters, and not just to be "subjects".[28] Thus, as paradox, the "human touch" in the communication between citizens and the administration becomes a reality with the introduction of ICT which practically eliminates direct citizen-bureaucrat communication. From a conceptual aspect, e-government is capable of reducing entropy and sustaining a positive workflow in the administration and economy.

4. E-GOVERNMENT IN SERBIA

4.1. Legal Framework

The present legal framework of introducing e-government in Serbia is contained in *The Public Administration Reform Strategy* (adopted in November 2004)[29] and *The Strategy of Development of an Information Society* (adopted in October 2006).[30] Also, since 2004, several significant laws in this field were enacted, including: *Law on Electric Signature,*[31]

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to Public Administrations, Businesses and Citizens (IDABC), Official Journal of the European Union, L 181/25, 18.5.2004.

[26] *Cf.* D. Prlja, S. Lilić, M. Savović, *Internet vodič za pravnike (Internet Guide for Lawyers),* LawDem, Beograd 2006.

[27] *Cf.* P. Dimitrijević, *Elektronska vlada* (E-Government), Pravni život, No. 9, Beograd 2001.

[28] *Cf.* S. Lilić, *Pravna informatike (Legal Informatics),* Beograd 2006.

[29] Government of the Republic of Serbia, Public Administration Reform Strategy of the Republic of Serbia, (Strategija reforme državne uprave Republike Srbije), *http://www.rzii.sr.gov.yu*, last visited 28 September 2009.

[30] Government of the Republic of Serbia, Strategy of Development of an Information Society of the Republic of Serbia, (Strategija razvoja informacionog društva Republike Srbije), *http://www.rzii.sr.gov.yu*, last visited 28 September 2009.

[31] Law on Electronic Signature (Zakon o elektronskom potpisu), *"Official Gazette of the Republic of Serbia",* No. 135/04.

Law on Free Access Information of Public Importance,[32] *Law on Registration of Economic Subjects,*[33] *Law on Organizations and Responsibilities of Government Agencies against Cyber Crime,*[34]*, and Law on Protection of Personal Data.*[35]

According to the Serbian *Action Plan for Serbian Public Administration Reform Implementation 2009–2012*: "The electronic government can advance the quality of life of citizens in a multiple manner and can make big savings in both the time-related and economic aspects. The project of electronic government is directly linked to the changes at the level of organization in the public sector, as well as directly linked to the changes at the level of the state. It is well known that ICT has a potential to integrate data into structurally comprehensive forms, easily accessible for different kinds of analyses, research and services, and these advantages represents one of the preconditions for a good quality public administration reform, on both central and local level."[36]

The laws of the Republic of Serbia enacted during the last several years, and to a large extent harmonized with EU legislation, (e.g. Law on Registration of Economic Subjects, Law on Free Access to Information of Public Importance, Law on Electric Signature, with respective bylaws) contain significant elements of e-government including: electronic signatures and electronic certificates, possibilities for submitting requests of citizens and economic entities (users) in electronic form, rendering Internet services to users, communication of users and authorities by electronic mail, etc.[37]

In 2009 a number of documents have been adopted, which significantly contribute to the development of e-government in Serbia, including the Law on Electronic Document[38], Law on Electronic Com-

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[32]   Law on Free Access Information of Public Importance, (Zakon o slobodnom pristupu informacijama od javnog značaja), *"Official Gazette of the Republic of Serbia"* no 124/04.

[33]   Law on Registration of Economic Subjects, (Zakon o registraciji privrednih subjekata), *"Official Gazette of the Republic of Serbia"*, No. 55/04.

[34]   Law on the Organizations and Responsibilities of Government Agencies against Cyber Crime, (Zakon o organizaciji i nadležnosti državnih organa za borbu protiv visokotehnološkog kriminala), *"Official Gazette of the Republic of Serbia"*, No. 61/05.

[35]   Law on Protection of Personal Data, (Zakon o zaštiti podataka o ličnosti), *"Official Gazette of the Republic of Serbia"*, No. 97/08.

[36]   Ministry of Public Administration and Local Self-Government, *Public Administration Reform Strategy in the Republic of Serbia – Action Plan for Serbian Public Administration Reform Implementation 2009–2012*, Belgrade, 2009, 31. See: *http://www.drzavnauprava.gov.rs/view_file. php?file_ id=463*, last visited 2 October 2009.

[37]   *Cf.* D. Prlja, Legal Regulation of Electronic Government, Legal information, No. 12, Belgrade 2008, *http://www.informator.co.yu/tekstovi/pravna_1208.htm*, last visited 28 September 2009.

[38]   Law on Electronic Document, (Zakon o elektronskom dokumentu), "*Official Gazette of the Republic of Serbia*", No. 51/09.

merce[39] and supporting regulation (e.g. Regulation on Electronic Offer Procedures and Procedure of Conducting Electronic Auction in Public Procurement Procedures,[40] Decision on Signing of Electronic Documents which Banks Submit to the National Bank of Serbia,[41] etc.).

The Law on Electronic Document has introduced innovation, as numerous matters have been standardized. This Law regulates the conditions and the procedure of validating an electronic document in property, administrative, judicial and other legal procedures. It regulates the rights, duties and responsibilities of companies, legal persons, entrepreneurs and natural persons, agencies, territorial autonomy bodies and local government units, which have been accredited with public administrative authority, in regard to electronic documents. As defined by this Law, an electronic document is a set of data which consists of letters, numbers and symbols, as well as graphic, sound and video recordings contained in an account, agreement, legal document or any other document written by a legal or natural person or by agencies for use in property, administrative, judicial or any other procedure before authorities, if it is electronically written, digitalized, sent, received, saved and filed into electronic, magnetic, optical or any other medium. An electronic document can not be doubted for its validity and evidence strength just because it is in electronic form (Art. 4, Para. 1).[42] The conception of an electronic document was standardized by the Law on Electronic Signature and defined as a document in electronic form used in legal documents and in conducting legal affairs, as well as in administrative, judicial and other procedures before authorities (Art. 2, Para. 1, Item 1).[43]

If legal norms require a written form as a condition for the validity of a legal document, conducting legal affairs or for another legal activity, a proper electronic document is to be signed by a qualified electronic signature in accordance with the law which regulates electronic signature. Exceptions occur with legal documents or affairs, which by means of some specific law explicitly mandate the use of an autograph signature on

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[39] Law on Electronic Commerce, (Zakon o elektronskoj trgovini), "*Official Gazette of the Republic of the Republic of Serbia*", No. 51/09.

[40] Regulation on Electronic Offer Procedures and Procedure of Conducting Electronic Auction in Public Procurement Procedures (Pravilniku o načinu postupanja sa elektronskim ponudama i načinu sprovođenja elektronske licitacije u postupcima javnih nabavki), "*Official Gazette of the Republic of Serbia",* No. 50/09.

[41] Decision on Signing of Electronic Documents which Banks Submit to the National Bank of Serbia (Odluka o elektronskom potpisivanju dokumenata koje banke dostavljaju Narodnoj banci Srbije), "*Official Gazette of the Republic of Serbia* ", No. 28/09.

[42] Law on Electronic Document, (Zakon o elektronskom dokumentu), "*Official Gazette of the Republic of Serbia* ", No. 51/09.

[43] Law on Electronic Signature, (Zakon o elektronskom potpisu), *"Official Gazette of the Republic of Serbia*", No. 51/04.

paper documents (e.g. legal documents used for transfer of property rights on real estate).

An electronic document, originally created in electronic form, is considered to be the original. A confirmation on the receipt of an electronic document is proof that the document has been received by the recipient. Each received electronic document is considered to be a specific document, except if the same document has been received many times and the recipient had known that or must have known the document was the same.

However, there exist discrepancies in regard to the use of electronic documents and electronic signatures in Serbian legislation. For example, according to the present Serbian Law on General Administrative Procedure,[44] "petition" (Art. 51), means 'request', 'proposal', 'application', 'complaint', 'appeal' or 'any other communication by which citizens or legal persons address the authorities'. In administrative procedures in Serbia 'a petition can be submitted directly to the agency or posted in a written form or it can be orally dictated'.[45] *Sticto sensu*, this would mean that electronic documents could not be used in administrative procedures, as the Law on General Administrative Procedure contains no provisions prescribing this.

However, this situation is overcome by a significant innovation introduced by the Law on Electronic Document which regulates the matter of delivering electronic documents between the authorities and parties (Art. 10 and 11).[46] This Law prescribes that a 'petition' is an electronic document created and delivered to the authorities by natural and legal persons (parties), by means of electronic mail to the electronic mail address chosen by the authorities, for the reception of electronic petitions. The authorities which receive a petition by electronic mail, without delay, notify the party on the reception of the petition. Petitions, agreements or any other documents created by the authorities may be electronically delivered to parties upon request. The authorities deliver the electronic document to a party to an electronic mail address, chosen by the party for reception of electronic documents. Delivery of electronic documents between the authorities is conducted by means of electronic mail or in other electronic form, in accordance with a specific regulation.

"There is an expressed need for enacting a law on electronic government, by means of which a unique frame for electronic government introduction in the Republic of Serbia would be determined, and starting

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[44] Law on General Administrative Procedure (Zakon o opštem upravnom postupku), *Official Journal of the Federal Republic of Yugoslavia,* No. 33/97.

[45] For comparison, the Law on General Administrative Procedure of Montenegro (2003) contains provisions regarding "electronic petitions" (Art. 53).

[46] Law on Electronic Document, (Zakon o elektronskom dokumentu),*"Official Gazette of the Republic of Serbia",* No. 51/09.

points and the acting rules of the subjects in this area would be established. Enacting the law would satisfy the need for equalized and articulate regulating of relations between the authorities, as service for service supply, and the citizens and economic subjects – the users of services."[47]

4.2. Serbian e-Government Web-Portal

The key element in introducing an effective e-government, as part of developing an information society, is the establishment of an e-government web-portal. An e-government web-portal is a location on the Internet offering electronic public services. The Serbian Government has established it e-government web-portal at "www.euprava.gov.rs".[48] This web-portal enables citizens and legal persons to satisfy some their needs for particular information and documents by means of electronic communication instead of going to an agency's office.

The services available to the citizens include: 1) tax submissions, 2) employment support, 3) social assistance (for unemployed, family aid, medical care, student stipends), 4) personal documents (passports, identification cards, driver's license), 5) construction permits, 6) motor vehicle registration (new and used), 7) police assistance (thefts etc.), 8) public libraries (catalog search), 9) register certificates (birth, marriage and death certificates, citizenship, residence), 10) school enrollment and education, 11) address change, 12) health services (council, check-ups).

The services for the economic subjects (companies) include: 1) social benefits for employed, 2) profit tax (submission, information), 3) value added tax – VAT (submission, information), 4) registering a new company, 5) statistic data submission, 6) customs declarations, 7) permits regarding environmental protection, 8) public procurement.

Citizens and legal persons requesting information, endorsements, certificates, etc., from the authorities now can use the web-portal and request public services by means of their personal 'qualified electronic certificates' by which the identify themselves electronically. Presently in Serbia, qualified certificates are being issued only by the Post Office. However, arrangements are being made for placing the electronic certificate in the chip of the new identity card.

An e-government web-portal will provide significant benefits not only for the citizens, but also for the government itself, for instance:

– reduction of the number of officers for issuing certificates, endorsements, permits, etc.;

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[47] Government of the Republic of Serbia, Strategy of Development of an Information Society of the Republic of Serbia, (Strategija razvoja informacionog društva Republike Srbije), *http://www.rzii.sr.gov.yu*, last visited 28 September 2009.

[48] See: *http://www.euprava.gov.rs/*, last visited 28 September 2009.

– increase of government efficiency in delivering public services,
– shortening deadlines for reply and delivery (e.g. of certificates and endorsements,
– increase of citizens and legal persons' satisfaction with government.

5. CONCLUSION

E-government reforming and modernization, based on the wide use of information communication technology (ICT), presents of the key elements of the transition of the Republic of Serbia into a modern information society. The ICT has high possibilities in terms of public government modernization and improving its public services. Introduction of high-tech information systems increases the quality of services and improves efficiency, transparency, responsibility and efficiency of government. Modern telecommunications infrastructure enables easy information circulation between government agencies, thus providing citizens and the economy with better access to public services at a lower cost.

E-government presents a crucial change of traditional manner for conducting administrative and other legal processes. This means that citizens do not need to be physically present and go from one office to another and waste time and money on collecting documents needed for processing a request. Instead of this, e-government administrative procedures, on one hand, enable the integration of geographically allocated agencies, and on the other enable the citizens to satisfy their needs efficiently (e.g. by using the e-government web-portal). E-government provides efficient, transparent and responsible public services adapted and responsive to the needs to the citizens and economy.

Concluding, we can underline some key main features of e-government.

E-government is an open government with instant access to information made available via the Internet web-portal.

E-government provides efficient public services, saving time and money both for the citizens and the government. The citizens is not a "subject", but a "customer" of e-government public services

E-government introduction needs to seriously consider legal issues that arise from new information technology and knowledge-based communications. In Serbia, the first steps regarding the e-government legal framework have recently been made (e.g. Law on Electric Signature, Law on Electronic Document, etc.). However, for e-government to be successful both political will and technical expertise is the precondition.