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**regional Legal Policy : A Comparative Analysis of Information Resources**

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## **Regional Legal Policy: A Comparative Analysis of Information Resources**

**Abstract:** This article on the basis of a comparative analysis of national information resources regional legal policy suggestions on optimizing this information file in order to improve the efficiency of resource use legal, legal standards and quality of life.

### **Regionalna polityka prawna: Analiza porównawcza zasobów informacyjnych**

**Abstrakt:** Artykuł bazuje na analizie porównawczej informacji krajowych zasobów regionalnej polityki prawnej. Zawiera sugestie na temat optymalizacji informacji w celu zwiększenia (poprawy) efektywności wykorzystania zasobów prawa i norm prawnych dla poprawy jakości życia.

**Keywords:**

regional legal policy, information resources, optimization, official websites legislatures of subjects of the Russian Federation.

**Słowa kluczowe:**

regionalna polityka prawna, zasoby informacyjne, optymalizacja, oficjalne strony internetowe podmiotów ustawodawczych FR.

Due to the complexity of social life in order to streamline it requires systematic, consistent and scientifically-based activities in the field of legal regulation. Hence the same questions arise more acutely optimization law legal finding ways of society, ways of building full of its legal system, etc. With these realities of contemporary life due actively shaping the category of legal policy, including on a theoretical level. Evidence of rapid research "boom" serve numerous scientific developments of the problem and lead to publications (theses, articles, dissertations, monographs, dictionaries, concepts).

Legal policy – a systemic phenomenon. Classification of legal policy allows better know its contents, and the consideration of place and role of individual species in its general system of legal policy gives you the opportunity to learn under what circumstances is better to use one or another of its kind. Thus, the legal policy, depending on the level of its implementation is divided into international, in the CIS, in the creation of the Union State of Russia and Belarus -

federal , regional, municipal , local<sup>1</sup>. Undoubtedly, all these types of legal policy are interconnected , but each level requires its own concept. It seems that the development of the theory of legal policy today should follow the path of transition from the federal level to the regional.

This choice is due to several reasons, among them substantial weight have large scale modern regional lawmaking together with the low legal literacy of legislators. As a result, lawmaking process should be organized with the help of the relevant operational and long-term plans (programs), „add” rationality in activities to prepare drafts of normative acts (set clear priorities, actively involve research potential for writing projects and Expertise of laws, etc.) and systematize existing normative array. There are also problems in the relationship with the center regions, among which are a contradiction to the regional lawmaking with the National, etc. In this analysis of the scientific literature shows that the issues of regional legal policy, in spite of their importance, is not sufficiently developed.

Under the regional legal policy we understand consistent and system activities of the government of RF subjects and civil society institutions in the region to optimize the regional mechanism of legal regulation<sup>2</sup>. Note that the legal policy of Russian Federation subjects (the same regional) is an independent legal phenomenon, expressed in a series of public authorities of subjects of the Russian Federation on the development and application of legal norms guaranteeing the rights and legitimate interests of legal relations arising in connection with the development, promulgation and application regional law<sup>3</sup>.

Legal Policy of the RF subjects , focusing primarily on federal law, intended to express the interests of regional and features , including the harmonization of law-making to the regional all-Russian , developing mechanisms to prevent and overcome legal collisions federal and regional instruments , division of powers between the center and regions , scientific support all the processes of formation of legislation in the regions that have relatively low awareness of the center of decision-making on important conceptual level of the region and the state of his legislation as a whole , the lack of the very center of a unified approach to how the law should be the subjects of the Russian Federation , and what measures can be applied to ensure compliance with federal and regional legislation other<sup>4</sup>.

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<sup>1</sup> For details, see: A. В. Малько, *Теория правовой политики*. М., 2012, с. 272-278.

<sup>2</sup> See: Ibid.

<sup>3</sup> See: А. В. Дунаев, *Правовая политика субъектов Российской Федерации: вопросы теории и практики*, Автореф. дис. канд. юрид. Наук, Тамбов 2006, с. 7-8; His own. *Правовая политика субъектов Российской Федерации ; Правовая политика в Российской Федерации: региональный уровень*, под ред.: А.В. Малько, Тамбов 2008, с. 33.

<sup>4</sup> See: А. В. Малько, *Теория правовой политики...*, с. 272-278.

Regional legal policy also a complex phenomenon. Format article does not allow to elaborate on all forms of legal implementation of the regional policy, we restrict development is becoming increasingly essential lawmaking form of the regional legal policy, looking at it through the prism of information flows, namely, analysis of relevant information resources.

Information resources will be understood submitted as separate documents and / or arrays system-making element of human activity, which is a source of information or the means to obtain individuals and organizations of knowledge generated by the activities of the various social structures<sup>5</sup>. Analysis of this definition allows to establish the following fact: the flow of information circulating in the form of information resources are divided into incoming (information resources as a means) and outgoing (information resources as a source). But, we believe that the incoming information flow appropriately called informational support of activity, and therefore will be considered as information resources of the regional legal policy are documents forming the outflow of information.

Now an array of information available is large enough, so today it is not so much its formation as an optimization. Research of the information set selected type of legal policy is appropriate to carry out using approbated method before borrowed from system analysis: determining the current state of the studied system – setting the desired state of the studied system – the difference between „what is necessary” and „what is” just and determines the direction of optimization<sup>6</sup>.

As the system under study, we selected information resources lawmaking forms of realization of the regional legal policy. To begin with the review already used in the selected field of information resources separating them by accessories its subjects and goals application.

In which we have based the definition, as the subjects of this type of policy are considered state governments and administration subjects of the Russian Federation and the institutions of civil society in the region. It seems that a significant impact on regional legal policies also provide federal government (the President of the Russian Federation and representative organs). Analysis of the information set will begin them.

Review of information field shows that all federal subjects external resources in general terms similar. Moreover, it is obvious that now the main (if we are talking about the possibility of people to see discussed in the Parliament projects, it is often only one) their views are the official websites of the category of

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<sup>5</sup> For details, see: О Л Солдаткина, *Информационные ресурсы российской правовой политики : монография*, под ред.: А.В. Малько, М. 2012, с. 34-43.

<sup>6</sup> See: Там же, с. 77-84.

subjects<sup>7</sup>, included in a single portal of state authorities<sup>8</sup>. Representation on the network can find information on a wide range of issues, including the tactics and strategy of regional lawmaking. Particularly noteworthy are: on the website of the Federal Assembly of the Russian Federation – a section on cooperation with the regions containing the Concept better interaction in the federal legislative process (however, does not contain any information on the progress of the Concept); on the representation of the State Duma – the information and analytical materials of the State Duma Committee on Regional Policy Section (recent reviews are dated the year 2011); portal of the President of the Russian Federation – appeals to the President of the Russian Federation (mobile and e-receiving), where any citizen can ask his question, every month doing a review of applications, information on regional policy is presented in an indirect form, in some news. Thus, in general, high-level official information resources of the federal government, the issue of cooperation with regional legislatures reflected weakly on them. Interesting that official server authorities of the Russian Federation (<http://gov.ru>) in the list of public authorities of the Federation in many of them regional information on the legislative organs missing. So, Saratov region is represented on the portal only the Government of Saratov region, a similar situation is observed more than twenty regions.

Analysis of official representative legislative bodies of subjects of the Russian Federation on the Internet makes it possible make the following conclusions. First, in general sites similar in internal structure, while the amount of content even different sections of the same. Practically everywhere there is a menu item dedicated to planning legislative activities, but somewhere there is a base of laws in full, equipped with a good search (Official website of the Supreme Council of the Republic of Khakassia <http://www.vskhakasia.ru/sitemap.html>, Legislative Assembly of Primorsky Krai <http://www.zspk.gov.ru/>, Legislative Duma of Khabarovsk Krai <http://www.duma.khv.ru/>, Moscow Regional Duma <http://moduma.ru/>, Legislative Assembly of Chelyabinsk region <http://www.zs74.ru/>, Moscow City Duma <http://duma.mos.ru/> and others), somewhere limited legislative plan (Legislative Assembly of the Jewish Autonomous Region <http://www.zs.eao.ru/>, Saratov Regional Duma <http://www.srd.ru/> and others). Separate websites have sections for monitoring regional law (official website of the National Assembly (Parliament) of the Republic of Karachay-Cherkessia <http://www.parlament09.ru/>, Legislative Assembly of Krasnodar Region <http://www.kubzsk.ru/>, Legislative Assembly of Primorsky Krai <http://www.zspk.gov.ru/>, Legislative Duma of Khabarovsk Krai <http://www.duma.khv.ru/> and others).

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<sup>7</sup> See: *The President of the Russian Federation*. URL: <http://www.kremlin.ru> (request data: 14.02.2013); *The State Duma of the Russian Federation*. URL: <http://www.duma.gov.ru> (request data: 15.02.2013); *The Federation Council*. URL: <http://www.council.gov.ru> (request data: 15.02.2013).

<sup>8</sup> URL: <http://www.gov.ru> (request data: 14.02.2013).

[www.duma.khv.ru/](http://www.duma.khv.ru/), Moscow Regional Duma <http://moduma.ru/>). At the same time, there is no in explicit form legislation monitoring subject for its consistency with federal law.

Secondly, Strategy legislative activity on the websites has received little attention. Information on this issue can be found only in an indirect form, it is dissipated in various site sections. There is no clearly defined development strategy regional law and improvement the legislative process.

Third, the official representative in the Internet is almost no information about the legal laws Expertise and interaction with the scientific community. Expertise questions are presented in the sections on the official website of the Chuvash Republic <http://gov.cap.ru/> and site of the Legislative Assembly of Chelyabinsk region <http://www.zs74.ru/>. Of all the diverse types of legal expertise everywhere only anticorruption its kind – to it devoted to sections on all sites.

Fourth, on websites little attention paid to the issues inter-parliamentary cooperation: if this information is present, then at best as cooperation agreements or individual news.

Thus, we can conclude that existing array official information resources of subjects lawmaking forms of regional legal policy is scattered, the information in it is often fragmented. Form an opinion about legislative activities in a particular region is difficult enough, and get the full picture of the development of regional law impossible in principle.

Special question are information resources for citizens as subjects of law-making legal forms of regional policy. There are many problems in this area, starting with the uncertainty measures of citizen participation in law-making policy of the Russian Federation as a whole, and at the regional level. Controversy regarding this still ongoing, but we agree with the opinion of SV Polenina that one of the important ways to improve the law-making policy at all levels is the increased attention to public opinion in various forms – in the form of national voting, debates of the bills<sup>9</sup>, as well as statistics communications from citizens to legislatures (virtual reception organized at all sites). attempts to take into account public opinion undertaken at the federal level: an example is the a national discussion of the Police Act and the Education Act. Attempts to organize a debates of the bills have at the regional level (Legislative Assembly of the Yamal-Nenets Autonomous Okrug <http://www.zsyanao.ru/>, Legislative Assembly of Krasnoyarsk Territory <http://www.sobranie.info/>, Republic of Tatarstan (Tatarstan), the State Council of the Republic Tatarstan <http://www.gossov.tatarstan.ru/>), but seems more informative account of citizens' appeals, which in combination with a large-scale work to attract public attention to legislative activity can give good results in the future.

Separate categories of citizens are legal scholars – their impact on law-making policies at all levels should be larger than that ordinary people: their ac-

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<sup>9</sup> См.: С. В. Поленина, *Законотворческая политика...*, с. 232.

tivities are added to the conceptualization of development policy and law-making expert analysis of bills and laws. We have already mentioned that the institution of legal expertise little used by the legislature in the regions also rarely mentioned about any cooperation with the scientific community, even at the federal level.

Based on the foregoing, we can conclude that for the citizens as subjects of law-making policy incoming and outgoing information resources in general merge, they can be: given above official representation in the Internet government (and both the outer and the inner resources) and news Sites; Guide and search legal information systems, official newspapers and magazines, video and the Internet conference, etc. There is a wide range of sources of such information, it will limit the listed categories. Other distinctive features of of this array is its spontaneity, poor opportunity for optimization.

A review of existing information resources lawmaking regional policy shows that their quantity is high, but all the needs of the selected type of legal policy, it is still not satisfying.

According to the definition given before information resource is documented information and consequently consists of several related elements, namely the material carrier on which it is fixed (defines the internal shape of the data); external structure of the organization of information, including the obligatory requisites; inner content. Researching the needs of law-making forms of regional policy, it is necessary to examine the informational component of the resource and its external form separately.

According the external form of information resources, the main problem remains its standardization – obviously, this question is closely related to the harmonization regional law. Although the level of external information resources policy regional legal subjects of have a high and there is having some required elements, but there is unified external form of website, its technical details (search, site map, sections) – content is very different. Nevertheless, the problem of unification of external information resources acute for Russia, where due to the federal structure of lawmaking at the federal level policies can (and should) influence legislatures of subjects of the Russian Federation, and the question of the coherence of lawmaking policy of the federal center and the regions is more than actual. Meanwhile, the above analysis of existing information resources lawmaking policy shows that differing the information component and navigate information resources causes problems for ordinary users, for legal scholars and lawmakers themselves.

The problem of standardization of information resources can be solved by a comprehensive work on the technical and organizational directions.

From a managerial position question of standardization in fact close to the problems to unify laws and legislative activities of the competent authorities of the Russian Federation and the subjects of the Russian Federation, therefore, the direction of development should also be similar. This analogy is useful from the

point of view that work on the approximation of the laws already underway (usually in the form of the practice of studying the experience of legislative activity in other regions and the federal center). In the literature are various suggestions about the overall direction of development: the creation of a unified concept of legal reform in the subjects of the Russian Federation; fixing practices in the preparation of model laws on the federal and regional levels (for example, there exists a base model legal acts on the website of Samara Regional Duma <http://www.samgd.ru/>); development of common standards, the establishment of common legal regimes and be bound by certain legal procedures and documents<sup>10</sup>. Proceeding from this, as the main directions for standardization of information resources can offer the following: go to the practice of developing uniform standards of design, indicating required elements of the structure and details, to the practice of forming model of information resources, including the external (technical) and a data component. Standardization by specifying the necessary elements seem half-hearted solution – use of technology can further simplify the standardization process, but does not solve the problem of filling. From this viewpoint the problem under study is akin the construction of online systems for creating sites (so-called CMS-system), containing tools for generating site to customize its appearance or create your own design and fill it with content, not having any special skills. That is, at the national portal can be a system to automatically create embedded resources, which provides legislators of RF subjects ability to generate information resource in real time already specified patterns.

Passing from the external form of the resource to its inner content, shall outline range of problems lawmaking forms of regional policy, which can and should be solved by using external information resources.

1. Among the main negative aspects of legislative activity in the regions can be identified as the lack of long-term strategy of lawmaking. Earlier we mentioned monitoring of legislation is only part of the process associated with optimization of legal system of legal policy instruments. It should go in and monitoring of public opinion on questions of law and law enforcement, which together with the legal monitoring can already make social and legal monitoring, as well as its sequel, presented in the form of its development strategy. Without this process of law becomes a spontaneous. For the citizen and voter, trying to form an opinion concerning the work of the legislature on the basis of external information resources, the law-making process is as illogical. Besides that the principles of regional policy has legal principle of federalism in combination with the principle of „outstripping” lawmaking subjects of the Russian Federation, as well as the principle of the system of

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<sup>10</sup> See: П.М Курдюк, *Региональное правотворчество*, дис. ... канд. юрид. наук. СПб, 1997, с. 42-43.



legal policy, following which creates prerequisites for the realization of the principles of consistency and scientific validity. Output could be a strategy, program or concept development in the region, supported by appropriate development strategy regional law. Publication of this policy document on the external information resources should be mandatory, this section on the website can be interactive (contain an element of feedback to the user), which would make lawmaking process more transparent and understandable.

2. Since monitoring is closely related and other tools of legal policy – legal expertise. The role of Expertise in monitoring is to increase its depth, comprehensiveness and objectivity. Expertise – is thorough analysis of a specific object (including informational), based on the use of accumulated professional knowledge and personal experience of the expert, the result of which is the conclusion, drawn up in accordance procedurally as an official document of the established form in order to ensure the adoption of a responsible solutions for the issue studied<sup>11</sup>. Due to the rapid development of modern Russian legislation, federal and regional, there is an acute need for expertise of a normative legal act. In particular, very important for building effective legal policy will serve the active application legal expertise just at the stage of preparation draft normative legal acts, especially of bills (as the most significant acts). The process of legal expertise mostly informational, and therefore here can help rich tools on the Internet. Order for expertise (including at the stage of the bill) can be arranged for example competitions of scientific projects (based on information systems) on a given subject, which will help to involve not only regional scientific community. Latter will contribute to enhanced information sharing between the scientific community of the various regions and the legislator. Another useful interactive tool presented videoconference and teleconference, using which it is possible to organize a dialogue between experts (legal scholars) and government in real time.
3. Earlier we mentioned that the there is low level of citizen participation in the legislature of subjects of the Russian Federation. And just this problem can be solved successfully using interactive elements such as a forum. Virtual reception organized on sites have a half-hearted solution to this problem. Solving the problem of citizen participation in the legislative work (using of information resources), it is useful to examine the experience of other states. eems particularly interesting study resources legislative authorities Germany, where one of the most significant achievements is the formation

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<sup>11</sup> See: Н. В.Мамитова, *Правовая экспертиза российского законодательства: вопросы теории и практики*, „Государство и право”, 2010, № 11, с. 6.

of one of the country's most developed civil society<sup>12</sup>. Thus, the site of the Bundestag (URL: <http://www.bundestag.de>) every citizen has the right to submit a petition for a mandatory review by the committee of the Bundestag. The petition can be submitted through the online form, its technical embodiment in this case will be a separate forum thread, where the discussion is as between citizens and with the participation of the committee considering the petition. In conjunction with a sensible policy of disseminating information on the directions of the activity of the Bundestag (online, through broadcast, tours, possibilities to attend meetings, and even through mobile information „exhibitions“ working at fairs or going to nationals), this method allows citizens to participate actively in legislative activity. Due to the fact that the territory of the Russian Federation is wide like lawmakers close interaction with citizens in the Russian Federation at the federal level is almost impossible to organize, but at the regional level is the direction of development on the basis of relevant information resources is possible.

4. In addition, there is the problem of organizing the legal thinking of Deputies, which has not always risen to the need to develop an understanding of the logical and systematic measures in legal action. Therefore, in the regions, it is important not only to teach the basics of the law-making rights of creators of technology and culture, but also to inculcate in them the skills formation of legal policy. Both of these processes can be organized through the mechanisms of distance education, which will be trained without interrupting the main professional activity.
5. Significant benefit to the regional legislative activity will single base model laws include some interactive element. Thus, the model legal act can be proposed by several region, in his discussion is open to all members of the Federation, which will strengthen interregional ties. Experience regions, issued in the form of the model law and placed on the relevant resources, can be perceived by the federal legislature. For example, in some regions adopted a law on normative legal acts there and practice. Correctly designed such experience can provide substantial assistance to legislators in other regions and at the federal level, where a similar normative legal act has not yet been adopted.

Thus, we made based on comparative analysis and suggestions a systematic approach to optimize the array of external information resources of the regional legislative legal policy will help to achieve the goals subjects of the Russian Federation efficiency legal resource, level and quality of the legal life of discipline, law and order, order is now so necessary to the Russian society.

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<sup>12</sup> См.: URL: <http://germaniya.net/administrativno-politicheskoe-ystroistvo-germanii/vnytrennyaya-i-vneshnyaya-politika-germanii.html> (дата обращения: 15.12.2013).

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