

## **E-GOVERNMENT REGULATION IN THE PEOPLE`S REPUBLIC OF CHIANA**

N. Li, H. Shafalovich

Under the e-government law we understand the cluster of the legal norms for e-government, so the definition of the concept of e-government law should be based on the definition of e-government. If the definition of e-government is clear, the concept of e-government law will be clear. At present, e-government is a concept that is difficult to define, and the definition of e-government in China is also varied [1, p. 5]. As for the definition of e-government law, Fan Shaoqing and other scholars believed that "e-government law is the general term of legal norms that specifically adjust the scope, conditions, methods, status and effectiveness of modern information technology in public administration, and is a relatively independent department of the administrative law system [2, p. 5].

China's e-government legislation has made some progress, but there are also some shortcomings, mainly in the following four aspects:

1) Problems in the legislative model. In foreign countries, e-government legislation has a combination of unified legislation and separate law and a decentralized model. The United States belongs to the former. In December 2002, the United States passed the Electronic Government Act, which is supported by other separate laws, such as the Government Paper Elimination Act; China belongs to the latter. The laws and regulations related to e-government are scattered in the computer law, information law, Internet law and other separate laws.

The defect of decentralized legislation is that the application of its legal environment is complex, especially the specific social environment in China makes the defect of decentralized legislation more prominent, because in China, most of them are departmental legislation, the legal rank is low, there is a lack of unified principles and standards, and the phenomenon of conflict is serious, leading to the characteristics of e-government is not obvious, and the implementation effect is poor.

2) E-government standard legislation needs to be improved. Although China has formulated the "E-government Standard", it is only a standard framework with poor operability and testing. The construction of e-government in all provinces and cities across the country is still in a state of independent governance. The reasons are as follows: on the one hand, the starting time and development stage of government informatization at all levels are different, and the development level is also uneven. On the other hand, China lacks legislation on e-government construction standards, and adopts different technical standards and transmission protocols in practice. This is not easy for interconnection, information cannot be effectively shared, forming a "information island" phenomenon [3, p. 5], leading to poor inter departmental collaboration and security reliability, and is not conducive to the government's improvement of management methods and administrative efficiency.

3) Problems in the Legislation of Government Information Disclosure. From the perspective of the legislative process of the United States, during the development of

its e-government, it has successively formulated the Government in the single Act, the Freedom of Information Act, the Government Information Disclosure Act, etc., striving to build a "government in the sun". However, China has not yet promulgated a law on the publicity of government information, and as early as 1988, the People's Republic of China's Law on Guarding State Secrets, which is based on the principle that "everything that is not announced to the public is presumed to be confidential", was adopted, which is far from meeting the requirements of the openness of government affairs under the conditions of e-government.

In the process of e-government implementation, there is a huge gap between the demand for government information and the supply of government information. The government has mastered more than 80% of the information, and there is a lot of information that should be made public both in theory and in actual benefit balancing, but it has not been made public. The publicity of government information has not become a system, causing difficulties in obtaining government information, violating citizens' right to know, wasting information resources, and easy to breed corruption.

4) Problems in the Legislation of the Protection of Citizens' Right to Privacy. In the e-government environment, when the government collects, stores and uses information, it is easy to infringe upon citizens' personal interests. The openness of government affairs requires the government functional departments to make the information they collect, store and analyze available to the public, so as to protect the citizens' right to know, which will lead to a large number of personal information being made public and easy to infringe the citizens' right to privacy.

We propose the following countermeasures for speeding up China's E-government Legislation. 1) In terms of the legislative model, in order to eliminate the disadvantages of the decentralized model, China's future e-government legislation should choose the combination of unified legislation and separate legislation, and formulate a unified "e-government law". In terms of content, we can consider including e-government organization law, e-government administrative act law, e-government supervision law and other relevant content. At the same time, efforts should be made to formulate and revise the supporting separate laws. 2) Avoid repeated construction and isolated information island. At present, the phenomenon of repeated construction and incompatibility among government departments in the e-government construction of China is more serious. The main reason for this problem lies in the disunity of the standards of China's e-government construction. Due to the stability, enforceability and high level of effectiveness of the law, these technical standards should preferably be stipulated by law to avoid duplication of construction and non-sharing of information in China's e-government construction. 3) Protect citizens' right to privacy. In the process of managing and using all kinds of information, citizens' right to privacy is easily violated due to intention or negligence, which requires the government to fully protect citizens' rights and freedoms. Therefore, how to protect citizens' right to privacy should be stipulated from multiple perspectives in the legislation of e-government.

### **References:**

1. Zhang, R. Overview of e-government / R. Zhang // E-government Training Course for Civil Servants. – Beijing: Tsinghua University Press, 2005. – P. 22–25.
2. Fan, S. Legislative Thinking on E-government Law / S. Fan // Journal of Hubei Provincial Socialist College. – 2004. –№ 3. – P. 3– 13.
3. Hao, W. Overview of E-government / W. Hao // E-Commerce and E-government Construction in the Network Environment. – Beijing: Tsinghua University Press, 2006. – P. 40–50.