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# Digitizing Law-Making at Federal Executive Agencies

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**Abstract**

With digital technologies gaining ground in all spheres of life across the world, the digitization is becoming especially relevant, only to require in-depth technical and legal analysis. Current digital development of public administration in Russia calls for a change of approach to drafting and фadoption of regulations. Today's technologies are expected not only to make sure that regulation is timely and complete, but that it is as efficient as possible in view of an enormous and ever growing number of tasks, as well as non-controversial and comfortable for all those involved in the law-making process. Annually the Justice Ministry and its territorial offices receive about 1 million draft regulations for anti-corruption and legal review and state registration at the relevant level. It is exactly for this reason that this paper purports to conduct a comprehensive analysis of digitization processes affecting law-making at federal executive agencies using the example of the state information system "National shared environment for collaboration between the parties to the law-making process" (SIS Normotvorchestvo) and to identify operational problems. The study aims to explore the current operational status of the system, analyze issues and constraints related to digitization of law-making, identify potential advantages and benefits to be gained via digitization, and to discuss further prospects. The methodological basis of the research includes formal legal method of inquiry as well as logical method allowing to present findings and draw conclusions; methods of analysis and synthesis; comparative legal method.

**Keywords**

digitization; law-making; state information system; automation; digital change; parties to the law-making process.

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## Background

The international community's transition to the global technocratic concept of development since the late 20th– early 21th centuries has caused an explosive growth of IT industries and set the stage for accessibility of information technologies across various spheres of daily life and at different levels of social networking. In the same period, information technologies became instrumental and provided resources for globalization and integration processes taking place in the world economic system particularly in the political, military, industrial, socioeconomic, spiritual, research and technological spheres.

The year 2023 has witnessed in Russia a transition of all federal executive agencies towards electronic exchange of non-public documents (NPD).[1] While in 2020 the Government Office did not exchange such documents electronically, almost 80 federal executive agencies and public authorities are now involved in such exchange. This transition to interagency e-document exchange has caused the share of e-documents to grow 2.4 times, from 35% to 84%. By the early 2025 it is also expected to integrate the state information system "National shared environment for collaboration between the parties to the law-making process" (SIS Normotvorchestvo; hereinafter the new SIS) into the Government Office e-document exchange system to put in place an e-platform for drafting federal constitutional, federal laws and regulations, as well as facilitate interagency exchange and control of execution of high executives' instructions, and improve the quality of draft documents and add-on applications. All these efforts are expected to improve public administration functions through better quality of work by the information system's users.

## 1. Law-Making at Federal Executive Agencies: Urgency of Digitization

In terms of its impact on civil society, digitization is comparable to the fifth industrial revolution. Explosive transformation and expansion of so-

[1] On approving the Provision on circulation of non-public documents at federal executive agencies, authorized office for atomic energy and authorized office for space activities. The Government of the Russian Federation Resolution No. 1233 of 11 March 1994 // Collected Laws of Russia, 2005, No. 30. Part II. Article 3165.

cial relations into virtual environment inevitably affect regulation pushing legal provisions to adapt to a new social development model (that is, become flexible).

Digitization of the economic system and of administrative decision-making, in particular, through the introduction of digital technologies into operations of federal executive agencies, means for any modern government a transition to totally different paradigm for stronger national competitiveness, higher living standards of population and society, and more robust GDP and GNP growth [Stenkin D.S., 2023: 64].

The digital age has witnessed a qualitative change to the way the government makes and implements administrative decisions by actively using innovative means to receive, process and transmit information in machine-readable forms. Meanwhile, proper quality of public administrative decisions in the absence of legal instruments adequate to the digitization processes of public administration cannot be maintained without due regulation[2].

Digitization of law-making at federal executive agencies is more limited in extent and largely takes place through operational expansion of already well-established IT technologies. References to provisions of the federal project "Digital Governance" of the Russia's Digital Economy National Program leave no doubt public control (supervision) and provision of public and municipal services are the priority areas for digitization of federal executive agencies[3] [Kabytov P.P., 2020: 115].

As a type of public governance, law-making is aimed at creating, improving, amending or revoking legal provisions.

A consolidated description of the methods to apply digital technologies to law-making was given for the first time by the Institute of Legislation and Comparative Law under the Federal Government in the draft Federal Law "On Regulations" (2012) in view of digitization of social life across the board and the need to introduce modern technologies to the law-making process. The 2019 draft provides for more detailed regulation: apart from using information technologies for access to already published legal instru-

[2] Information Society Development Strategy for 2017–2030. Presidential Decree No. 203 of 09 May 2017 // Collected Laws of Russia, 2017. No. 20. Article 2901.

[3] Passport of the national project "Russia's Digital Economy National Program" approved by the Presidium of the Council for Strategic Development and National Projects under the President of Russia, protocol No. 7 of 04 June 2019.

ments; its Chapter 16 "Using information technologies" contains provisions on automated law-making systems.

With regard to digitization of administrative decision-making, it is necessary to make a distinction between informatization and digitization. The use of computers, gadgets, applications and Internet is informatization of public institutions. In contrast, digitization is hinged on accessible and mobile Internet services and AI (Strategy for development of artificial intelligence in Russia approved by Presidential Decree No. 490 of 10 October 2019 in force since 2019 as a strategic planning document),[4] self-learning machines, principally new software and computer technologies (distributed ledger technology, etc.) [Lipen S.V., 2019: 25].

Abundance of documents in force of various status is fraught with legal risks for digitization of public administration due to a need for continuity between earlier and subsequently adopted regulations.

In March 2024, following Presidential Instructions No. 2242 of 31 December 2020, No. 1383 of 05 August 2021 and No. 1553 of 01 September 2022, the Federal Government approved the strategic focus of digital change in public administration as largely aiming to ensure sustainable and safe information exchange between public authorities, society and businesses.

Digital change in public administration has the following priorities: automation and simplification of government operations in terms of interagency cooperation and organization of standard processes; shared information environment for intra- and interagency e-collaboration between federal executive agencies and public authorities in constituent territories.

The main problem is a lack of shared domestic tool for exchange of documents and information under the applicable law and a lack of possibility to exchange legally meaningful e-documents within the framework of public administration.

In the course of implementing strategically focused projects it is expected to introduce AI technologies for automation of standard processes to save time spent on addressing routine tasks and searching for sound decisions.[5]

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[4] On the Development of Artificial Intelligence in Russia (annex to the 2030 National Strategy for Development of Artificial Intelligence). Presidential Decree No. 490 of 10 October 2019 // Collected Laws of Russia, 2019, No. 41. Article 5700.

[5] Approving the Strategic Focus of Digital Change in Public Administration. The Government of the Russian Federation Instruction No. 637-r of 16 March 2024 // Official web portal of legal information, 20.03.2024.

## 2. Regulating Use of Public Information Systems

Under Article 14 of Federal Law No. 149-FZ "On Information, Information Technologies and Data Protection" of 27 July 2066, state information systems are established for the purpose specified in this federal law. The Federal Government approves the requirements to the procedure for creating, developing, commissioning and de-commissioning state information systems. The information contained in such systems ranks as public resources, with federal executive authorities to make sure that information posted to these systems is reliable and up to date.[6]

While the national law does not define a "state information system", the author believes it to be a set of interrelated software and hardware designed to collect, store, process and provide information at public agencies and development institutions. State information systems ensure centralized data management for better operational quality of federal executive agencies and faster administrative decision-making.

Within a state information system there may be a large number of information systems responsible for different aspects of public administration such as accounting and control (standard cloud solution for automatic control operations:[7] "Governance" automated system[8]); analysis and forecasting (shared interagency information and statistical system);[9] e-document exchange (non-public e-document exchange between federal executive agencies) and public finance administration (integrated SIS "E-Budget").[10]

Developing approaches to digital change in public administration will require to elucidate the terms "digital space" and "digital twin". The Dictionary of Terms and Concepts of Digital Change defines digital space as

[6] Rossiyskaya Gazeta, 03 August 2006.

[7] On State Information System "Standard Cloud Solution for automatic control (supervision) operations". The Government of the Russian Federation Resolution No. 482 of 21 April 2018 // Collected Laws of Russia, 2018, No. 18. Article 2633.

[8] On the Automated State Information System "Governance". The Government of the Russian Federation Resolution No. 1088 of 25 December 2009 // Collected Laws of Russia, 2010, No. 1. Article 101.

[9] On the Shared Information and Statistical System. The Government of the Russian Federation Resolution No. 367 of 26 May 2010 // Collected Laws of Russia, 2010, No. 22. Article 2779.

[10] On the Integrated State Information System for Public Finance Administration "E-Budget". The Government of the Russian Federation Resolution No. 658 of 30 June 2015 // Collected Laws of Russia, 2015, No. 28. Article 4228.

"space for integration of digital processes, communication tools, information resources and a combination of digital infrastructures based on regulatory provisions and mechanisms for their organization, administration and use". "Digital twin" is a virtual digital model (prototype) of real physical objects or processes simulating internal processes, technical parameters and behavior of a real object under the effect of noise and environment" [Demidov A.Yu., Lukashov A.I., 2021: 31].

Federal Government Resolution No. 1646 of 2020 defines digital change as a combination of actions by public authorities to improve public administration, public service provision and performance of public functions through the use of electronic data and introduction of IT technologies into relevant operations.[11]

The Supreme Eurasian Economic Council also defined the concept of digital change in its Decision No. 1 of 2017 "On the main areas of implementing the EEU's digital agenda until 2025". The Eurasian Economic Commission believes digital change to be a manifestation of quality transformational changes embodied not only in individual digital changes but also in a principal transformation of economic structure to move value creation centers where digital resources are put in place.[12]

Public good increasingly includes today the outcomes of digital transformation of public administration strategically focused, firstly, at increasing real incomes and purchasing power of the population, secondly, improving investment attractiveness of the country and, thirdly, ensuring national security [Nazarenko T.S., 2023: 150].

M. Zherebtsov describes in his article different approaches to digital change. In the first place, he identifies the structural approach supported by the e-government's infrastructural approach with static implementation plans extended over many years. The second approach is dynamic and based on flexible and iterative plans including the administrative process reform and promoting civil society's involvement in public administration [Zherebtsov M., 2019: 583].

[11] On ways to ensure efficiency of measures for using IT technologies in operations of federal executive agencies and governance bodies of state extrabudgetary funds (annexed to the Provision on agency digital change programs). The Government of the Russian Federation Resolution No. 1646 of 10 October 2020 // Collected Laws of Russia, 2020, No. 42 (part III). Article 6612.

[12] Supreme Eurasian Economic Council Decision No. 2 of 11 October 2017. Available at: http://www.eaeunion.org/ (accessed: 12. 05. 2022)

The achievement of the said objectives translates into higher quality and more systemic public functions such as primarily the following:

public regulation of the national (including sectoral and regional) economic system;

development and implementation of public policies in various sectors and constituent territories;

public and municipal service provision;

control and supervision;

managing public and municipal property.

Introducing digital technologies into operations of public authorities, updating and, where inadequate or incomplete, amending the relevant regulatory framework as may be necessary merits special attention [Yastrebov V.B. et al., 2021: 142].

The objectives to be addressed today in public and municipal administration call for a need to transform the approaches to drafting and adoption of regulations by federal executive authorities. New digital technologies are required to make sure that regulation is not only adequate and timely but also non-controversial and capable of handling considerably more tasks of increasing complexity, with convenient services available to all those involved in the law-making process.

N. Popova argues in her paper that avoidance of overlapping and ambiguity of governance processes to make all e-documents legally relevant (generally binding) is an urgent requirement of digitization of public administration. Digital solutions to be created and developed require an innovation such as developing a shared state digital platform relying on a shared dataset synchronized with regard to public authorities on the basis of one-stop-shop principle for rapid and efficient administrative decision-making [Popova N.F., 2020: 50].

Digitizing law-making means improving this process through implementation and use of information technologies. This is the purpose of the shared national system for development and adoption of regulatory decisions that the Ministry of Economic Development has been creating in Russia since 2018. These efforts purport to create a shared digital space for regulatory drafting at federal executive agencies.

That cooperative work relies on collaboration technologies and intelligent tools for core administrative processes involved in law-making. Digitization allows major cost savings in regulatory drafting while offering a

number of opportunities. As such, digitization brings about paperless communication between the parties to the drafting process; online joint editing of drafts; implementation control of regulatory decisions; transparency of the drafting process.

A system for non-public document exchange and execution control including through the use of cloud services purports to create a shared information environment and to avoid paperwork in record management based on automatic execution control and optimized drafting processes.

This system is designed to automate the Government Office processes and can be used as a standard solution in automating work processes at public authorities.[13] It is supposed to operate on the basis of the GosTech shared national platform which is an ecosystem for development and operation of state information systems and which includes shared hardware/software and methodology.

Under sub-paragraph "e", paragraph 11, Section II of Government Resolution No. 1646 of 10 October 2020, the Ministry of Economic Development has approved the 2021–2023 departmental program of digital change (Ministerial order No. 876 of 30 December 2020) to introduce digital technologies in public administration for higher quality of prioritized socially important in-demand public (municipal) services across the country.[14]

The experiment to develop, migrate to and build up state information systems (including the SIS Normotvorchestvo) on the GosTech digital platform is envisaged by Government Resolution No. 1674 of 12 October 2020.[15] This digital platform was created for a number of reasons as 826 federal and 3,303 regional state information systems in operation by 2022 were normally designed in accordance with requests of federal executive agencies.

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[13] On approving the Provision on the information system for intra- and interagency document exchange and execution control including through the use of cloud services. The Government of the Russian Federation Resolution No. 198 of 17 February 2022 // Collected Laws of Russia, 2022, No. 8. Article 1193.

[14] Available at: URL: https://cloud.consultant.ru/cloud/cgi/online.cgi?req=doc&base=LAW&n=393064&cacheid=2AD2C8CACA77D6DD946F5DFED1E6F45C&mode=splus&rnd=hmBvJw#lrU3E1UMvwdXaKuT1 (last accessed on 10 12 2021)

[15] On the experiment to develop, migrate to and build up state information systems and components thereof on the GosTech shared nationwide digital platform. The Government of the Russian Federation Resolution No. 1674 of 12 October 2020 // Collected Laws of Russia, 2020, No. 42 (part III), 19 October. Article 6637.

With each state information system offering largely standard functionalities (up to 80%), the federal authorities are "reinventing the wheel" instead on concentrating on provision of fast and convenient services to individuals and businesses. For this reason, it was decided to integrate all information systems into a single digital cloud (platform).

Different information systems are used at the federal and regional levels for digitized public administration. They are integrated into data systems of organizations involved in performance of public functions and provision of public and municipal services. At the regional level, it is exemplified by the Sverdlovsk Oblast information system for monitoring socioeconomic development (Sverdlovsk Oblast Government Resolution No. 977-PP of 27 December 2022). It is mainly designed to create a shared database of regional socioeconomic development indicators (linking them between themselves), ensure digital change and improve the quality of regional governance.[16]

This state information system is currently designed to manage regional public programs following a new governance system approved for regional programs by the Ministry of Economic Development and the Ministry of Finance in February 2023.

The adoption and implementation of administrative decisions through the use of state information systems requires that these systems are not only reliable in terms of technology but also sustainably operational in the legal environment. The issue of ownership to state information systems used for digital public administration should be resolved in legal terms. Legal certainty in this issue should be viewed as another prerequisite of efficiency and legitimacy of public decision-making.

The Federal Government operational guidelines for the period until 2024 (No. 8028p, para 13, approved by the Government on 29 September 2018) say the following: "The current regulatory environment falls short of the task to make the regulation of social relations more flexible and adaptable to the ever changing technological context. Despite systemic efforts to improve the business climate, the law still has numerous gaps and administrative barriers for development of businesses focused on information technologies and datasets". Overall, there is a need to develop a mechanism for managing regulatory changes in the digital economy to timely adapt normative regulation to the tasks of digital development.

[16] Official web portal of the Sverdlovsk Oblast, 2022, No. 37471, 29 December.

Fro developing Russia's digital economy based on the use of data systems (with the Data Economy national project to be implemented starting from 2025), it is necessary, by introducing digital technologies and digital platforms, to save time and administrative costs involved in provision of public and municipal services (including with regard to law-making) and operation of agencies that make up the government system.

By 2024, the Federal Government has accomplished a number of priority tasks: introducing digital technologies and platform solutions in public administration and streamlining (standardizing) public and municipal service provision.

## 3. The Federal Concept of Machine-Readable Law

With messages and ideas of machine-readable law currently in the making, there are technologies that can convert legal provisions into machine-readable formats and regulations into a computer code thus opening up new opportunities for collaboration in the legal environment not only between man and computer but between computer systems themselves.

The Machine-Readable Law Development Concept[17] was drafted in autumn of 2022 pursuant to paragraph 1.23 of the passport of the national program "Normative Regulation of the Digital Environment" (developing a set of proposals to encourage cooperation between e-document exchange operators).[18]

The Concept became Russia's first official strategic planning document in the area of machine-readable law and a major step forward to introduce the underlying technologies in law-making. Thus, it codifies the notions of technologies of machine-readable law and identifies their main development vectors. Machine-readable law incorporates legal provisions described in programming languages and text markups suitable for use in information technologies.

Moreover, machine-readable law also includes the tools for application of such provisions: data systems and software. Thanks to these technologies,

[17] Concept of machine-readable law approved by the Governmental Commission for digital development and use of IT to improve living standards and business environment. Minutes No. 31 of 15 September 2021.

[18] Passport of the federal project "Normative Regulation of the Digital Environment" approved by the Presidium of the Governmental Commission for digital development and use of IT for better living standards and business environment. Minutes No. 9 of 28 May 2019.

provisions will be translated into a computer code. The Concept of machine-readable law is itself focused at introducing the SIS Normotvorchestvo for seamless drafting, coordination and approval of regulations to enable federal executive agencies to work collectively on draft regulations in the Live mode.

Under the Federal Concept of Machine-Readable Law, the Normotvorchestvo that has equivalent systems in federal constituent territories will ensure seamless drafting, coordination and approval of regulations by federal executive agencies and enable different public authorities to work jointly on regulatory drafts.

Thus, it was used as a mold for the Document Approval information system of the Moscow City Government (Resolution No. 1239-PP of 25 September 2019) designed primarily to automate regulatory drafting, coordination and approval[19] and operated by the IT Department of the Moscow Government.

In 2022, the national legal system witnessed for the first time the emergence of a digital regulation: Federal Education Supervision Service order No. 1112 of 03 November 2022 created it through the use of functionalities of the Digital Regulation Constructor whose design is supervised by the Ministry of Digital Development and Mass Communications with methodological support by the Ministry of Economic Development.

The Legaltech segment is a promising development area and surely a baseline criteria for shaping a robust digital control loop in law-making (including for drafting bylaws). Registration of the first digital regulation is an example of important step in the right direction towards digitization of the national legal system.

Public authorities and development institutions need to continue developing such Legaltech instruments in close cooperation with the industry to put in place non-controversial regulatory framework in order to simplify the national law both at the federal and regional level.

## 4. Developing and Introducing the SIS Normotvorchestvo at Federal Executive Agencies

With approximately 19.000 federal, 1 million regional and 10 million local government regulations annually published in Russia, drafting aver-

[19] Moscow City Government Resolution No. 1239-PP of 25 September 2019 // Bulletin of the Moscow City Mayor and Government, 2019, No. 55.

agely takes 328 days and involves between 5 and 7 federal executive agencies. A draft document will pass about 12 approval loops, with processing of one integration taking up to 30 days.

A. Ivanov argues in his paper that there is currently no common legal approach to digitize bylaw drafting, with technologies advancing at much faster pace than the underlying practices. As such, digitization of law-making at executive authorities will require comprehensive systemic approach, consistent non-controversial enforcement practices and underlying mechanisms for legal regulation and application of machine-readable provisions [Ivanov A.A., 2018: 37].

The need to develop a state information system for bylaw drafting is explained by the following problems: belated drafting, lack of relevant draft versions, work with different draft versions and also impossibility of automatic enforcement (machine-readability).

The Ministry of Economic Development has been making efforts since 2019 to introduce the new SIS: national shared environment for collaboration between the parties to the law-making process" at federal executive agencies jointly with the Government Office.[20]

The state information system is developed under sub-paragraph "g", paragraph 21, and sub-paragraph "a", para 55, of the 2017–2030 Information Society Development Strategy for Russia (free, sustainable and safe communication between individuals and organizations, public authorities, local government bodies) and also paragraph 11 of the 2030 national objective "Digital Change" ("digital maturity" of the key economic sectors).

This digital project is related to implementation of the "Digital Economy for Russia" national program and directly aims at addressing relevant tasks and achieving strategic objectives. The currently developed draft Federal Government Resolution "On the state information system "National shared environment for collaboration between the parties to the law-making process" has passed all necessary stages of public discussions at regulation.gov.ru, but is still to be submitted to the Government Office.

The project of digital change is designed to enable public authorities, specific regulatory agencies involved in drafting work to draft regulations

[20] On the state information system "National shared environment for collaboration between the parties to the law-making process" (SIS Normotvorchestvo). Draft of the Federal Government Resolution.

in electronic form. A rationale for this project in public administration is the outcome to be achieved as envisaged by another federal project "Digital Public Administration" of the National Digital Economy Program: "Digital technologies have been introduced in the area of public administration and provision of prioritized socially important in-demand public (municipal) services".

Implementation of the project and completion of interventions envisaged by the road map will ensure the following: performance by public authorities of their policy development/implementation and/or regulatory functions in electronic form; lower time costs for those involved in drafting work through the use of mechanisms for collaborative document processing and semantic text analysis that enable automatic proposals of alternative wordings and circular changes; shared digital information environment for the parties involved in drafting allowing to use the information on pending regulations for governmental decision-making.

The procedure for operation of this state information system is established by Ministry of Economic Development Order No. 400 "On the federal state information system "National shared environment for collaboration between all parties to the law-making process involved in drafting regulatory decisions" of 09 July 2019.[21] Once implemented, this idea will introduce, in particular, collaborative drafting in order to systematize the law-making process at federal executive agencies in a shared space under the one-stop-shop principle.

This information system will be organized and operationalized under a federal executive agency order developed for internal operations of departments within the Ministry of Economic Development. Another order of the Ministry also approved the functional "backbone" consisting of the following: managing instructions, document package, document approval, editing and review, storage, notification, managing the document package approval route and document package register.

The main difference between the new SIS and present-day public portal for regulatory drafting regulation.gov.ru is that the former is non-public and designed only for federal executive staff and expertise entities such as the Expert Council under the Federal Government and the Civic Chamber of Russia.

[21] Ministry of Economic Development Order No. 400 of 09 July 2019 // SPS Consultant Plus.

The system regulation.gov.ru was set up under Federal Government Resolution No. 851 "On the procedure for disclosure of information on regulatory drafting and outcomes of public discussion of regulatory drafts by federal executive agencies" of 25 August 2012[22] passed in furtherance of Presidential Decree ("Decree of May") No. 601 "On the guidelines for improvement of the public administration system" of 07 May 2012.[23]

In 2023, the new SIS became operational at 37 departments of the Ministry of Economic Development, with pilot connectivity available to a number of federal executive agencies and integration with regulation.gov.ru being achieved.

In 2024, the system is expected to become fully operational and integrated with the state e-document exchange system, with the instructions register and database of draft standard documents, forms and letterheads to be put in place, the development intellectualized and migration to the GosTech platform prepared.

In 2025, it is expected to make the system mandatory for drafting work across federal executive agencies, achieve its integration with pravo.gov.ru and State Duma law-making system and develop a mobile app for online downstream tracking of draft regulations (until adopted and signed by heads of the federal executive agencies with enhanced digital signature).

The technological processes implemented in the new SIS with relation to the lifecycle of regulatory drafts will be mandatory for federal executive agencies and recommended to other public bodies and organizations (not specified in the draft Resolution).

The specific functionalities of the system will ensure information interaction and integration with outside systems and resources of federal executive agencies and Government Office including those involved in planning, managing and controlling the execution of regulatory drafting instructions issued by the Office and Chairman of the Government.

Also, the system's functionalities will ensure integration with those run by the public authorities in constituent territories (regional executive and legislative bodies), thus forming a shared register of regional regulations, as well as integration with local governments' systems to put in place a shared register of municipal regulations in the web portal for legal information.

[22] Rossiyskaya Gazeta, 2012, No. 200, 31 August.

[23] Rossiyskaya Gazeta, 2012, No. 102, 09 May.

The requirements to have a shared format of draft regulations for text markup complying with universal specifications for electronic issuance, machine processing, posting, storage and dissemination of regulatory texts, as well as with shared formats are to be approved by the Federal Guard Service under Presidential decree No. 90 of 03 March 2022.[24] Once approved, the shared format of the pending regulatory draft will need to be synchronized with the shared format of the regulatory draft. Further development of regulatory draft markups will ensure automatic enforcement allowing to form a register of normative requirements in accordance with preset parameters.

Digitization of regulatory drafting in the new SIS contains three cyclic components.

The first component is drafting (underlying instruction in the shared register integrated with the state e-document exchange system, automatic planning — draft routing with control points, regulatory drafting with a built-in word processor based on legal drafting rules, electronic draft markup, alternative wordings).

The second component is approval (while in-house approval takes place in a shared file, outside approval requires the system to generate documents containing all comments/amendments, draft refinements and settlement of differences in the form of tables and minutes of conciliation meetings).

The third component is submission and signature (transfer of a shared relevant document package with complete information on the approval history and persons in charge (draft versions, tables of comments and differences) to the state e-document exchange system and automatic archiving of regulatory drafts).

As for a positive effect, this digitization process will save 30% of time spent on drafting, approval and adoption of regulations while providing federal executive agencies concerned with online shared access to relevant regulatory drafts and editing tools.

Further development of this digital project assumes automatically generated draft amendments, checking whether the provisions of effective regulations need to be amended, identifying semantic contradictions with other regulations, checking the links within and between regulations for correctness, expanded analysis of the given subject field (for example, an-

[24] Collected Laws of Russia, 2022, No. 10. Art. 1470.

ti-corruption and legal due diligence), recommendations to users on legal drafting rules to be followed, searching for regulations governing similar legal relationships, builder of regulatory drafts.

In January 2024, the Deputy Government Chairman (head of the Government Office) chaired a meeting on integrating the new SIS with operations of federal executive agencies since 2025. As a follow-up, an official instruction was issued to set up a project office bringing together representatives of federal executive agencies to propose methodological and practical recommendations for interaction with this state information system.

Each state information system for law-making has its upsides and downsides. The upsides include monitoring key indicators at the level of Deputy Chairman, instruction routing and execution control, draft approval and signing, fast document exchange, online text processing, online commenting and amending, shared markup format, IT infrastructure free of foreign software.

In 2024, the key performance indicators for the state information system are: about 1,500 users, 5 federal executive agencies involved in regulatory drafting and approval, 14 federal executive agencies involved in regulatory approval, 7 types of regulations, 20 draft regulations submitted to the Government in structured electronic format.

## 5. Digitizing Law-Making at Executive Agencies: International Experience

The rationale behind the choice of countries was that the United States is often believed to be among the most advanced countries in terms of computer technologies in general and artificial intelligence in particular while Kazakhstan and Belarus are Russia's neighbors, members of the Eurasian Economic Union and partners crucial for foreign policy, with their experience likely to be useful for the development of digital law-making in Russia.

The most relevant public initiative in the United States is related to the use of AI technologies to identify and remove outdated and redundant provisions of federal regulations. This initiative has yielded positive results. Following the first successful experiment at the Department of Health and Social Services in 2019, it was decided to run an automatic analysis of law to identify redundant and archaic provisions also at the Departments of Labor, Transport and Agriculture. This AI-based technology finally detected hundreds of errors and outdated provisions, such as the one requiring the

sender to deliver documents by fax. This and other AI-based technologies are part of the national AI development strategy in the United States.

While this strategy is reflected in different regulations, the principal guiding document is the 756-page long Final Report of the National Security Commission on Artificial Intelligence.[25] According to the non-public National Security Presidential memorandum (NSPM) of 11 February 2019 ("Protecting the United States advantage in artificial intelligence and related critical technologies"), the U.S. strategy purports to protect AI technologies critical for economic interests and national security from hostile state and non-state actors [Kamolov S.G. et al., 2023: 92].

As for EEU members' experience of regulating the development of bylaws and amendments thereof, it is worth noting Law of Belarus No. 130-3 "On Regulations" passed 17 July 2018, where Article 2, para 15 specifies that the text of regulation under control is its version in force as of specific date, drafted on the basis of original text and regulatory amendments and posted to the reference database of legal information of the Republic of Belarus.[26]

Since 01 July 2022, public authorities (agencies) of Belarus perform regulatory drafting via the Normotvorchestvo automated information system for support of the law-making process under Presidential Decree No. 415 "On improving the speed and quality of law-making" of 17 November 2020.[27]

This information system was developed in furtherance of an instruction by the President of Belarus to digitize law-making and implement information technologies on a wide scale at all stages of regulatory drafting and adoption. However, there are exceptions: requirements of the Decree do not apply to regulatory drafts containing state secrets or non-public information.

This state information system will allow Belarus to put in place a complete and transparent drafting cycle for all kinds of regulations, dramatically reduce the amount of correspondence between public agencies, ensure traceability, work with different versions and collaborative draft editing by public agencies, simplify, digitize and, consequently, expedite the law-making process, as well as to start implementing AI components within the

[25] Available at: https://digital.library.unt.edu/ark:/67531/metadc1851188/ (accessed: 22.11.2023)

[26] National web portal of the Republic of Belarus, 2018, No. 2/2568, 31 July.

[27] Ibid. 2020, 1/9332, 19 October.

system. In the future, the system under development will have the capability to adopt machine-readable regulations assumed to be enforced by AI.

In the Republic of Kazakhstan, the Government has passed Resolution No. 827 "On approving the "Digital Kazakhstan" state program" of 12 December 2017[28] to create the Zandylyk automated information system as a structural component of the said state program developed by the General Prosecutor's Office jointly with the Supreme Court of Kazakhstan. The system can check regulations drafted (or adopted) by a prosecutor or judge for compliance with formal requirements of Kazakhstan's criminal law and law of criminal procedure, and collect judicial statistics across regions in the Live mode.

## Conclusion

The current evolution in law should be regarded as an intermediate stage, with digital technologies fitting into an established legal system to extend and expand the effect of traditional legal instruments rather than operating as new independent legal realities. The doctrine should further theoretically develop and accumulate the experience of synergy between legal tools and computer hardware/software.

The introduction of modern digital technologies in public administration offers an enormous potential at the price of possible risks. The use of "cross-cutting" digital technologies in public administration will result in an efficient governance system. They will expedite interagency collaboration, increase the extent of protection of state information systems, reduce the number of civil servants, ensure availability and high quality of public and municipal services, and accelerate critical decision-making both at the federal and regional level.

Meanwhile, the processes of digitization are fraught with major challenges both for the government and society. The main risks of introducing digital technologies in public administration are legal gaps regarding their use in different governance areas [Zubarev S.M., 2020: 29, 39].

The SIS Normotvorchestvo is critical for law-making efficiency. However, the system is facing multiple problems that prevent it from becoming fully digital.

[28] On approving the Digital Kazakhstan state program. Government of Kazakhstan Resolution No. 827 of 12.12.2017. Available at: URL: https://primeminister.kz/assets/media/gosudarstvennaya-programma-tsifrovoy-kazakhstan-rus.pdf (accessed: 22.11.2023)

The implementation downsides of such digital projects are also worth noting. The main obstacle to making the new SIS a fully digital law-making tool for federal executive agencies are technical problems such as outdated systems and compatibility issues. Organizational issues including inadequate coordination between federal executive agencies and their subdivisions (departments, directorates, offices) and a lack of clear agency-level digitization strategies and plans also obstruct the digitization of law-making.

Legal problems including a lack of mature regulatory framework for digitizing law-making — particularly of a Government-adopted regulation — makes it difficult to integrate the information system into operations of federal executive agencies; a lack of agency-level regulations also creates barriers for the system's use at ministries and departments. Another difficulty is inadequate mechanisms for intellectual property protection which should be improved when developing and introducing the said state information system.

There are also cultural issues like low awareness and reluctance of civil servants to accept new technologies, fear of dismissal and change to long-established processes. These are barriers for digitizing law-making at federal executive agencies. At the Ministry of Economic Development the process of document approval in the form of orders takes place in the Normotvorchestvo platform, only to cause concern among the staff due to technical defects of the system.

The processes of adoption and implementation of administrative decisions will bring about legal risks which normally have adverse implications and are harmful for law-protected interests of individuals, society and public corporations.

Nevertheless, the digitization of law-making holds the promise of considerable benefits for federal executive agencies including higher efficiency, major time and cost savings of drafting and implementing regulations, better access to information and broader involvement of civil society [Amelin R.V., Channov S.E., 2023: 250].

For seamless law-making at federal executive agencies, it is feasible to use AI technologies from two neural networks. Normative provisions and legal terminology (words and their combinations) as well as the forecasted outcome should be fed to the first network. The second neural network will learn from the first by processing and analyzing the database information and proposing plausible versions [Gvozdetsky D. S., 2019: 23].

For successful digitization of the SIS Normotvorchestvo it is useful to develop a clear strategy and plan (roadmap for the system's implementation at federal executive agencies — in simple terms, approval of the agency-level program of digital change), and remove the above barriers including technical, organizational, legal and cultural aspects.

The process of governmental decision-making in the context of digitization is inevitably subject to change that assumes not only a special digital infrastructure to be created but also relevant regulation, with the digital infrastructure objectively to become the basis for administrative decision-making. Moreover, the benefit from the governance process as a whole and individual administrative decisions in particular will depend on the development level of digital infrastructure.

Collaboration between all parties to digital change — federal, regional, municipal authorities, business community, science and education, civil society organizations — assumes mutually beneficial cooperation at the regional and interregional levels for exchange of experience in adopting new knowledge, introducing breakthrough digital technologies and applying relevant decisions for multiple positive effect [Samorukov A.A., 2022: 12].

The studies of and practical efforts towards digitization of law-making at federal executive agencies will allow to develop and refine the SIS Normotvorchestvo and ensure more transparent and open involvement of public authorities and civil society in law-making.

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