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Information society and e-government in Hungary

(Summary of PhD Thesis)

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INTRODUCTION OF THE SUBJECT AND PURPOSE

The original purpose of my research was the examination of the implementation of the national e-administration, basically focusing on the disciplines of the law and administration. Given the multidisciplinary nature of the chosen topic during the research - and so is the dissertation - newer and newer disciplines appeared. Throughout the whole process I kept in mind my original objective, I tried to overstep the boundaries of the chosen field of science only in a measure that I thought was absolutely necessary in order to effectively implement the research. I intend to present the dissertation as an achievement reached on these fields of sciences because of the decisive nature of the science of jurisprudence and public administration perspective (although basically processing a multidisciplinary topic).

Based on the previous facts the original subject of the thesis was the different aspects of e-administration, however, with the progress of the research I found it more appropriate to overstep the conceptual framework of e-administration and extend the scope of my examination to a dogmatically more accurate conceptual framework that is more suitable to achieve my original purpose. Although it did not result in significant substantive changes compared to the original subject, as the result of the researches the new field of subject appears in the title of the thesis. I consider the e-government a broader concept - as I will explain it in detail later - which contains, beside the e-administration, the achievements of e-democracy - and as the part of it the e-participation and the e-election -, thus I gained a much wider and more complex subject of the examination. It was particularly important, because during my research a subject inside the e-government became necessary also the definition of e-connections, the examination of which required a wider conceptual framework.

This way the most widely interpreted concept, I analysed it in the Hungarian legal system, the realization of e-government in Hungary, in harmony with the original objective of the research. I find it reasonable to narrow the analysis of the e-

Government to the national processes, because by itself this complex phenomenon sufficiently diversified to reach a scientific achievement examined in a relatively closed system. At the same time the national phenomenon cannot be interpreted by themselves, it is necessary to examine in the light of large-scale process, and interpret them, thus especially in the regulatory environment of the European Union, the EU law gives that background, whereby I could reach systemic conclusions. I restricted this research to the European Union, and EU law, because the relation is noticeable between the direct purpose and object of the research. All this also means that the detailed examination of the legal system and administration of the member states of the European Union was not a subject of the research, however the related national and international practice and the results achieved have been processed that the Hungarian results could be assessed in a comparative manner.

The chosen field of research, as I have mentioned, complex and result of the combination of several disciplines. It is therefore necessary after the disciplinary containment, inside the field of law and administration apply further clarification. The centre of gravity of the examination on the procedural rules, because the "tangible" results of e-government appear here in the form of legislation, on the other hand there is no doubt that e-connections are primarily determined in procedural rules. I found the narrowing necessary because the examination of all fields affected by info communication - such as e-government - couldn't lead to such relevant result without procedural focus point, which could have been used in the analysis of the narrower subject. For this reason I regret but I had to give up those fields where the state does not have a direct contact with other participants, or the type of the connection is different from the above mentioned, however still significant in the perspective of the adaptation of the e-government. In particular the regulation of privacy, media law, telecommunications, industrial property, intellectual property rights, electric commerce, cyber-crime, or even the back-office processes and databases.

The thesis seeks the answer what kinds results of processes can we talk about e-government and e-connection nowadays, in the aspects of the development concept and particularities of the certain factors. The structure of the thesis is aligned with this, starting from the EU e-government strategy, it reaches the national legislation, throughout the Hungarian information society strategy from upside-down in a narrowing circle. Following this, the demonstration and organization of the new concepts developed by the previously mentioned processes, particularly the dogmatic examination of e-government will take place. The conceptual clarification leaves room for further reduction, thus I had the opportunity to analyze the system of e-connections. The structure of the paper reflects this line of thought.

DESCRIPTION OF THE RESEARCH METHODOLOGY

During the preparation of my dissertation I tried to pair my analytical research with critical and comparative point of view.

For this purpose, although the aim was the examination of the domestic environment, I tried to gain information from wider circle of sources, as a result more than a half of the sources that I used are in a foreign language, and not specifically analysing the domestic relations. I compared the processes learned this way with the Hungarian situations. This is especially true for the concept of the e-government and the system of the e-connections.

During the research I tried not to repeat the results of previously revealed and published areas, instead I placed in focus the process-level evaluations with the help of those. Therefore, I did not describe in detail the strategy of the development of the Hungarian information society because the analysis of this has happened before by many others. Instead, I examined the emerging trend and I draw all the necessary conclusions.

The analytical work had its role during the examination of the regulatory environment, also creating a basis to formulate critical opinions. As a result I could analyze one and so far not rested area of legislature, the field of e-services, and formulate ideas to its development.

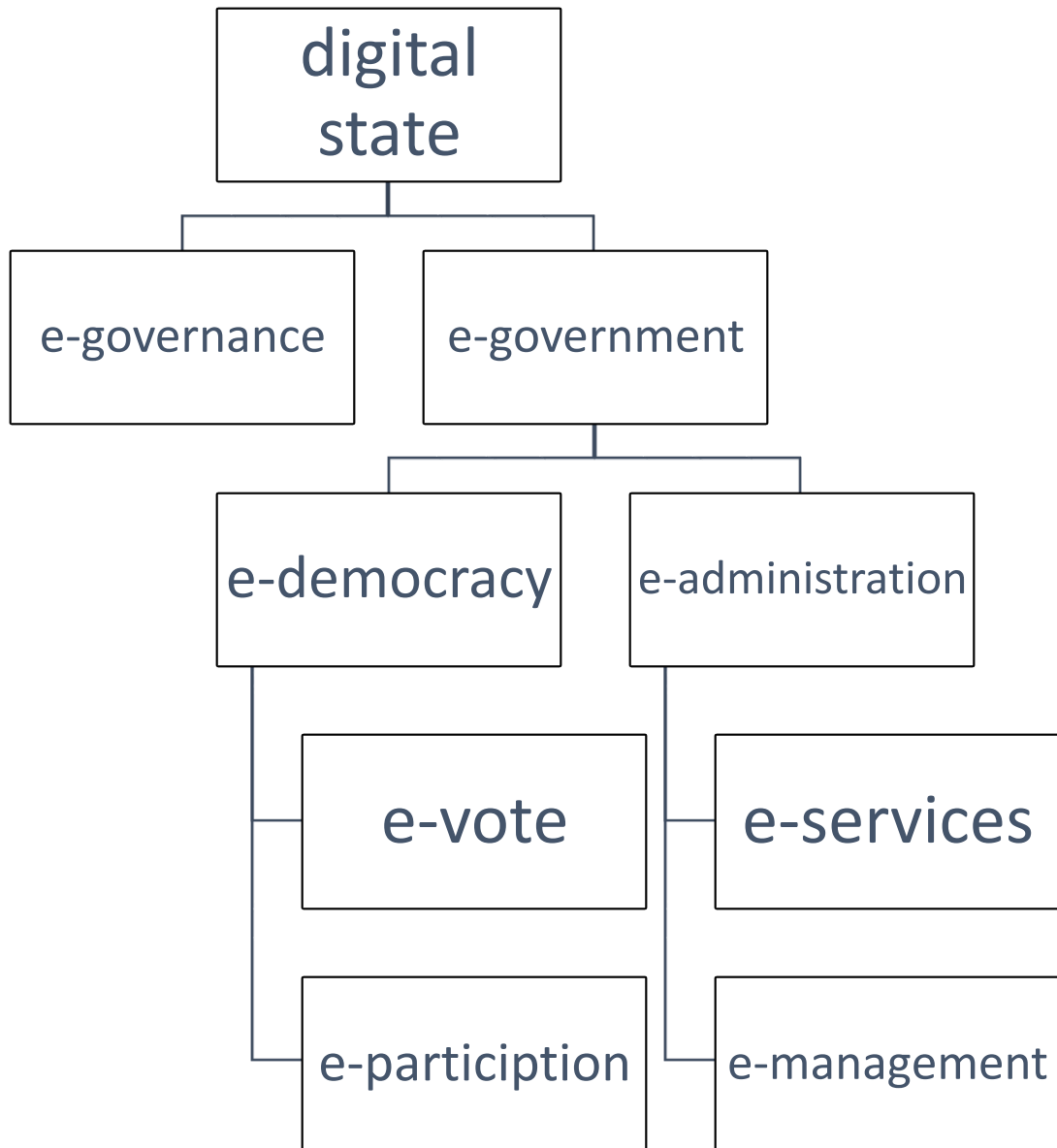
During a scientific research it is necessary to determine what the synergic surplus that the thesis itself means is. I believe that this is satisfied by the *de lege ferenda* proposals which also serve as a confirmation or a refutation to the premises that are outlined in the hypothesis..

SUMMARY OF THE RESEARCH FINDINGS

Proposals formulated in the study area

The dissertation examined the implementation, concept and particular aspects of the E-government in the domestic digital environment. My purpose is to analyze and summarize the national and international disciplines on systematic level to be able to create concept and structure of the Hungarian e-government. For this purpose, I tried to clear the relationship between e-government and e-administration marking the former one as a basic of conceptualization and relations. Regarding the fact, the e-government can be described as an opportunity for the governments to use the most innovative info communication technologies to provide a more direct access to the governments' information and services for all members of society and improve the quality of services and make more effective the operation of state institutions moreover to create bigger opportunities in democratic institutions to be part of the process.

The e-government in the framework of digital state, contains the e-democracy and e-administration, the e-government can be defined as a combination of e-democracy and e-administration to achieve the objective of a balanced e-government.



To build this model I introduced what is the European Union went and go through during its attempt to form the informational society, and its effect to Hungary. I also followed the domestic info-communication reform and diagnosed that there were aspirations, but, so far they couldn't come up with a strategy that is stable and can at least perform in the medium turn. However, these kinds of social programs will never be able achieve permanent and sustainable results.

It is also phenomenal in the domestic legal environment which is beyond major reforms in just 15 years from the beginning of the 2000s and they are already accepted the next concept, on the other hand at this moment there isn't a working model which might be the foundation of future plans. It is obvious that the regulated electronic administration services (SZEÜSZ) and the system brought into life by the SZEÜSZ is at the beginning of its road. However, in my opinion the Hungarian public sector is not ready for this liberalized system yet, that is why it couldn't handle the new system in the past two years. Its reason is while the SZEÜSZs as individual services has been regulated (partly), but from the institutional side its usability hasn't been developed, so to speak we don't know how to built these blocks into the system.

Regard these facts I consider it to be worthy to draft an individual act that is comprehensive and regulates the E-services along the lines of Act LX of 2009 which might be the basis of E-communication in almost all areas. I recommend as the legacy of the Act of Electronic Public Services to expend the equality of the electronic way in all procedures, where the public authority gets in contact with the private and economic sphere.

Regard these facts, but also independently noted that regarding the IT efficiency of the domestic environment a central coordination is necessary, which is able to organize the coordination of E-services in a long term, especially keeping in mind the requirement of interoperability.

It is important to note, that the SZEÜSZ by themselves are only instruments which facilitate the effectiveness of the operation of public services, but it is worth nothing, if the clients are not ready for the adaptation of these new generation methods on the other side.

It occurs from the model of the controlled electronic administration services, that the basic rules are only able to define the rules with its frame basis, because the SZEÜSZ used in a specific service as the module of the procedure contains independently the specific regulations (moreover, even SZEÜSZ). As a result of these provisions laid down in the 10th chapter of the Act of CXL of 2004 on the General Rules of Administrative Proceedings and Services (KET.) cannot or can hardly interpreted without the SZEÜSZ.

In my point of view, the provisions related to communication and including E-communication are correctly mentioned in the Act on the General Rules of Administrative Proceedings and Services. On the other hand, the 10th chapter about the E-administration aren't fit neither structurally nor logically into the system of the KET. I justify it with the fact that it formulates rules reaching beyond the public proceedings, and procedural and contact rules which can be separated from that and it is no accident it forms the foundation of all E-communication. The chapter of E-administration cannot fulfil the function to be the foundation of E-services, and the reason is its embedding in the KET. On the other hand, the connection between SZEÜSZ and the 10th chapter is not clear. In theory the Eürszr. and Szeüszr. which are functioning as implementing regulations reach beyond this task, regulates basic principles that would be appropriate to regulate in legislative level. Such as the endeavour of Eürszr. to establish a parallel interpreted and equivalent set of rules along the 10th chapter. The Szeüszr. individually means the regulated E-administration services because the KET. only listing without real content. I think it is reasonable to get back to the model which was established by the Act of Electronic Public Services, and the rules in connection with the e-services especially the e-

communications should be regulated in an individual Act. The new regulation points in this direction but the statute of e-management is far from clear whether this mule solution that kept the SZEÜSZs could be sufficiently stable.

In my point of view the key to success is the framework legislation which is progressive and focuses on the satisfaction of the real needs. Only a sufficiently general provision capable of providing long-term stability in the field of vertiginous developing info communication technology. It is not allowed to focus on the technological development, but the user's needs and potential. We have to bear in mind that there is a wide digital gap, the catching up and continuous access to the services has to be provided to the falling behind crowds, although I am committed to the electronic way, but I believe the medium-, essentially long-term developments.

The legislator's attempt to go forward to the trends have repeatedly failed, it became obvious that the direction of the development cannot be predicted on a sort term. The state mechanism might be able to keep up with the new trends on the side of legislation, but the application of law neither in infrastructure nor in structure ready for the quick changes of new services and solutions. It poses a particularly high challenge for the state apparatus if it provides such preparation time (a few month or less) for the introduction of innovations. It is the responsibility of the legislators to resolve the tension between such an increased development of technology (which certainly will not be slower in the future) and possibilities of the law enforcers. The basic concepts of science are suitable of creating fundamentals, it could be the starting point of a consistent and stable regulation which is flexible enough, to be able to address these problems.

Utilization of research results

The dissertation is an analytical and synthetic work which introduces the Hungarian e-government conceptual foundations and regulatory aspects through the aspirations to building the information society. Using the achievements of the domestic and foreign professional literature which can be the starting point of further examination and the basics of the reconsideration of regulations.

The analysis and its results can be expected to help in the work of the professionals and can be the basis of scientific development. The *de lege ferenda* proposals meet the research utilizable in legislative work in the future. In addition - I believe - that the thesis can be perfectly utilized in education activities.

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