LEGAL LAW ENVIRONMENT FOR BUILDING INFORMATION SOCIETY IN LITHUANIA AND BELARUS IN THE CONTEXT OF EUROPEAN DIMENSION

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During approximately last 15 years all countries started to work towards building of information society. The special programs to reach this aim have been elaborated and accepted by many countries. In Belarus, the National program called «Electronic Belarus» has been approved by government in December 2002. «e-Belarus» program aimed to create a unified ICT environment to provide the conditions for improving the economy, state and regional management, provision of citizens right for free search, transfer, and distribution of information of the status of economic and social development of the society. The results of over 100 projects of the programme have been positively evaluated by a group of ICT specialists.

The corresponding program called «Electronic Russia» has been approved by government in January 2002. Ukraine also accepts similar program. The corresponding programs have been accepted by governments of most European countries.

On the way of building information society (or building E-government) many obstacles should be overcome. The main problem is to build corresponding infrastructure. However, one of the most important tasks is to build legal environment such as all tasks that will be solved in information society should be approved by laws.

Each country has made a significant progress on the way of forming legal environment. However, not all countries are equal on this way and it is very important to compare a progress that is made by each country.

In this study, ways of forming legal environment for building information society in Belarus and Poland is considered. The laws and acts accepted by governments are analysed. Conclusion and recommendations are also given.

Legal law environment for building of information society in Belarus. The national ICT sector in Belarus contains many types of organizations and institutions, which play a role in the system of ICT development and implementation (public, private and semi-private). Overall, there are six main types of organizations: a) governmental, b) bridging organisations, c) private enterprises, d) professional unions and associations, e) universities, and f) other public and private organisations.

Governmental organisations (state and regional) play a key role in the definition of the main directions of ICT development. Management of ICT development in Belarus is assigned to the Ministry of Communications and Informatization of Belarus. The Ministry of Communications and Informatization organizes and controls the implementation of several state and branch programmes including «e-Belarus», which is the national programme that includes the principal goals of the national ICT policy for 2003—2010.

Almost all industrial ministries have their own programmes involving ICT development such as the Ministry of Education, Ministry of Agriculture and Foodstuffs, and National Statistical Committee. The Administrative office of the President of the Republic of Belarus is engaged in ICT development for the supreme bodies of government including the Administration of the President, Parliament, Constitutional Court and the Central Election Committee. Programmes concerning scientific research (applied and fundamental) in the field of ICT are defined and executed by the State Committee on Science and Technologies of Belarus.

The main bridging organization — that acts as an intermediary between the government and the rest of the ICT system — is the Interdepartmental Commission on Informatization Issues at the Cabinet of Ministers of the Republic of Belarus. However, the key ministries — Ministry of Communications and Informatization and Ministry of Education — also have branch

coordination councils for the State Programme of Informatization «e-Belarus» and the State Programme of Informatization of Education.

Unlike in other parts of the national economy, private enterprises are thriving in the ICT sector. Broadly speaking, private ICT enterprises can be separated into the following clusters: 1) services in the development of custom-oriented software; 2) telecommunication services; 3) manufacturing of the telecommunication equipment; and 4) system integration.

Professional unions and associations start to play a significant role in the development of the ICT sector in Belarus. Public association NGO «Information Society» facilitates the application of ICT in all spheres of Belarusian society and has more than 500 members. The scientific and technological association «Infopark» was created in 2001 and supports the development of export-oriented software.

The Belarusian ICT sector governance system first started to form in the early 1990s with the establishment of the special Fund of Informatization for financing and managing ICT projects. Originally, the Fund was under the responsibility of the State Plan Committee. It was later transferred through various government organisations — Ministry of Economics, State Committee on Science and Technologies, National Academy of Sciences and Ministry of Communications and Informatization — as the responsibility for ICT management moved from one entity to another.

The Ministry of Communications and Informatization is responsible for regulating the telecommunication market, granting licenses for activities in the field of telecommunications, and also prepares ICT related legislative acts. The Coordination Council of the Ministry is responsible for projects under the «e-Belarus» programme. Management and financing of projects is carried out by the Department on Informatization.

Interdepartmental coordination of projects and preparation of proposals on ICT state policy are assigned to the Interdepartmental Commission on Informatization Issues of the Council of Ministers of Belarus, established by Presidential Decree in 1998. Meanwhile, ICT policy for the banking sector is determined by the National Bank of the Republic of Belarus.

Belarus' ICT performance is quite favourable when compared to other countries. It tends to be ranked in the upper quarter to upper third of country lists in international surveys. For example, in the United Nations e-Government Survey 2008, Belarus was ranked 56 out of 182 countries based on the e-Government Readiness Index, and 98 out of 182 based on the e-Participation Index.

The main fibre-optical network was created and is maintained by the national operator — Republican Unitary Telecommunication Enterprise (RUE) «Beltelecom». It is based on technology employing the synchronous digital hierarchy concept, which is introduced not only on the primary trunk network, but also on city telephone systems of all regional centres and large cities. Today, there are more than 3,5 mln automatic telephone station (ATS) numbers located on the country's fixed public switched telephone network. There are 38,5 phones per 100 persons. All rural settlements had fixed or mobile wireless telecommunication access by the end of 2010. Overall, 72,7 % of the population has access to digital connections.

One of the important components of legal informatization is education as a basis for acquiring new knowledge and the creation of new technologies. In the Recommendations of the Committee of Ministers of the Council of Europe on Teaching, Research and Education in the Field of Law and Technology (19 October 1992), it is noted that «the development of information technologies provide a lawyer with new instruments, promotes changes in business practice and government and enhances the efficiency of law». Thus, legal informatization as a process of enhancing the efficiency of the informational impact of law on social relations through the application of new information technologies in the sphere of law, is one of the necessary conditions for the harmonious development of the society and state and the improvement of the national legislation system.

The Belarus Legislation Databank «ETALON» is a full-text search system containing legal acts issued by the President, Parliament, Government, National Bank, ministries, Constitutional Court, Supreme Court, Supreme Economic Court, and international treaties.

According to Resolution of the Council of Ministers N 790 dated 25.05.2010 at the Council of Ministers of the Republic of Belarus the interagency committee is created to coordinate the work of republican government and other state organizations subordinated to the Government of the Republic of Belarus on the establishment and implementation of modern integrated information systems and technologies. Commission Chairman, First Deputy of Prime Minister of Belarus V. Semashko. The commission includes representatives of the republican government, the National Academy of Sciences of Belarus, scientific and educational institutions, the High Technology Park, major industrial enterprises and business.

Many state laws have adopted in 2000th years. Not accounting all of them, let us mention

— Law «About information, informatization and information security», N 455-3 on November, 10, 2008;

— Law «About electronic document and electronic digital signature», N 113-3, December, 28, 2009;

— The directive of the President of the Republic of Belarus from 27.12.2006 N 2 «On measures for further de-bureaucratization of the state apparat».

Legal law environment for building of information society in Lithuania. The initial and primary legal source for creation and functioning of E-government in Lithuania — IV Chapter («Development of Information Society») of the Measures for implementation of Lithuanian Government's Programme for the years 2000—2004 which outlines the following basic principles and tasks, determining the evolution and progress of information society.

Lithuanian parliament (Seimas) on November 12, 2002 has approved the Long-term Development Strategy of the State. This Long-term Development Strategy clearly emphasises, that one of the main strategic trends in the field of development of public administration, is establishment and functioning of E-government.

On 28th of February of 2001 Lithuanian Government has approved the National Concept of Development of Information Society, which once more time reinforced and reestablished the basic tasks in creation of e-government.

On 10th of August of 2001 Lithuanian Government has approved the Strategic Plan for Development of Information Society, where all the measures in ensuring the smooth and progressive development of information society in Lithuania have been grouped according to the several priorities: 1) competence of Lithuanian citizens; 2) public administration; 3) electronic business; 4) Lithuanian culture and Lithuanian language.

The final Concept of E-government of Republic of Lithuania (hereinafter — the Concept) has been approved by the Government of Republic of Lithuania on December 31, 2002. The Concept is based on the following documents:

— European Commission's Initiative «e-Europe 2002. Information Society to All», of April 19, 2000;

— Lithuanian Government's National Concept of Development of Information Society of 28th of February of 2001;

— Initiative of Great Britain «E-Government. A strategic framework for public services in the Information Age»;

— other conceptual instruments, guidelines, recommendations adopted in other countries.

The work grope was created by the Government of Lithuania) identified weakness of information society: slaw exploration of IT in all the market spheres; IT products and services amount in total law part of GDP; government slowly and without coordination move toward IT an telecommunication means governing; disorderly government data and information system property; weakness in information sciences; ehe lack of competence in using IT (citizens and officers); a little part of citizens of Lithuania using the networks of the computers; Gap between big towns and regions citizens' opportunities.

All institutions of the Republic of Lithuania participate in developing and implementing e-government projects. But the biggest responsibility was set under the Ministry of the Interior (responsible for e-government and e-services provision) and Information society development committee under Lithuanian Government (responsible for coordination of e-government projects and supervision), which is responsible for information society development. The most important of them are:

— Information society development committee ender Seimas (established on 13 of September in 2001);

— Information society development committee under Lithuanian Government (established on 1 of July in 2001);

— Information Policy Department under Ministry of the Interior of the Republic of Lithuania (established on 28 of June in 2001);

— The Council of Knowledge Society under President of Republic of Lithuania (established on 15 of may in 2003).

Development of Information Society in Lithuania is focused not only on improving computer literacy and internet penetration but is also oriented towards development of public infrastructure of electronic services. It is projected to achieve that by 2010 40 percent of inhabitants will be using public electronic services and 70 percent of public services will be provided according to one window principle.

Recommendations for forming legal environment to build Information society. Based on the performed analysis, the following recommendations in building e-Government can be made.

1. It is necessary to understand the needs of all segments of public to make sure the e-Government system genuinely assists each citizen; and, enable citizens to participate in the design of e-Government services.

2. It is necessary to use well established system development practices to carry out the day-to-day activities of developing, implementing and maintaining e-Government services.

3. It is necessary to create a learning organization where employees are encouraged to participate in developing and managing e-Government services.

4. It is necessary to develop effective ICT governance mechanisms to assign roles and responsibilities for managing and making decisions about e-Government services.

5. It is necessary to develop ICT capabilities focusing on building a suitable ICT infrastructure to sustain long-term investments in e-Government.

6. It is necessary to develop several new laws to allow citizens to use electronic signature as well as to use state-given information service

Conclusion. In this study, ways of forming legal environment for building information society in Belarus and Lithuania have been considered. The existed infrastructure in two countries is analysed. The laws and acts accepted by governments have been analysed and compared. In conclusion, we can say that Lithuania made a little bigger progress than Belarus in building information society although both countries have approximately similar ICT infrastructure and results.

Finally, we should mention that the modern development of legal science in the Republic of Belarus comes along with the growing application of new information technologies in all spheres of society's activity. Legal science cannot be set aside from such processes. Making this connection, we should say that the possibility to apply modern information technologies in scientific research, including those on the Internet, opens huge perspectives.

ПЕРСПЕКТИВЫ СОВЕРШЕНСТВОВАНИЯ КОЛЛИЗИОННОГО РЕГУЛИРОВАНИЯ БРАЧНО-СЕМЕЙНЫХ ОТНОШЕНИЙ В РЕСПУБЛИКЕ БЕЛАРУСЬ

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Коллизионное регулирование брачно-семейных отношений содержится в разделе VI Кодекса Республики Беларусь о браке и семье. В указанном нормативном правовом акте регламентируются следующие отношения, осложненные иностранным элементом: заключение и расторжение брака; установление и признание материнства и (или) отцовства; усыновление; опека и попечительство. Интересным фактом является отсутствие в кодексе коллизионных норм, посвященных личным неимущественным и имущественным, алиментным, а также договорным отношениям (брачному договору, соглашению об уплате алиментов, договору суррогатного материнства). Нельзя ни обратить внимание на уста-