E-Rulemaking: Lessons from the Literature

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ABSTRACT

This article aims to identify the different technologies used in e-rulemaking platforms and initiatives and to assess the results from those initiatives. It aims to contribute to aid public officials responsible for the organization of such initiatives to decide what are the best practices and technologies in order to achieve the best results. A systematic literature review was carried out based on the E-Government Reference Library (EGRL) and Google Scholar, and the methodology proposed by Schlichter and Kraemmergaard (2010) was used. The set of collected articles was then analyzed in three dimensions: technologies used, supported activities and achieved results. The analysis of the several articles originated a set of recommendations that might be valuable for those considering implementing eRulemaking projects. The results point to the successful use of automatic comments processing technologies, social interaction tools and specific sites of e-rulemaking.

KEYWORDS

E-Government, E-Rulemaking, EGRL, Systematic Literature Review, Technological Innovation

1. INTRODUCTION

In general, the use of Information and Communication Technologies (ICT) by public administrations is associated with the term e-government: public administration provides information or services via the internet or other digital media, addressing citizens, businesses or other public entities (Palvia & Sharma, 2007).

One of the more relevant processes that occurs under the various State entities is the development and implementation of legislation through regulation (Rulemaking). Currently, there is a perception that these processes benefit from the participation of citizens and civil society organizations, either because they allow the incorporation of new contributions, either because making the process more transparent reinforces its democratic legitimacy, and also because there is an obligation to inform and invite the public to review the proposed regulations, so that citizens interested and/or affected can have the opportunity to submit its observations in accordance (Lau, Wang, Law, & Wiederhold, 2005).

ICT’s arise in this context (e-rulemaking), as a tool that allows and facilitates such participation (Carlitz & Gunn, 2002), in particular, by allowing to send comments or written arguments that, subsequently, will be taken into consideration by public institutions responsible for the elaboration of such rules (Fountain, 2003).

In this article, we intend to analyze the initiatives and platforms of e-rulemaking reported in e-government literature, as well as the results obtained by them, in order to assist public authorities that have the need to implement or improve e-rulemaking practices.

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Through a systematic literature review, we intend to identify the current lines of research in e-rulemaking, as well as the technologies they use, the activities they support and the results achieved by this type of initiatives.

The obtained results allow us to suggest future lines of research and develop recommendations to assist public officers who are responsible for the implementation of e-rulemaking procedures, highlighting the success of the use of technologies for automatic processing of comments, tools for social interaction and specific sites of e-rulemaking.

The remaining article is organized as follows. Section 2 is dedicated to a literature review on the subject of e-rulemaking. Section 3 presents the research methodology used, followed by Section 4 with the detailed analysis. The article ends with a brief discussion (Section 5) and conclusions (Section 6).

2. E-GOVERNMENT AND E-RULEMAKING

The majority of governments have stimulated or are stimulating initiatives that provide public services online for both citizens and businesses (e-government). Governments usually begin their e-government development path by providing information online and then evolve by providing ever more sophisticated services, as illustrated by different maturity models presented in the literature (Andersen & Henriksen, 2006; Irani, Al-Sebie, & Elliman, 2006; Kašubiň & Vanagas, 2007; Layne & Lee, 2001; Sá, Rocha, & Cota, 2016). However, for the true potential of e-government can be achieved, it is necessary to restructure and transform the bureaucratic administrative processes that are long rooted (Palvia & Sharma, 2007) and, at the top of those maturity models, we sometimes find Digital Democracy and Joint Rule (Almarabeh & AbuAli, 2010).

The processes of rulemaking are intended to develop rules or regulations, allowing the participation of citizens in this process, through the collection of suggestions and contributions, in general in the form of comments. Whereas that rules and state legislation plays a vital role in almost all aspects of social and economic life, any innovation that improves how new rules are drawn up is susceptible of having public benefits. Despite this, and due to institutional, legal and organizational challenges, many government agencies remain resistant to adopt practices of public deliberation (Stromer-Galley, Webb, & Muhlberger, 2012). E-rulemaking is not mainly about voting on a finalized rule, but instead it concerns the opportunity for stakeholders and interested members of the public to contribute in a constructive manner to a rule that is going to implement a law (Carlitz & Gunn, 2005).

ICT’s in general, and the Internet in particular, are a central tool in building a stronger democracy, more participatory and democratic, allowing citizens to participate in the decision-making process, contributing to an increase in transparency, participation and collaboration (Walker & Oard, 2013), attracting new audiences, that would not participate in the traditional process of rulemaking (Park et al., 2012).

E-rulemaking is the implementation of the process mentioned above for online environment (Carlitz & Gunn, 2005), and therefore constitutes one of the promising and innovative areas for the adoption of ICT in Public Administration (Coglianese, 2004). In other words, e-rulemaking consists in the use of web technologies before or during the process of regulation. This includes many types of activities, such as the display of news of proposed regulations or final versions of the same, the sharing of support materials, accept public comments, manage the registration of regulations in electronic newsletters, organization of online public meetings or using social networks, blogs and other web applications to promote public awareness and participation in regulatory processes (Dooling, 2011). Unlike face-to-face participation or the traditional way of sending comments via postal, public collection of online reviews leads to a better understanding of the law on the part of other citizens, contributing to a more deliberative process (Schlosberg, Zavestoski, & Shulman, 2007).

According to Figueiredo (2006), there are three goals that led to the development of e-rulemaking initiatives. The first goal is to reduce the circulation of documents, increasing efficiency and reducing
Pixel Chix and Digi Guys: Exploring the Experience of the “Digital Citizens” in Two Contexts
[www.igi-global.com/article/pixel-chix-digi-guys/2921?camid=4v1a](www.igi-global.com/article/pixel-chix-digi-guys/2921?camid=4v1a)