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Digital Administration in Algerian Law : Between the Promise of Improving the Quality of Public Services and the Challenges of its Implementation

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Abstract

The use of information and communication technology is considered an indicator of the modernization of various public institutions and administrations, and a standard for measuring the quality of public services towards citizens. Therefore, the Algerian state is still wavering between accelerating the adoption of this technology, or what is called "electronic or digital administration", in all its activities and work, and being cautious, considering it an alien and modern technology that requires certain conditions to succeed at the level of all public administrations and facilities, where it is difficult to provide them easily.

However, with the complexity of the contemporary administrative environment, the expansion of the scope of administrative work and activities, as well as the increasing needs of citizens, it has become necessary for public administrations to move from the traditional paper-based system to the digital system, which depends on the existence of databases and information that play an effective role in the processes of making the right decision, which ultimately ensures the improvement of the quality of public services provided to citizens.

To achieve this, a set of requirements must be provided that are compatible with the digital administrative environment, whether related to material, human or technical matters. However, with the lack of these requirements and capabilities, as well as the emergence of some obstacles, it has become difficult to achieve the quality of public services that citizens expect from public administrations.

Keywords: Digital administration, public services, requirements, challenges, implementation problems.

Introduction

The Algerian legislator has given great attention and concern to the importance of reforming the administration and defining its obligations towards its citizens, within the framework of achieving quality and excellence in its services, and in a way that erases its bad image, especially the poor quality of its services towards the citizen, and establishes the foundations of an efficient and successful administration built on mutual trust between it and the citizens.

Given the importance of the issue of improving the quality of public service for users of public facilities, it was organized for the first time and in a remarkable way under Decree No. 88-131 regulating relations between the administration and the citizen, specifically under Section Four entitled "Continuous Improvement of the Quality of Public Service".

As the digital administration system is one of the modern means that the public administration can rely on to improve the quality of its services towards citizens, it requires it to carry out its functions and activities electronically, either wholly or partially. This has made the topic of the role of digital administration in improving public service extremely important, as the shift towards electronic public service is the basis for rationalizing and modernizing public services, which are in line with global technological developments and improving their quality. Also, most transactions are now carried out through electronic networks.

On this basis, the importance of the subject of this research paper lies in highlighting the most important components of the application of digital administration in public services, as it is a new method in Algerian administration that aims to achieve quality of public service, as well as identifying some of the obstacles that hinder its application.

Given that the majority of administrative tasks are now conducted electronically rather than on paper, the central question that arises from this study is :

To what extent do the requirements of digital administration align with the aspirations for improving the quality of public services in Algeria, and what obstacles hinder its effectiveness ?

To address this question, we adopted an analytical approach, examining legal texts, particularly those related to the components of digital administration, especially the legal aspects (**Section one**), while also identifying some of the obstacles that impede its practical implementation (**Section two**).

Section One : The Concept of Digital Administration

After the introduction of the Internet and its spread in most countries of the world, we have been hearing the term " digital administration" a lot, which aims to improve the quality of public services. Therefore, in this study, we focus on defining and giving a concept to it and distinguishing it from traditional administration (**First**), without neglecting the reasons that led to its adoption at the level of public administrations (**Second**), through the various functions it performs (**Third**).

First : Definition of digital administration

To arrive at a comprehensive definition of electronic administration, it is necessary to define it, whether in its narrow or broad sense, while simultaneously trying to extract its distinctive characteristics.

1- The narrow definition of digital administration

There are many definitions of electronic administration. Some consider the term "digital administration" to be, in short, electronic business, which distributes the value of distinguished business by linking systems to the processes through which business is carried out in a simplified way.

While others define it as "the administrative process based on the outstanding capabilities of the Internet and business networks in planning, directing, and controlling the company's and others' core resources and capabilities without limits in order to achieve the company's goals[1]", it is noted through this definition that it has focused on the company as a framework for accomplishing business, as it has limited electronic management to business activity of an electronic nature.

It is also defined as "that framework that includes electronic business to indicate public digital administration or electronic administration of government business directed towards citizens, or directed towards government institutions and departments[2]".

2- Broad definition of digital administration

Dr. Alaa Abderrazak Mohamed Assalmi, as one of the experts in the field of electronic management, defines electronic management as "the completion of all the tasks and activities of the institution by relying on information and communication technology, with the aim of achieving the goals of the new management, which is characterized by reducing the use of paper, simplifying procedures, eliminating bureaucracy, routine and slowness, and completing tasks and transactions quickly and accurately[3]".

While some other administrative jurisprudence views it as "the administration's use of information and communication technology to manage, improve and develop various administrative processes within organizations, i.e., departments[4]".

In addition to these definitions, it is also necessary to note the definition reached by Dr. Badr Mohamed Assayid Alkazzaz through his review of a group of research and studies related to it, where he defines digital administration as "the use of information technology in ministries and government departments to communicate with citizens, companies and various government agencies through the information network or any technical method that enables them to reach citizens and provide services to them[5]".

From the previous definitions, we conclude that the tasks of digital administration are limited to organizing various administrative processes, using various available resources in a technical manner, including electronic networks, with the aim of achieving and ensuring the quality of public services for citizens.

Therefore, a comprehensive and inclusive definition can be reached, which is that electronic management is the transition from manual administrative work - traditional - based on the use of paper to technical management without paper, in which management uses electronic means in its various administrative transactions. Thus, it is primarily an administrative process that includes planning, organizing, directing and controlling, which helps in flexibility and speed in procedures.

Digital administration is characterized by several features that can be summarized as follows :

A-Technical management

Its goal is to eliminate hierarchy and bureaucracy in organization and in the management of procedures and work costs, while emphasizing raising the efficiency in the performance of services and effectiveness in dealing with users, as well as ensuring electronic follow-up and monitoring of the progress of work and replacing outgoing and incoming mail with email, which would save time and improve the performance of the government[6].

B- Management without place or time

As it relies on mobile phones, computers, electronic conferences and remote work, and management without time as the world has become working in real time 24/24 hours a day, as it relies on electronic documents instead of paper documents as it is easy to modify them and quick to retrieve them.

Through these characteristics, digital administration presents a different face to traditional administration due to its rapid performance, to the point that it has become an effective and efficient tool for administrations that apply this technology, as they seek to create a diverse electronic strategy divided into stages according to the circumstances. For example, they can monitor their work sites through screens and digital cameras that they focus on every part of their administrative sites, as well as on their

outlets and devices that the public deals with, in order to be reliable and truthful evidence of the quality of their services to citizens.

C- Easy access to data

Digital administration is characterized by the flexibility that distinguishes it from other traditional administrations. It facilitates the process for citizens to access the data they want to know or use, and it also speeds up the process of interaction between them and the administration by sending or receiving an unlimited number of messages without taking time or making an effort.

It also allows it to move from traditional information systems to smart management information systems, meaning that e-management can use calculated systems and technologies that include the ability to deduce the overall meaning from the context of the information produced[7].

Furthermore, electronic management is the management of dealing with unlimited time, while traditional management is the management of dealing within predetermined time limits, as loyalty in digital electronic management is through the communication network, while loyalty in traditional management is through its employees.

Traditional administration is also very slow in dealing with citizens, as it requires a long time to interact with it in the desired manner in order to perform the required service, not to mention the difficulty of accessing it due to bureaucratic dealings and the abundance of paper documents.

Second : Reasons for implementing digital administration in public institutions

The tremendous advancements in communication and information technology have affected all areas of life, forcing a change in work at the traditional management level and its transformation into an electronic model for political, technological and other economic reasons.

1- Political reasons for dealing with digital administration in public institutions

Political reasons are among the reasons that led to working with the e-government method, which is evident through the competition of many politicians to gain the satisfaction of the public, so that services are easier, especially in advanced societies. It is also evident through the support of the World Bank for digital administration projects in developing countries[8], with the emergence of globalization in many countries. In short, the wave of change in the field of providing and delivering information has pushed all governments to move to the digital administration method.

2- Technological reasons for dealing with digital administration in public institutions

The shift to the digital administration approach is a new face of administrative interaction, as the emergence of the Internet and automated interaction in some public administrations led to the adoption of the digital administration system. Digital administration is considered the result of the development of electronic data exchange, which began in developed countries and then spread to the rest of the world, expanding with the development of the Internet[9].

Accordingly, digital administration is considered an extension of technological development in management, as machines have replaced management and control staff. This means that the emergence of the Internet in many countries is the main reason that led to the adoption of the digital administration approach through the emergence of high levels of data encryption, to the point that trust in the network and its security became possible. Consequently, many technological innovations emerged, including the electronic signature.

3- The economic reasons for dealing with digital administration in public institutions

The emergence of the digital administration system or working in the e-administration style is due to the abundance of modern technology, its low costs and importance[10], meaning that the shift to e-government is not a luxury but rather an inevitability imposed by global changes, as the idea of integration, participation and the use of information is one of the tools for the success of any institution or public administration.

On the one hand, the administration seeks to save time and accelerate its efforts, finding itself compelled to leverage technological applications by abandoning manual and paper-based transactions and embracing technological innovation while simultaneously reducing costs.

On the other hand, it aims to gain the trust of citizens and improve its relationship with them by enhancing the quality of its services and minimizing their complaints and grievances.

The increasing pressures on traditional management due to external changes and developments have made its work environment unstable, requiring it to evolve, such as intense competition in the private sector, changing desires of customers or employees in departments as well as beneficiaries, as well as industrial diversification and the multiplicity of products with the globalization of the economy through the World Trade Organization, and the introduction of modern technologies that have led to changes in legislation and laws.

As for the internal environment or internal reasons, they can be translated into an increase in the knowledge and culture of employees in public administrations, as well as a change in the outlook that led to modern management methods such as total quality management and knowledge management.

Section Two : Requirements for Working with Digital Administration in Algeria and the Difficulties of its Implementation

Electronic management represents an important shift in traditional administrative concepts, methods, and structures. It is an integrated system of technologies and information. Therefore, this shift requires a set of components or requirements (**First**) and facing various difficulties (**Second**).

First : Requirements for working with digital administration in Algeria

Several requirements must be met for digital administration, which appear in the legal, human and technical requirements.

1- Legal Requirements

Within the framework of working and dedicating work to digital administration at the level of public administrations, there must be legal texts that facilitate work with it and give it legitimacy, as well as digital trust for those dealing with digital administration.

A- The legal framework for digital administration in Algeria

Among the regulatory texts that establish the concept of digital administration, we mention the following :

- Executive Decree N° 98-275 of August 25, 1998, established the terms and conditions for providing internet services. This decree was amended by Executive Decree N° 2000-307, which granted the state a monopoly over the internet sector, thus allowing for the emergence of new public and private internet service providers[11].

- Executive Decree N° 2000-307 defined the terms and conditions for regulating and utilizing the internet, the rights and obligations of service providers, the procedures for obtaining and revoking licenses, and stipulated the need to establish a licensing committee for internet service providers.

- Decree N° 2000-03 sets out the general rules relating to the Internet and telecommunications, which enshrines the separation between the functions of the postal operator and the telecommunications operator, as Article 1 of it stipulates: "This law sets out the general rules relating to post and telecommunications, in particular the development and provision of postal and telecommunications services with awareness in objective and transparent conditions and without discrimination in a competitive climate while ensuring the public interest" [12].

B- The necessity of digital trust for those dealing with digital administration

It is defined as that information environment which is characterized by features that are not familiar in the paper environment, and the Algerian legislator has worked to enshrine it in several laws, the most important of which are :

- **Recognition of the validity of electronic writing** : This is through Law N° 05-10 of June 20, 2005, amending and supplementing the Civil Code, through which the legislator adopted proof by electronic system, meaning that electronic writing has a place within the rules of proof, as is evident from Article 323 bis 1 thereof, which stipulated that "proof by writing in electronic form on paper is considered, provided that it is possible to verify the identity of the person who issued it and that it is prepared and kept in conditions that guarantee its integrity".[13]

- **Recognition of electronic authentication** : The legislator defined the activity of authentication service providers under Articles 4, 5, 6 and 7 of Law N° 15-03 on the modernization of justice, where Article 4 states that "Judicial documents and records delivered by the departments of the Ministry of Justice, its affiliated institutions and judicial authorities may be stamped with an electronic signature whose connection to the original document is guaranteed by a reliable means of verification".[14]

- Digitalization of the justice sector : through the completion of the internet platform, the creation of a Ministry of Justice website and a legal portal, as well as the National Criminal Records Center, which was received on February 6, 2004.

- Digitalization of the banking sector : through the adoption of electronic payment cards as a secure and reliable method of payment.

- Digitalization of the tax sector : as a stakeholder in the financial sector, and the Ministry of the Interior and Local Authorities, enabling citizens to obtain all civil status documents from the nearest municipality, regardless of their place of birth, in addition to passports and biometric identity cards.

The use of digital administration is not limited to these sectors ; it has extended to the establishment of management and monitoring systems, including systems for managing and tracking court files and for managing and monitoring prisoners[15].

Therefore, it can be said that digital administration presents new challenges for legislative bodies, which must be flexible and capable of developing their laws to align with the requirements of digital administration.

This is because accessing the digital model and managing transactions at the governmental administrative level requires the existence of legal frameworks that facilitate the application of digital administration, and make it a project that society approves and adheres to its requirements. It also requires the existence of a general trend that motivates all groups to engage in this digital model[16].

Based on the above, the transition from traditional to digital administration requires legal requirements embodied in new legislative texts that regulate the performance of digital administration in its various fields, with the adoption of the digital model for completing daily transactions. These legislations should facilitate the implementation of digital administration, and give it credibility and all the legal consequences arising from it, with the availability of electronic security and electronic confidentiality

at a high level to protect national and personal information and preserve the electronic archive from any tampering, with care and focus on the latter due to its importance in digital administration[17].

2- Human and technical requirements

The human element is considered the most important resource that can be invested in to achieve the goals of implementing e-government at the level of public administrations, with the need to provide a set of devices and material elements that fall under the requirements of a technical nature.

A. Human Requirements : Implementing e-management requires a set of human resources that are considered an essential asset of the organization and must be prioritized by management.

The human element is commonly referred to as the human resources workforce, which must be qualified and technically competent through training courses and must be continuously updated in their field to be able to use and interact with e-administration technology and leverage its capabilities and services for the benefit of their organization and environment.

Since e-management programs are new to employees, they inevitably need expertise and skills not available in traditional administrative systems. This necessitates a change in the work structure within the administrative apparatus. Hence, the employee's role in using computers and the internet becomes crucial, and consequently, the role of the traditional employee diminishes as new jobs emerge that were previously unknown within the traditional management framework.

Hence, the role of leadership emerges as a key element in transforming traditional administration into digital administration, while being able to change the pattern of service delivery in order to achieve quality public service[18].

Therefore, human resources, or the human development component and the efficiency of the human element, play a role in the success of the program. This confirms that the application of e-administration requires new and radical changes in the quality of human resources. This means the need to reconsider the education system and the training of employees working in all public administrations in order to keep pace with the requirements of the new transformation, represented in the plans, programs, methods and educational and training resources.

What can be concluded from the above is that the human element is of great importance in the application of electronic management, as it is considered the origin of electronic management. Therefore, electronic management from and to the human element represents the human infrastructure of electronic business in the group of scientific and technical properties[19].

B- Technical requirements

The application of the electronic management system requires advanced scientific equipment to be able to accomplish tasks, exchange information, and obtain services using the Internet. Therefore, computers and their accessories, as well as electronic networks, information technology, and software, are considered the technical infrastructure of the electronic management system.

- Computers and their peripherals : This includes interconnected computer networks, which rely on communication between a number of computers. Types of these networks include :

- Internal network : This connects a number of computers.

- External network : This is a network comprised of a group of interconnected networks, such as the internet.

- World Wide Web : This is a means of communication between computer networks that connects computers around the world using a unified protocol, the internet[20].

- Software : Some scholars define this as "the software that constitutes the mental aspect of computer systems and networks. It is divided into two main categories : system software and application software[21]".

What we conclude from the human and technical requirements is that they are related to each other, as the application of digital administration or moving towards this method requires the availability of the necessary electronic means to benefit from the services provided by digital administration, through which we can communicate with it, represented by personal and laptop computers, internet phones and other devices that enable us to connect to the global or internal network in the country at reasonable prices that allow most people to obtain them, with the availability of human resources, whether employees working in public administrations or citizens, through participation and interaction.

Second : Difficulties in implementing digital administration in Algeria

The implementation and realization of digital administration is often hindered by a number of difficulties that impede its proper and comprehensive application and prevent it from achieving its intended goals, most notably legal obstacles and financial and technical obstacles.

1- Legal Difficulties

The legislation governing digital administration remains inadequate to cover the various areas of administrative work, requiring fundamental amendments to establish a truly effective e-government system. Most of the legal texts governing digital administration are scattered across different legislations and do not address the issue comprehensively.

Another obstacle lies in the limited legal framework, specifically the absence of a comprehensive legal framework for information in Algeria. This has led to numerous problems in information dissemination, as some segments of the population still rely on traditional transactions, necessitating further laws and regulations to protect electronic transactions.

Furthermore, the absence of a legal framework for identity verification[22] poses a significant obstacle to completing online transactions and making electronic payments using credit cards, as concerns about their use persist.

To overcome these obstacles, it is essential to enact an electronic law to protect electronic transactions and to design a simple framework that allows for payment methods that align with individuals' lifestyles and meet their needs[23]. This is on the one hand.

On the other hand, most government departments have not fully adopted electronic documents in place of traditional documents for transactions, whether related to contracts or the documentation of rights and obligations. This is compounded by the increasing number of information security breaches and crimes, such as email theft, credit card fraud, and electronic signature theft.

Therefore, despite the Algerian legislator's efforts in enacting numerous laws that regulate the operation of digital administration, particularly with regard to electronic authentication, as stipulated in Articles (4) to (8)[24] of the Law on Modernizing Justice, and the electronic signature mentioned in Article (2) of the Law on General Rules relating to Electronic Signature and Authentication, as well as the electronic signature mentioned in Article (2)[25] of the Law on General Rules relating to Electronic Signature and Authentication and the electronic newspaper, large segments of citizens and the business sector still rely on traditional paper transactions due to a lack of trust in them, and the numerous problems present in public administrations, such as those related to personal information like name and surname, date of birth, residence, etc., since there is still no legal text that addresses issues related to preserving previous information through modern technologies, which requires more legislation that protects electronic transactions and establishes the digital administration project, and intensifying awareness campaigns in this field.

2- Financial and Technical Difficulties

In addition to the aforementioned obstacles, there are other impediments to implementing digital administration, such as the lack of specialized financial resources for digital administration projects and the absence of a comprehensive infrastructure for their implementation.

A- Financial Difficulties

The digital administration project requires substantial funds that go with this modern approach and the provision of all its requirements. However, the reality is that the Algerian public administration suffers from a lack of the necessary financial resources for such projects. The decline in financial revenues in Algeria due to the alarming drop in oil prices threatens the success of the digital administration project.

The digital administration project is one of the projects that requires forms that may extend for many years and may reach decades, and therefore it requires expenses throughout these years, and the developments of the work change according to the internationalization of the executive work, as it is a process that involves a pattern of development[26].

Therefore, this legislation mandating the implementation of digital administration may conflict with the foundations and estimates of the state's general budget. This is compounded by the scarcity of financial resources to provide the necessary infrastructure, including purchasing hardware and software, upgrading computer systems, establishing websites, and connecting networks. Furthermore, the private sector's limited participation in investment and financing for improving and maintaining this network and communications infrastructure is a significant challenge.

In addition, the lack of sufficient financial allocations for training and developing the human resources required to implement digital administration, coupled with the limited capacity of some beneficiaries, including employees and staff in government departments, to adapt to the ever-evolving landscape of information technology, makes upgrading equipment extremely difficult.

B- Technical difficulties

The technical problems facing the establishment of digital administration rules can be summarized as follows :

- Limited internet speed in Algeria : The lack of internet speed is one of the biggest problems facing Algeria, leading to slow information processing and hindering the transfer of information between different departments and administrations. This, in turn, causes public dissatisfaction with the poor quality of public services[27].

- Insufficient technological equipment and geographical and demographic barriers : The shortage of technological equipment stems from its high cost and the high cost of internet subscriptions, as it is considered a luxury and primarily for working professionals[28].

As for geographical and demographic barriers, these are mainly related to the geographical structure, which hinders the distribution of technological infrastructure among villages and rural areas, and the uneven population distribution.

Therefore, the mere existence of a comprehensive strategy for transitioning to the digital age does not guarantee a smooth and successful implementation. Many obstacles and problems will inevitably arise in implementing this system. Therefore, the digital administration project must be developed and implemented in accordance with the variables that may impede its implementation.

Conclusion

Through our study of the subject, it can be said that digital administration has contributed greatly to improving the quality of public service, which is evident in its various applications, whether at the level of civil status departments, where citizens can obtain civil status documents electronically and create biometric documents, or in the field of public procurement, where the Algerian legislator created a special portal for public procurement that enabled economic operators to conclude their deals through it without the trouble of traveling.

However, on the other hand, the application of digital administration at the level of public administrations is often hindered by a number of difficulties, the first of which is the absence of political will, which is an important factor for adopting the digital administration approach, and the absence of a legal framework regulating information in Algeria. Therefore, it is necessary to enact many legislations regulating digital administration approach. These obstacles also appear in the fear of the idea that the shift from traditional administration functions to digital functions may lead to the elimination of individual creativity within the administration and the abandonment of the spirit of teamwork.

Based on these findings, several recommendations and suggestions can be made to further expand the application of digital administration, digitize all sectors, and improve the quality of services provided to citizens :

- Raising public awareness and encouraging the elimination of paper transactions.

- Addressing the issue of internet Connectivity, given its disruption to public services.

- Establishing a legal framework for digital administration, particularly concerning information security and electronic signature and authentication systems.

- Training public employees in information and communication technology to develop and improve public services. To implement this approach effectively, a comprehensive strategy is needed to ensure the quality of services provided by digital administration, which is now known as e-public services and digital administration training programs.

- Providing the necessary technical and operational mechanisms to implement the digital administration project, whether through modern equipment or electronic software.

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[24] - See : Articles 4, 5, 6, 7, 8 of Law N° 15-09, concerning the modernization of justice, previously mentioned.

[25] - See : Article 2 of Law N° 15-04 of February 1, 2015, which sets out the general rules relating to electronic signature and certification, Official Journal N° 06 of February 10, 2015.

[26] - Kaci Khadija, "The Role of E-Government in Improving the Quality of Public Service", Op.cit, p. 46.

[27] - Bouras Mounira, The Transition to E-Government in Algeria : Between Reality, Application, and the Desire for Development, Thesis submitted for the doctoral degree of Philosophy, Specialization : Political and Administrative Organization, Faculty of Law and Political Sciences, University of Hadj Lakhdar, Batna 1, 2019-2020, p. 255.

[28] - Ibid, p. 255.