E-GOVERNMENT LEGISLATIVE CONSTRAINTS

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ABSTRACT

The research was conducted with the objective of evaluating the E-transactions were excluded by Jordanian legislator in the code no. 15 year 2015. The situation of Jordan legislator restricts the improvement and spread of E-government. The study recommends that the legislator insert some modifications to give cogency to official document to encourage E-government.

Key words: Electronic government, Official document

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1. INTRODUCTION

Besides developing electronic service that consumers can access via the internet,[2] the absence of legislation is one the most important challenges facing the spread of electronic government which most countries gave cogency to e- with restrictions. One of those legislators is Jordanian legislator, who issued E-transaction code in 2001 and modified it in the year 2015 to give cogency for e-transactions with excluding some governmental transactions from the law. These restrictions and limitations is the main idea of this research.

The research will be discussed in two parts, in part one the concept of e-government will be tackled; meanwhile, the excluding of E-governmental transactions in Jordanian law will be discussed in part two.
3. PART ONE: THE CONCEPT OF EGOVERNMENT [3]

E-government is the use of electronic communications devices, such as computer and the Internet to provide public services to citizens and other persons in a country or a region[4].

Another definition: the effective, integrated utilization of all information and communication technologies to ease and speed up transactions in government organizations (G2G), between government organizations and customers (G2C), and between government organizations and business organizations (G2B)[5].

And another: Is the use of information and communication technologies (ICTs) to improve the activities of public sector organizations[6].

Regarding to the above definitions, the researcher can define E-government as: All governmental services that are delivered to citizens and other persons in and out state online.

2.1. E-government applications

The E-government has had a vital impact in three different areas,

- Government to consumers (G2C): in this type the E-government facilitates communicate between government services, benefits and consumers (citizens) by enabling them to remote and distributed access through multiple channels to government process[7]. They also include a broader remit:
  - Enhancing public services: by enhancing delivered services to citizens of the public such as quality, satisfaction and cost.
  - Talking to citizens: by this remit all details of public sector services will be provided to citizens, which will enhance the responsibility of public sectors employees regarding their actions and decisions.
  - Listening to citizens: contribution citizens and involving them in public sector actions and decisions. It could be flagged as either democratization or participation[8].

- Government to Business (G2B): E-government facilitate business access to the bureaucratic process of government, lowering transaction costs, increasing efficiency and shortening time needed for both side of transaction[9]

- Government to government (G2G): In both national and foreign government units and entities, electronic tools facilitate communication effectively and more quickly to share information data and resources between them[10].

2.2. The Advantages of E-Government

Since we live in what is now labeled as the “knowledge era”, the E-government ultimate goal to materialize this concept by offering an increased portfolio of public services to users in an efficient and cost effective manner. Achieving this goal is the main advantages of E-government, besides allowing the public to be informed about the policies of the government and what it is working for and what it is trying to implement.

The E-government anticipated advantages and benefits including efficiency, enhancement of services as well as achieving better accessibility of public service, further accountability and more transparency[11].
2.3. The Disadvantages of eGovernment

The reliability of information on the web and the lack of quality in public access to the internet and the hidden agenda of government groups that may influence and bias public opinions are the most disadvantages of Egovernment[12].

The designing and implementation e-government include potential implication such as lack of privacy, social and political factors and impact on economy:

- Lack of privacy: As a reaction to sophisticated procedures by government, the citizens will be forced to interact electronically with services afford by government on a large scale, which will lead to lack of privacy since government obtains more and more information about them.

- Social and political factor: Hidden ideas and implantation of government groups may impact social and political factors.

- Impact on economy: In one hand a large amount of money is spent on the implementation and development of the e-government, on the second hand the outcomes and effects of trial internet-based government is mostly unsatisfactory[13]

3. PART TWO: JORDANIAN LEGISLATOR SITUATION OF E-GOVERNMENT’S TRANSACTIONS

Although the Jordanian legislator recognized computer printouts in evidence, he excluded the official papers from recognition. This situation is based on article 7/1 of the law of evidence”: The official documents issued or signed by general employment enjoys full cogency unless proven forged.

This situation of legislator ensured in provision (B) of article no. (3) Of Electronic Transaction Law No. 15 of the year 2015[14] when enacted: “The provisions of this law shall not apply to the following unless otherwise indicated by any law:

- Establishing and amending a will.
- Establishing Waqf and amending its conditions.
- Transactions related to movable and immovable properties that legislations necessitate their registration including their power of attorney, their title deeds, in addition to establishing real rights, excluding lease contracts.
- Powers of attorney and transactions related to civil status.
- Notices related to canceling or revoking contracts of water and electricity of services, health insurance, and life insurance.
- Court proceedings and pleadings, judicial notification notices, and court resolutions.

Securities unless provided under special regulations issued by competent authorities in accordance with the Securities law or any other legislation in force.

These articles indeed constitute an obstacle to the flow of electronic government as well as the objective it was designed for. Despite the legislator’s encouragement of e-government tools and its recognition of electronic and computer output, he excluded such transactions from the law. The reasons behind this situation may be to protect citizens since these transactions conclude important and vital rights.

The researchers don’t support the situation of Jordan legislator since it contradict the concept and ultimate goals that e-government was established for.
4. CONCLUSION
In our investigation of the Jordanian situation regarding E-government in E-transaction and Evidence Laws, the following was found out we found:

- The legislator recognized computer output and e-commerce.
- The legislator excluded official documents form recognition.
- The excluded recognition of some documents transactions aimed to protect citizens and others.
- The situation of exaptation documents may change regarding to private laws.
- The situation of legislator from excluding some transaction shall constraints the improvement and development of E-government.

RECOMMENDATION
The study recommended that the Jordan legislator change the situation in provision (B) of article no. (3) by deleting this provision.

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KEYNOTES
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