

THE REALIZATION OF THE RIGHT FOR ELECTRONIC SUBMISSION OF PETITIONS:  
THE IMPORTANCE OF IDENTITY VERIFICATION AND THRESHOLD VALUE

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*This article is the investigation of the current problem of legal regulation of electronic petitions in modern democratic states, the importance of identity verification in the institution of electronic petitions is considered and examples of existing systems of petitions in foreign countries are given.*

At present, the system of electronic petitions is the most appropriate and effective mechanism of interaction between citizens and state bodies. One of the most important elements of the legal regulation of an electronic petition is the citizens' identity verification.

The right to file and sign petitions is different in foreign countries. Some states are obliged to accept submitted motions from any person, whether a citizen of a country or a resident.

For example, Scotland has the most accessible petition system, permitting petitions from any people: Scottish citizens, the others, even if they do not live in Scotland. The newly created Irish system follows the example of Scotland [1]. The «We the people» platform in the United States also provides an opportunity to file and sign petitions not only to citizens, but to all comers. [2]

In Germany, the right to file and sign the petition is granted exclusively to citizens, as well as to people residing in the territory of Germany [3].

There are also countries where the platforms for petitioning reserve this right only for their citizens. Petition systems in the Netherlands, Italy, Portugal and the United Kingdom allow only petitions from citizens of these states. To do this, the platform has a special verification of the individual, which allows to submit and sign petitions exclusively to citizens [1].

For example, the "Epetitions. direct. Gov. UK" platform in the UK conducts special verification of the identity through registration, which includes the passport data of the citizen, as well as the number of his national insurance [4].

The Russian platform "Russian Public Initiative" also has certain requirements for filing petitions. Registration on this site passes through the portal of public services, which excludes the possibility of creating unreal profiles, since the accounts of the public services portal are attached to a specific citizen. To activate this account, citizens need to contact the branch of the telecommunications company with a passport or identity document, only after this procedure, it becomes possible to create or sign petitions [5].

Some of the countries supplement the requirements with verification of the minimum age of the signatory, for example, in the US, citizens who have reached the age of 13 have the right to sign or file a petition on the «We the people» platform. Other countries reserve the right to file or sign the petition only to people entitled to participate in the electoral process [2]. The right to file a petition may also be restricted to certain categories of citizens, for example, to military personnel in Spain [1].

Verification of the identity and authentication of accounts is an effective measure both for turning down motions from people who don't have the right to file a petition (for example, for foreigners) and for sorting out petitions which are considered unimportant or which were created as so called "comic" petitions.

The petition for the construction of the "Death Star", filed on the US platform "We the people" can serve as an example. It contains only the name and email address of the citizen, it collected 25 thousand signatures. The initiators of this petition argued that the creation of cult weapons from the "Star Wars" will stimulate the development of the economy [6].

According to the rules of "We the people", the presidential administration is obliged to consider the appeal and give an answer to it. The head of the Department of Science and Space of the White House Administration and Budget Office, Paul Shawcross gave the answer. He listed at least three reasons why this project will not be implemented: 1. "Construction will cost 850 quadrillion dollars, and we try to reduce the budget deficit, rather than increase it"; 2. "The President's Administration does not support the idea of the destruction of the planets"; 3. "Why spend huge amounts of taxpayers on the "Death Star "[6].

Obviously, the existence of such petitions is a senseless abstraction of the attention of state bodies and officials.

In addition to checking the identity of citizens, one of the main features of the institution of electronic petitions is the threshold value, that is, the number of signatures that oblige state bodies to examine the petition and give an official response.

The experience of foreign countries shows that the number of signatures varies greatly depending on the number of citizens, the territory of the state, as well as on the use of personal verification or granting the right to file and sign petitions to citizens of any country.

For example, the platform of electronic petitions in Germany contains the necessary requirement for the number of signatures (quorum) - 50,000, collected within 4 weeks. Under the rules of the platform, only after that the petition will be publicly considered by the Bundestag petition committee, and the applicant can be invited to the meeting [3].

The American platform "We the people" also has a certain quorum. In order to become available in the White House search engine, a petition must collect at least 150 signatures within 30 days.

The White House undertakes to consider only those petitions that will gain 100,000 votes during the remaining 30 days. After this, the petition is sent to the appropriate government department, where an official response is given [6].

The number of signatures affects not only the possibility of considering this petition, but also the level and mechanism of this special consideration. For example, the Russian platform provides, firstly, the collection of votes in support of the initiative within a period of not more than 1 year from the date of placement. Secondly, depending on the level of the initiative, specific values for the required number of votes is established: 1. The federal level - 100,000 citizens must vote for it; 2. The regional level (for regions with a population of more than 2 million) - 100,000; 3. The municipal level - 5% of the population of the municipality [31].

The Ukrainian platform "Electronic petitions" also introduced a requirement for a certain number of signatures - the petition is sent for consideration to the President if it collected 25 thousand signatures within 3 months [8].

In the UK there is also a certain threshold. On the website "petitions. direct. Gov. UK" the petition will be considered if 10,000 people voted for it. If the petition collects 100,000 signatures, it is the Parliament that reviews the petition and holds a public debate that is broadcast live on television. The petition on the platform is active, and you can vote for it for 6 months [4].

Thus, a certain number of signatures affect the compulsory nature of the petition consideration for the authorities. For example, in Finland, petitions that have collected 50,000 signatures automatically become bills, and the Finnish Parliament is obliged to consider them as a matter of priority. The Regulation of the Latvian Legislature also stipulates that any petition that has received the support of 10,000 citizens must necessarily be included in the agenda of the Sejm [9]. On some foreign platforms the threshold value of signatures is absent. For example, Scotland does not have the number of signatures. The practice of Luxembourg also shows low and unsettled threshold of signatures [9].

Thus, elements of a petition, such as checking the identity of citizens, will allow state bodies to effectively consider applications that are necessary for the state, and the establishment of a certain number of signatures will have a positive effect and encourage the applicant to share the petition with the public and draw attention to the issue indicated in the petition. Moreover, the applicants and signatories will be sure that when the required number of signatures is reached, the state authorities will be obliged to give an official response.

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