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*Anna Danylchuk*

## **E-PARTICIPATION IN UKRAINE AS A NEW MODEL OF CITIZEN–GOVERNMENT COMMUNICATION**

The paper presents a general theoretical overview of the new norms and procedures of e-petitioning in Ukraine. E-petitioning is viewed as a new form of direct and effective political communication and e-participation that marks country's democratic advances. The article presents a short overview of terms "e-participation", "e-democracy" and "e-petition" followed by a brief history of petitioning and its e-modification after the worldwide growth of informational and communication technologies. Democracy and communication rights are seen as interdependent, they promote transparency, effectiveness and accountability of governmental organs. We define e-petition as the most standardized, lawful and popular form of e-participation present in Ukraine. The suggested analysis of the e-petitioning in Ukraine provides the information on the norms and restrictions of this model of government–citizen communication. E-petitioning can also be viewed as a new type of media discourse. We believe that new linguistic and IT skills must be developed to fulfil the demands of e-participation growth.

**Key words:** e-democracy, e-participation, e-petitioning, informational and communication technologies, political discourse.

**Formulation of a research problem and its significance.** The emergence of the Internet created a popular avenue for discussion of political and social issues. Many scholars have explored the role of computer–mediated communication in political discussion [5; 8]. Online discussion of political and social issues has occurred over many interactive channels, including e–mail, chat rooms, pages and groups in social media, e-petitions, e-consultations etc. Within online discussion research, some scholars argue that Internet communication serves as an excellent portal for debate among persons of varied opinions and beliefs [10]. "The ability of the Internet to unite those of disparate backgrounds has great potential for fostering debate and discussion of issues in the civic arena. In many cases, differences of opinion about, for example, political issues arise from lack of familiarity with the perspectives of other people" [8].

The relationship between citizens and governments has changed largely due to the increasing role of information and communication technologies. Different concepts have been adopted to describe this transformation such as e-government, e-governance, and e-democracy. Though meaning different things, they all refer to the use of electronic means to improve government's performance and citizen engagement [9, 39–44].

Like democracy, e-democracy is a complex and contested concept, and a number of different models of e-democracy have been advocated. Reflecting these different views, e-democracy may encompass a wide range of democratic practices and is by no means limited to the formal institutions of representative government and politics. However, the term "e-democracy" is most often used to refer to activities in and around the sphere of conventional politics. Defined as such, the field of e-democracy includes the conceptualization and empirical study of key practices such as voting, rulemaking and consultation, deliberation, political campaigning and party activities, petitioning, and information provision and open government [7, 141–154].

**The goal and the specific tasks of the article** In Ukraine recent years have been marked by tremendous political and social changes. The change of the political regime in 2014 resulted in dozens of reforms in economy, education, local management and administration, etc. New democratic norms of government – society collaboration also demand new forms of their immediate and efficient communication. Now, e-consultations and e-petitions become popular forms of citizen-government communication in Ukraine. The article aims to analyze some of the existing norms for the e-petitioning in the world and to define their standards in Ukraine.

**Analysis of the research into this problem** E-participation is one important dimension of modern governments, which relates to the effects of information and communications technologies on government-citizens relations. The term “e-participation” suffers from a lack of an all-inclusive definition, as it comprises a wide range of initiatives. For example, it could mean the use of information and communications technologies by a government to enhance openness and transparency by the provision of information online, or the use of information and communications technologies by citizens to participate, collaborate or/and deliberate in a decision-making process. In order to understand why e-participation incorporates different interpretations, we can start by identifying what it means for citizens to interact with a government [12].

In 2001, The Organisation for Economic Co-operation and Development (OECD) published the *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making*, which is a guide to government-citizens relations and communication in democracy. The Handbook examines the relations in policy-making on local, national and international levels and highlights that representative democracy is not only based on formal rules and principles but also on the interactions and communication between the government and the citizens.

The OECD defined three practical ways in which these interactions could be strengthened:

1. **Information:** *Government disseminates information on policy-making on its own initiative – or citizens access information upon their demand. (One-way relationship)*
2. **Consultation:** *Government asks for and receives citizens’ feedback on policy-making. (Two-way relationship)*
3. **Active participation:** *Citizens actively engage in decision-making and policy-making. (Advanced two-way relationship)* [6].

The United Nations created a conceptual framework for e-participation by simply adding the electronic element to the OECD’s three ways to strengthen government–citizen interactions:

1. **E-information:** *Enabling participation by providing citizens with public information and access to information without or upon demand.*
2. **E-consultation:** *Engaging citizens in contributions to and deliberation on public policies and services.*
3. **E-decision-making:** *Empowering citizens through co-design of policy options and coproduction of service components and delivery modalities.*

The UN developed an e-participation index (EPI) based on this framework and conducted its first survey on digital participation in 2003, as a supplementary index to the UN EGovernment Survey. The UN states that the goal of e-participation initiatives is to “improve citizens’ access to information and public services and to promote participation in public decision-making which impacts the well-being of society, in general, and the individual, in particular” [14].

The results show that political participation via the Internet still seems to be less advanced, tend to remain at an experimental stage or are confined to very specific purposes. Online voting in general elections and referenda has so far only been introduced as a regular and guaranteed feature in Estonia; online consultations offered by governments are much more common (European Commission, Canadian federal government). Yet, compared to e-petitions, e-consultations are usually not codified in law, and can generally be characterized as non-compulsory [11].

Electronic petition is a specific form of collective appeal that has a limited number of addressees, must gain support of a certain number of signatories within a limited period of time and to be consider in a specific order. Petition as an instrument of e-democracy is mentioned in the legislative acts of the European Council and many other governments.

The origin of petition may be individual or collective, the form – paper or electronic. According to their judicial character, petitions are divided into advisory or imperative. Imperative petitions are obligatory for the government. In Finland, the petition that gets 50000 signatures becomes a draft legislation and the Parliament has to consider it in the priority order.

Advisory petitions are intended to analyze public opinion, examine issues important for both the government and citizens. This form of petition does not have any judicial consequences. All of the Ukrainian e-petitions are advisory because strict web-identification of the signatory is so far impossible [2].

Among the numerous possibilities to offer formal online participation channels to citizens, e-petitions were clearly the forefront of official, fully operational e-democracy activities of governments and parliaments. In 2000, the Scottish e-petitioner was the first e-petition system to be established by an elected parliament.

There are currently a number of e-petitions systems already in existence across the world including, the Scottish Parliament (introduced in February 2004), the Number 10 Downing street e-petitions facility (introduced in November 2006) and the National Assembly for Wales (introduced in April 2008) among the first [13].

Formal e-petitions refer to institutionalized and at least to some extent legally codified e-petition systems operated by public institutions. In the case of paper petitions, the principal petitioner normally gets in touch with the administration after having collected signatures, and hands over the actual petition, the list with signatures and other required documents at once. The internet-based procedure, however, requires the petitioner to contact the administration prior to the signature phase. So far, only few insights could be gained on the political effects of this early procedural “filter”. On the one hand, the early contact with the experts in the administration opens the opportunity to improve the petition text, and the petitioner may receive useful tactical advice on how to promote e-petition. On the other hand, it cannot be ruled out that the petitioner’s genuine request might be distorted in the process [11].

The official web-page of the United Kingdom Parliament states: “petition is a formal written request from one or more people to the Sovereign, the Government or Parliament. The right of the subject to petition the Monarch for redress of personal grievances has probably been exercised since Saxon times. It was recognized in Magna Carta and more explicitly in Act of 1406. The Bill of Rights of 1688 restated that right in unambiguous terms, «it is the right of the subject to petition the King, and all commitments and prosecutions for such petitioning are illegal»” [13].

An understanding of the history and evolution of the right to petition relative to the development of speech and press rights crucial to ascertain the appropriate level of protection petitioners deserve today. In Medieval times, before the UK Parliament had assumed its present constitution and when its judicial and legislative functions were yet undefined, Receivers and Triers of petitions appointed by the Crown travelled the country to hear the complaints of people. The British Parliament first legislative acts occurred with the Commons petitioning the King for certain amendments to the law. The seventeenth century saw the development of what may be considered the “modern” form of petition – addressed to Parliament, drawn up in a prescribed manner, usually dealing with public grievances.

When the English government first began to speak of petitioning as an “inherent right” of citizens, the rights of speech, press and assembly were regulated. These regulations called for and frequently resulted in punishment. Not only did government ordain petitioning as an individual right, but also treated it as one. From its inception in the thirteenth century and for approximately 500 years thereafter, petitioning was not a meaningful right because petitioners were frequently punished. Petitioning did not mature into an individual right in either England or American colonies until early in the eighteenth century. In both, England and the colonies, the changing political climate was the catalyst for this transformation.

In 2006 e-petitions appeared on the state level as the initiative of the PM Tony Blair. That was the time when the first electronic form for the individual petition was introduced; an option to support somebody’s petition was also added. E-petitions that received more than 100000 signatures were presented to the Parliament for further analysis and decisions. In 2011 a new site appeared on the portal of the British government that was totally dedicated to the work with e-petitions. It was better structured, more informative and user friendly.

**Statement regarding the basic material of the research and the justification of the results obtained.** Development of e-petitioning as a form of direct and almost immediate communication with the government always marks periods of country’s democratic advances. In December, 2013 Ukrainians started the collection of signatures for the petition aimed to impose sanctions on Viktor Yanukovich for not signing the EU Association.

Legislative history of the e-petitions in Ukraine started in July, 2014 when the legislative draft “On the Right of Citizens to Initiate Hearing of Legislative Acts by Government Authorities and Local

Government” was presented. This draft provided main standards of a petition, mechanism of its creation and implementation.

In Ukrainian legislation, electronic petition is a special form of collective citizens` address to the President of Ukraine, Verkhovna Rada of Ukraine (Parliament), Cabinet of Ministers of Ukraine and local government organs. E-petitions can be submitted via an official web-site of the institution addressed or via a web-site of a non-governmental organization responsible for the collection of signatures supporting the e-petition [1].

In March, 2015 the President of Ukraine introduced one more legislation aimed to implement changes to the Law of Ukraine “On Appeals of Citizens” thus giving people the opportunity to post electronic petitions. In July, 2015 Verkhovna Rada accepted the changes to the Law of Ukraine “On the Appeals of Citizens” that state electronic petition as a specific form of collective citizens` appeal to the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers and local governments. On August, 28 2015 the President of Ukraine issued a Decree “The Order of Hearing of the Electronic Petition” according to which the site of the President of Ukraine started accepting petitions on the very next day.

E-petition addressed to the President of Ukraine, Verkhovna Rada of Ukraine or Cabinet of Ministers of Ukraine will be considered in a special order after it collects not less than 25000 signatures within a 3 months term after the day of its publication. The number and terms of signatures collection under the e-petition addressed to the local municipality is determined by the Statute of the local community.

The contents of the e-petition in Ukraine prohibits: appeals to break Ukrainian constitutionalism; appeals to break territorial integrity of Ukraine; appeals to terrorism; war, violence, cruelty propaganda; exasperation of interethnic, racial and religious hatred; invasion of human rights and freedom; information that humiliates dignity, honour, rights and lawful interests of a person; materials and statements that threaten national interests and national safety of Ukraine; pornographic and sexual materials; election materials; commercial and advertisement materials.

The procedure of the e-petition creation and consideration differs depending on the state. In Ukraine, the e-petition procedure demands the following steps:

1. *Formulation of the e-petition contents and its intended addressees (the President of Ukraine, Verkhovna Rada, Cabinet of Ministers or local government authorities). The e-petition must include the reason of the appeal and the name of its author.*

2. *The e-petition has to be submitted on the official web-page of the government authorities addressed in the petition or on the web-pages of non-governmental organizations responsible for the signatures collection.*

3. *Verification of the e-petition by responsible organ within two working days.*

4. *Publication of the e-petition on the official web-page of the government authorities addressed in the petition or on the web-pages of non-governmental organizations responsible for the signatures collection.*

5. *Collection of signatures to support the e-petition. If the petition fails to get the necessary amount of supporters, it will not be considered in special order, but only as an average citizens` appeal.*

6. *If the e-petition was published on the web-page of an NGO responsible for the collection of signatures, than after the end of the e-petition term all the information on the e-petition should be sent to a corresponding organ addressed within one day.*

7. *Consideration of the received e-petition by an organ addressed within 10 working days. The process may include collection and analysis of the information, verification of the arguments mentioned in the petition, but the most important outcome of this stage is the development of the action plan on the e-petition`s appeal.*

8. *The results of the e-petition are announced on the next day after the finish of the consideration procedure. They should be published on the official web-page, sent to the author (initiator of the e-petition) and the NGO responsible for the collection of signatures [3].*

Except the contents and legislative norms, e-petitions have to follow strict time limits for the collection of the necessary number of signatures. In Ukraine, the time limit for the e-petitions addressed to the President of Ukraine, Verkhovna Rada and Cabinet of Ministers is 3 months since the day of their



publication. Within this period, an e-petition has to be signed by at least 25 000 people. The number of signatures for e-petitions addressed to the local government authorities depends on the population of the political unit addressed (less than 1000 residents – not less than 50 signatures; 1 million – not less than 1000 signatures) [1].

At the present moment, only the portal of the President of Ukraine has a specific site for electronic petitions, despite the law that demands similar possibilities for citizens on the portals of other governmental organs. The portal of the President of Ukraine also ranks among the most visited and active web-pages of the country. Obviously, the option of e-petitioning available on the portal made it attractive for the visitors.

**Conclusions and prospects for further research.** Democracy and communication rights are quite interdependent, they promote transparency, effectiveness and accountability of governmental organs. New model of political communication mediated by advanced informational and communication technologies changes and “upgrades” the rules of legislative procedures and political decision-making. New forms of e-democracy like e-petitioning or e-consultations demand much of linguistic and social attention as they give birth to new types of media discourse and new social practices [4, 77–85]. The creation of new tools for the citizens’ e-participation also needs linguistic and information technology skills, thus giving applied linguists a new area of research and practice.

### *Bibliography*

1. Електронні петиції : офіційне інтернет-представництво Президента України [Електронний ресурс]. – 2016. – Режим доступу : <https://petition.president.gov.ua/>
2. Зарікова С. Електронні петиції в Україні: становлення системи та механізм дії / С. Зарікова [Електронний ресурс] // Центр досліджень соціальних комунікацій НБУВ. – 2016. – Режим доступу : [http://nbuviap.gov.ua/index.php?option=com\\_content&view=article&id=1576:elektronni-petitsiji-v-ukrajini-stanovlennya-sistemi-ta-mekhanizm-diji&catid=8&Itemid=350](http://nbuviap.gov.ua/index.php?option=com_content&view=article&id=1576:elektronni-petitsiji-v-ukrajini-stanovlennya-sistemi-ta-mekhanizm-diji&catid=8&Itemid=350)
3. Решота В. В. Електронна петиція як новий інструмент звернення громадян до органів публічної адміністрації [Електронний ресурс] / В. В. Решота // Науковий вісник Міжнар. гуманіст. ун-ту. Сер. «Юриспруденція». – 2015. – Вип. 15 (1). – С. 91–94. – Режим доступу : [http://nbuv.gov.ua/UJRN/Nvmgu\\_jur\\_2015\\_15%281%29\\_26](http://nbuv.gov.ua/UJRN/Nvmgu_jur_2015_15%281%29_26).
4. Biskub I. Electronic Petition as a New Type of Media Discourse / Iryna Biskub // Scientific Journal of the Lesya Ukrainka Eastern European National University. – 2016. – P. 77–85.
5. Brundidge J. The Contribution of the Internet to the Heterogeneity of Political Discussion Networks: Does the Medium Matter? / Jennifer Brundidge // Paper presented at the Annual Meeting of the International Communication Association. – Dresden, Germany : Dresden International Congress Centre, 2006.
6. Citizens as Partners : OECD Handbook on Information, Consultation and Public Participation in Policy-Making [Electronic resource] / drafted by Marc Gramberger. – Paris : OECD Publishing, 2001. – Access mode : <http://www.oecd.org/gov/digital-government/2536857.pdf>
7. Freeman J. Understanding E-Democracy: Government-led Initiatives for Democratic Reform [Electronic resource] / J. Freeman, S. Quirke // eJournal of eDemocracy and Open Government. – 2013. – Vol. 5, No 2. – P. 141–154. – Access mode : <http://www.canberra.edu.au/researchrepository/items/440137eb-c224-429a-b567-d2dfea151e02/1/>
8. Holt R. Dialogue on the Internet: Language, Civic Identity, and Computer-Mediated Communication / Richard Holt. – Westport, Conn : Praeger, 2004. – 256 p.
9. Hoorens S. eGovernment, eGovernance and eDemocracy / S. Hoorens, L. Cremonini, S. Bearne, et al. // JANUS. Final Glossary of terms and definitions. – 2001. – P. 39–44. – Access mode : <https://pdfs.semanticscholar.org/9973/4071d971d9e38c81330b2ef1d835aa5dddc1.pdf>.
10. Kitchener K. Getting Political on Social Network Sites: Exploring Political Discourse on Facebook [Electronic resource] / Kelin Kitchener, Matthew J. Kushin // First Monday. – 2009. – Vol. 14, No 11. – Access mode : <http://firstmonday.org/article/view/2645/2350>.
11. Lindern R. Electronic Petitions and Institutional Modernization. International Parliamentary E-Petition Systems in Comparative Perspective [Electronic resource] / Ralf Lindern, Ulrich Riehm // Jedem. – 2009. – Vol. 1, No 1. – Access mode : <http://jedem.org/index.php/jedem/article/view/3>.
12. Lironi E. Potential And Challenges Of E-Participation In The European Union [Electronic resource] / Eliza Lironi // Policy Department C: Citizens’ Rights and Constitutional Affairs. European Parliament. – 2016. – Access mode : <http://www.europarl.europa.eu/committees/en/supporting-analyses-search.html>.
13. Public Petitions [Electronic resource] // House of Commons Information Office. – London, 2010. – Access mode : <https://www.parliament.uk/documents/commons-information-office/P07.pdf>.

14. United Nations E-Government Survey 2014: E-Government for the Future We Want [Electronic resource] // UN E-Government Knowledge DataBase. – NY, 2014. – Access mode : [https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/EGov\\_Complete\\_Survey-2014.pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/EGov_Complete_Survey-2014.pdf).

#### References

1. 2016. *Elektronni Petytsii: Ofitsiine Internet-Predstavnytstvo Prezydenta Ukrainy*. <https://petition.president.gov.ua/>
2. Zakirova, S. 2016. "Electronic Petitions in Ukraine: System Formation and Operation Mechanism". *Social Communications Research Center*. [http://nbuviap.gov.ua/index.php?option=com\\_content&view=article&id=1576:elektronni-petitsiji-v-ukrajini-stanovlennya-sistemi-ta-mekhanizm-diji&catid=8&Itemid=350](http://nbuviap.gov.ua/index.php?option=com_content&view=article&id=1576:elektronni-petitsiji-v-ukrajini-stanovlennya-sistemi-ta-mekhanizm-diji&catid=8&Itemid=350).
3. Reshota, V. V. 2015. "Elektronna Petytsiia yak Novyi Instrument Zvernennia Hromadian do Orhaniv Publichnoi Administratsii". *Naukovyi Visnyk Humanistychnoho Universytetu. Seriya "Yurysprudentsiia"*, 15 (1): 91–94. [http://nbuv.gov.ua/UJRN/Nvmgu\\_jur\\_2015\\_15\(1\)\\_26](http://nbuv.gov.ua/UJRN/Nvmgu_jur_2015_15(1)_26).
4. Biskub, Iryna. 2016. "Electronic Petition as a New Type of Media Discourse". In *Scientific Journal of the Lesya Ukrainka Eastern European National University*, 77–85. Lutsk.
5. Brundidge, Jennifer. 2006. "The contribution of the Internet to the heterogeneity of political discussion networks: Does the medium matter?" *Paper presented at the Annual Meeting of the International Communication Association*. Dresden, Germany: Dresden International Congress Centre.
6. Gramberger, Marc. 2001. *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making*. Paris: OECD Publishing. <http://www.oecd.org/gov/digital-government/2536857.pdf>
7. Freeman, J., and Quirke, S. 2013. "Understanding E-Democracy: Government-led Initiatives for Democratic Reform". *eJournal of eDemocracy and Open Government*, 5 (2): 141–154.
8. Holt, Richard. 2004. *Dialogue on the Internet: Language, civic identity, and computer-mediated communication*. Westport, Conn.: Praeger.
9. Hoorens, S., and Cremonini, L., and Bearne, S., et al. 2001. eGovernment, eGovernance and eDemocracy. *JANUS. Final Glossary of terms and definitions*, 39–44. <https://pdfs.semanticscholar.org/9973/4071d971d9e38c81330b2ef1d835aa5dddc1.pdf>
10. Kitchener, Kelin, and Kushin, Matthew J. 2009. "Getting Political on Social Network Sites: Exploring Political Discourse on Facebook". *First Monday*, 14 (11). <http://firstmonday.org/article/view/2645/2350>.
11. Lindern, Ralf, and Riehm, Ulrich. 2009. "Electronic Petitions and Institutional Modernization. International Parliamentary E-Petition Systems in Comparative Perspective". *Jedem*, 1 (1). <http://jedem.org/index.php/jedem/article/view/3>
12. Lironi, Eliza. 2016. "Potential And Challenges Of E-Participation In The European Union". *Policy Department C: Citizens' Rights and Constitutional Affairs. European Parliament*. <http://www.europarl.europa.eu/committees/en/supporting-analyses-search.html>.
13. 2010. Public Petitions. *House of Commons Information Office*. London. <https://www.parliament.uk/documents/commons-information-office/P07.pdf>
14. UN E-Government Knowledge DataBase. 2014. "United Nations E-Government Survey 2014: E-Government for the Future We Want". New York. [https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/EGov\\_Complete\\_Survey-2014.pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2014-Survey/EGov_Complete_Survey-2014.pdf).

**Данильчук Анна.** Електронне залучення як нова модель комунікації «громадянин – уряд». Представлено загальний теоретичний огляд нових норм і процедур електронних петицій в Україні. Електронні петиції розуміємо як нову форму прямої та ефективної політичної комунікації та електронного залучення, що свідчить про демократичний прогрес країни. Запропоновано короткий аналіз термінів «електронне залучення», «електронна демократія», «електронна петиція», а також огляд історії петицій та їх модифікацій після всесвітнього поширення інформаційних і комунікаційних технологій. Демократія та право на комунікацію – взаємозалежні та сприяють прозорості, ефективності й надійності державних органів. Вважаємо електронну петицію найбільш стандартизованою, ефективною й законодавчо закріпленою формою електронного залучення в Україні на сьогодні. Запропонований аналіз електронних петицій в Україні містить інформацію про норми й обмеження моделі комунікації – громадянин – уряд. Електронні петиції також можна розглядати як новий тип медійного дискурсу. Ми переконані, що зростання нових форм електронного залучення вимагатиме розвитку нових лінгвістичних і ІТ знань.

**Ключові слова:** електронна демократія, електронне залучення, електронна петиція, інформаційні й комунікаційні технології, політичний дискурс.

**Данильчук Анна.** Электронное участие как новая модель коммуникации «гражданин – власть». Представлен общий теоретический обзор новых норм и процедур электронных петиций в Украине. Электронные петиции – это новая форма прямой и эффективной политической коммуникации и электронного участия, что, в свою очередь, свидетельствует о демократическом прогрессе в стране. Предложен краткий анализ терминов «электронное участие», «электронная демократия», «электронная петиция», а также обзор истории

петицій і їх модифікації після всемирного розповсюдження інформаційних і комунікаційних технологій. Демократія і право на комунікацію є взаємозалежними і сприяють прозорості, результативності і надійності роботи державних органів. Считаем електронну петицію найбільш стандартизованою, ефективною і законодавчо зафіксованою формою електронного участя в Україні на сьогодні. Представлений аналіз електронних петицій в Україні включає інформацію про норми і обмеження моделі комунікації громадян – влада. Електронні петиції також можна розглядати як новий тип медіа-дискурсу. Ми впевнені, що зростання нових форм електронного участя буде вимагати активного розвитку нових лінгвістических і ІТ знань.

**Ключевые слова:** електронна демократія, електронне участя, електронна петиція, інформаційні і комунікативні технології, політичний дискурс.