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Ірина ДЕМЧЕНКО
БЕЗПЕКА ЯК УМОВА ОРГАНІЗАЦІЇ Й ПРОВЕДЕННЯ
СЛІДЧИХ ДІЙ ПІД ЧАС ПАНДЕМІЇ

Анотація. Стаття присвячена розгляду питання забезпечення безпеки учасників слідчих дій в умовах пандемії. В статті розглядається змістовне наповнення поняття «безпека» та наголошується, що її забезпечення являє собою складну багатоаспектну систему заходів та засобів в її реалізації.

Зазначається, що положення аналізованих в роботі нормативно-правових актів, у першу чергу, спрямовані на убезпечення від можливості здійснення тиску на учасників провадження та забезпечення їх фізичної та психічної безпеки та не враховують таку умову проведення слідчих дій як пандемія. Стверджується, що відчуття небезпеки відповідним учасником не дозволить зосередитися на ході проведення процесуальних дій, що обумовлюватиме їх неналежний результат та ускладнить судову перспективу. Водночас, відчуття відповідним учасником психологічної безпеки є необхідним для найбільш продуктивної діяльності. Визначається, що усвідомлення відповідним учасником ризику інфікування обумовлюватиме прийняття ним заходів уникнення під будь-яким приводом від участі в розслідуванні, зміну зайнятої позиції з сумлінної на несумлінну, формальне ставлення до проведення за його участі слідчих дій та ін. Підтримується теза В. Плетнеця про те, що між ступенем захищеності учасників провадження та кількістю наданих ними відомостей про обставини вчиненої події може простежуватися прямо пропорційна залежність. Наголошується, що пошук шляхів забезпечення безпеки має виступати однією з важливих заходів підготовки та проведення слідчих дій в умовах пандемії.

У висновках наголошується, що забезпечення безпеки учасників розслідування має розглядатися як багатоаспектна категорія, що обумовлює необхідність комплексного підходу до її оцінки та вирішення в рамках кримінального провадження. Крім того, наголошується на необхідності приділення з боку дослідників більшої уваги питанню розробки аргументованих пропозицій до змін в законодавство із розширенням прав на забезпечення безпеки учасників кримінального провадження в умовах пандемії. Чинники та фактори, що обумовлюють формування умов розслідування та проведення слідчих дій, доцільно розглядати як окремо, так і у сукупності.

Ключові слова: умови підготовки та проведення слідчих дій, забезпечення безпеки, пандемія, тиск, уповноважена особа, ризик інфікування.

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Andriy ChAUS[®]

Adjunct
(Dnipropetrovsk state
University of Internal
Affairs, Dnipro,
Ukraine)

MAIN DIRECTIONS OF ADMINISTRATIVE AND LEGAL CONTROL OF ILLEGAL TRAFFICKING OF DRUG SUBSTANCES USING THE INTERNET

Abstract. Research on the issue of administrative and legal counteraction to illicit drug trafficking using the Internet. The paper states the existence of an extensive system of preventive research in the field of combating both illicit drug trafficking and tort in general. Based on a three-tier system of anti-anesthesia: general; special and individual.

According to the results of the study, the following conclusions were made: With the development and accessibility of the Internet, a whole system of drug culture promotion emerged, as well as new ways of distributing drugs (so-called bookmarks). Administrative and legal counteraction to illicit drug trafficking using the Internet should be carried out at the following levels: general; special and individual.

Keywords: *drugs; narcotic substances; opposition; Internet; web resource.*

Relevance of the study. Prevention plays an important role in combating drug trafficking, its analogues and precursors. Prevention is the precautionary mechanism that does not allow mass criminalization of society with all the negative consequences. With the development of information technology and the comprehensiveness of the Internet, illegal activities in the field of drug trafficking have moved to the virtual sphere, which in turn requires the prevention of illegal behavior in the virtual space. This problem is especially acute with the emergence of so-called "bookmarks", through which the sale of drugs takes place without contact between seller and buyer.

Recent publications review. Problems of counteraction to narcotization were studied by scientists-administrators through the object of research, so features of administrative responsibility for offenses in the field of trafficking in narcotic drugs and psychotropic substances were devoted to such works by such scientists as K. Afanasyev, O. Volokh, I. Golosnichenko. etc. [1-5]. The issue of anesthesia of minors was considered separately by scientists A. Sivchuk, N. Yuzikova, I. Cormorant. The general prevention of drug offenses was not left out of consideration by such scientists as A. Musica, A. Savchenko, O. Yarmish, H. Yarmaki. In our study, we will try to reveal the directions of administrative and legal counteraction to illicit drug trafficking using the Internet.

The article's objective is to develop areas of administrative and legal counteraction to drug trafficking using the Internet.

Discussion. It is worth mentioning the rather extensive system of research on preventive activities in the field of combating both drug trafficking and torts in general. Given the diversity of assets, we consider it appropriate to adopt and use a three-tier system to combat the drugzation of society. In general, according to the accepted systematization of directions of counteraction to illicit trafficking in narcotic drugs, their analogues and precursors it is accepted to divide into: general; special and individual.

General counteraction includes the activities of the state in general, as well as its bodies and institutions, non-governmental organizations and formations aimed at resolving social,

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ORCID iD: <https://orcid.org/0000-0002-9474-5147>

k_appad@dduvs.in.ua

economic, political and cultural-moral contradictions related to drugzation of the population. Exactly the conduct of state and social policy in this direction is the key to effective prevention. Such activities are nationwide and cover long-term social relations. Accordingly, planning is carried out for a long period, usually for 5 years and is reflected in the relevant program approved by the highest executive body.

The subjects of the direction of administrative and legal counteraction to illicit drug trafficking with the use of the Internet are the state represented by the highest state authorities, local self-government bodies, public formations and individual citizens with an active position in life. Religious organizations and their leaders play an important role in this system. According to the analyzed paradigm, this range of actors is designed to influence the causes and conditions that contribute to the spread of drug addiction in society. In counteracting this phenomenon, a set of legal, social, cultural and religious norms is used with the use of the Internet. The object of the general administrative and legal counteraction to the drug addiction of society with the use of the Internet are the subjects of the social sphere. A feature of the object in this area is its division into two main blocks.

The first includes groups of people involved in the distribution of drugs, their analogues and precursors via the Internet. The specificity of this implementation is the lack of direct contact between seller and buyer. The sale of drugs is contactless, through a system of "bookmarks" and non-cash transfers. The Internet is full of advertisements about the possibility of "safe purchase" of narcotic and psychotropic substances. In addition, in public places in large settlements, it is not uncommon for e-mail addresses and links to sites where you can order and purchase these substances to appear. The second specific block of administrative and legal counteraction to illicit drug trafficking using the Internet is the entire virtual system. This is primarily due to the free opportunity to promote drug using. In this approach, the object of such a warning are individuals - users of computer equipment, mainly the Internet, as well as certain groups of network users: prone to drug use or are in unfavorable family or social conditions; have experience of first drug trials, or have friends who use drugs; increased risk; use drugs; are addicted to drugs; wishing to stop using them.

The administrative and legal counteraction to illicit drug trafficking with the use of the Internet at the general level should include: public monitoring of the Internet; creation of "hot lines" to obtain information about the detection of suspicious content; detection, collection and systematization of information with subsequent transfer to the relevant authorities of information on Internet resources promoting drugs; encouraging the development of content on the Internet that advocates for a healthy lifestyle. Among these activities, a special place is occupied by encouraging the development of content on the Internet that campaigns for a healthy lifestyle. This is due to the need to increase the legal literacy of the population, their legal culture and consciousness. At the same time, it is necessary to state an unreasonably small amount of Internet content in this direction. This is primarily due to the lack of attention of the state and the public to this issue.

It is worth noting that the World Wide Web is a fairly mobile phenomenon that is constantly changing and responding quickly to changes and needs in society. This is primarily due to the wide distribution of the network and the ability to access it. Today, due to easy access to the Internet, almost anyone can create a certain electronic resource, including a resource that promotes the use of drugs, as well as distribute the same drugs, their analogues and precursors. Thus, the fight against anesthesia depends not only on the state as a whole and its bodies in particular, but also on the public and individual citizens. Special prevention of drug offenses on the Internet is the localization and neutralization of the negative impact on homogeneous social relations in society, creating a basis for strengthening the legal behavior of citizens [1], establishing the principle of legality and ensuring the irreversibility of punishment for the offense. Carrying out such a large-scale counteraction requires the concentration of the efforts of the entire state with the broad involvement of the population. However, the implementation of such large-scale measures requires the adoption and approval of a long-term state target program with an implementation period of at least five years. Special counteraction to drug trafficking of their analogues and precursors on the Internet should be provided at the state level and includes the activities of law enforcement agencies and special institutions aimed at combating narcotics.

In general, the special impact on the negative effects of the Internet is aimed at:

– creating obstacles to the legalization of funds received for offenses in the field of anesthesia;

- ousting methods of anesthesia of the population from the Internet;
- together with the public monitoring of the network in order to identify, localize, block and identify those involved in the distribution of pro-narcotic content;
- improving methods of detecting such content on the Internet [2].

In order to strengthen the general and special administrative and legal counteraction to illicit drug trafficking using the Internet, the priority tasks are:

1. Ensuring the intensification of activities to identify and stop the activities of sites with pro-narcotic orientation. Emphasis on countering web-resources that distribute drugs, as well as applications to mobile phones that do not use the mobile network but work via the mobile Internet also serve as a means of anesthesia;

2. Creating and ensuring the proper functioning of an effective mechanism for the promotion of Internet resources that promote a healthy lifestyle, have an educational function about the harm of drug health, etc. [3].

To solve the tasks, it is necessary to provide:

1) constant monitoring of the Internet.

Continuous monitoring of the network is necessary in order to timely identify and adequately respond to the content posted on the relevant resources, which: offers to purchase drugs, their analogues and precursors; promotes the use of these substances, as well as content that allegedly reveals the safety and misconceptions of society about drugs (as an example, as if smoking marijuana does not pose a threat to physical and mental health).

The system of monitoring Internet sites and applications for mobile devices should be based on the following special principles: priority of primary prevention; clear interaction between prevention units, cyberpolice, the public and individual citizens; causality.

Monitoring should detect and record the following: characteristics of information about the drug posted on the Internet; the dynamics of site visits (total number, time of day and season, if possible, age and gender of persons who visited the site, etc.); the method of network activity of visitors (through network access or a special application in the mobile phone); method of resource promotion (pop-up ads, inscriptions on buildings, etc.); the state of activity of anti-drug sites and other resources; e-mail address of the pro-drug resource, domain; society's readiness to counteract, etc. [4].

Areas of network monitoring:

- control over newly created sites;
- detection of facts of placing information banners;
- tracking the facts of dissemination of information about narcotic substances, their analogues and precursors (for example, sending letters to e-mail boxes or messages in mobile phone applications);
- monitoring and verification of information on social networks (Facebook, Twitter, etc.);
- analysis of information from chats of mobile phone applications.

Standards for the effectiveness of administrative and legal counteraction to illicit drug trafficking using the Internet are:

1) The number of detected and blocked pro-narcotics resources; the number of active anti-drug resources; the amount of time required to detect and block pro-drug resources; identification and prosecution of persons involved in the creation, promotion of pro-drug sites and the actual sale of these substances [4].

2) Establishing clear cooperation in conducting administrative and legal counteraction to illicit drug trafficking using the Internet between prevention units, cyberpolice, and the public. The organization of interaction will allow: to react in time to the facts of registration of sites of a pro-narcotic direction; obtaining information on the facts of posting in public places information on electronic resources for pro-narcotics and their timely destruction; holding joint meetings, briefings, trainings, etc.

3) Introduction of public control and establishment of a system of interaction with the public and citizens.

Public control occupies one of the important places in the life of the state and society. Given the mass digitalization and the growing transition of people's lives to the virtual network, the involvement of citizens in combating narcotics is especially relevant. Establishing a clear system of interaction will allow you to quickly and timely receive information about the registration of a new resource on the Internet, its characteristics, which in turn will provide an opportunity to respond in a timely manner and terminate their activities. Public control should

be aimed, first of all, at improving the effectiveness of administrative and legal counteraction to illicit drug trafficking using the Internet by the relevant state institutions.

The essence of public control should be to monitor the activities of relevant state institutions, identify problems and miscalculations in their activities, disseminate positive results, draw public attention to the problems of narcotics via the Internet, interaction between the public and society in combating narcotics, public performance of certain law enforcement functions. by prior agreement, joint preventive measures, etc.

Individual administrative and legal counteraction to illicit drug trafficking using the Internet is aimed at a specific person who uses the network to purchase drugs, or is reasonably suspected of such actions. The purpose of such activities is to neutralize the negative antisocial behavior of a person who could potentially develop into a criminal activity (drug addiction can push a person to commit a crime). Individual prevention should be based not only on criticism of drug use, but mainly on focusing on positive personal qualities. Individual counteraction must be based on legal methods and provide for the protection of the rights and freedoms of everyone. Measures of individual administrative and legal counteraction to illicit drug trafficking with the use of the Internet include: preventive conversations with persons prone to drug offenses via the Internet; registration of persons prone to committing these offenses; providing legal, social and humanitarian assistance to such persons, paying special attention to the accounts, domains and other Internet resources of such a person; sending relevant messages to the place of study / work of such persons, etc.

Conclusions. The article considers the peculiarities of administrative and legal counteraction to drug trafficking using the Internet. The relevance of this direction for modern society in the era of digitalization is determined. According to the results of the study, the following conclusions were made:

1. With the development and availability of the Internet, a whole system of drug culture promotion has emerged, as well as new ways of distributing drugs (so-called bookmarks).

In order to administratively and legally counteract illicit drug trafficking using the Internet, the following is proposed: to constantly monitor the Internet in order to identify resources that promote drug use and offer the sale of such substances, to immediately stop their activities and bring the perpetrators to justice; to ensure constant interaction of the public with the relevant state institutions, with the motto of promoting a healthy lifestyle and timely detection of prohibited content on the Internet.

2. Administrative and legal counteraction to illicit drug trafficking using the Internet should be carried out at the following levels: general; special and individual.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Андрій ЧАУС

**ОСНОВНІ НАПРЯМИ АДМІНІСТРАТИВНО-ПРАВОВОЇ ПРОТИДІЇ
НЕЗАКОННОМУ ОБІГУ НАРКОТИЧНИХ РЕЧОВИН
ІЗ ВИКОРИСТАННЯМ МЕРЕЖІ ІНТЕРНЕТ**

Анотація. В роботі констатовано наявність розгалуженої системи досліджень превентивної діяльності в сфері протидії як незаконному обігу наркотичних речовин, так і адміністративним правопорушенням взагалі. Взято за основу трирівневу систему протидії наркотизації: загальну; спеціальну та індивідуальну. Загальна протидія включає в себе діяльність держави взагалі, а також її органів та інститутів, недержавних організацій та формувань направлену на вирішення

соціальних, економічних, політичних та культурно-моральних протиріч пов'язаних із наркотизацією населення. Саме проведення державно-соціальної політики в даному напрямку є запорукою дієвої профілактики.

Спеціальна профілактика наркопорушень в мережі Інтернет являє собою локалізацію та нейтралізацію негативного впливу на однорідні соціальні відносини в суспільстві, створення підґрунтя для укріплення правосвідомої поведінки громадян, встановлення принципу законності та забезпечення безповоротності покарання за вчинене правопорушення.

Індивідуальна адміністративно-правова протидія незаконному обігу наркотичних речовин із використанням мережі Інтернет направлена на конкретну особу, яка використовує мережу для придбання наркотичних засобів, або обґрунтовано підозрюється в таких діях.

За результатами дослідження зроблено висновки:

1. З розвитком та доступністю використання мережі Інтернет виникла ціла система пропаганди нарко-культури, а також нові способи розповсюдження наркотичних речовин (так званих закладок).

2. Адміністративно-правова протидія незаконному обігу наркотичних речовин із використанням мережі Інтернет повинна здійснюватися на наступних рівнях: загальний, спеціальний та індивідуальний.

Ключові слова: наркотики; наркотичні речовини; протидія; інтернет; веб-ресурс.

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Valeriia SAVCHENKO[®]

Graduate student

(Dnipropetrovsk state

University of Internal Affairs, Dnipro, Ukraine)

THE RIGHT OF CONVICTS TO HEALTH CARE

Abstract. The Article examines the application of imprisonment to persons, which restricts their ability to exercise a number of rights and freedoms, but the state undertakes to provide such persons with access to medical care and treatment. However, the procedure for exercising and ensuring the right to health care has its peculiarities due to the nature of criminal punishment in the form of imprisonment. Despite the great attention of scientists to the definition and legislative consolidation of human and civil rights and freedoms in Ukraine, the complexity of the task of administrative and legal support and establishing guarantees of the right to health of citizens sentenced to imprisonment requires more detailed study. The state of ensuring that convicts exercise their right to health care and adequate medical care has recently been extremely unfavourable. According to prosecutors, the main shortcomings in the organization of health care are insufficient staff, lack of necessary medicines and emergency medical care, untimely detection, diagnosis and prevention of diseases, especially chronic ones and inability to provide proper treatment in remand prisons.

The system of health care facilities that can provide medical care in general and special order should be specifically defined, as these aspects are rather chaotically regulated in the criminal-executive legislation. In addition, the main problem of the imperfect functioning of the program to guarantee the right of the convict to health care is the insufficient material and financial support of penitentiary institutions, as most of them are in extremely unsatisfactory condition and objectively unable to provide normal living conditions.

Keywords: ensuring, right to health, legal status, convict, administrative support, legal support, protection of public health, imprisonment in Ukraine.

Relevance of the study. One of the most crucial components of the social and economic rights and freedoms system of the citizens is the right to health care. Health care implies certain measures that are taken by the government bodies and local authorities, their

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k_kpk@dduvs.in.ua