

ry boards for the activities of the police and members of the appraisal commissions for the selection and attestation of the police.

References

1. Про Національну поліцію: Закон України від 2 липня 2015 року № 580-VIII. *Відомості Верховної Ради України*. 2015. № 40-41. Ст. 379.
2. Декларація про поліцію: Резолюція Парламентської асамблеї Ради Європи № 690 (1979) від 8 травня 1979 р. URL: http://zakon5.rada.gov.ua/laws/show/994_803.
3. Про Європейський кодекс поліцейської етики: Рекомендації Комітету Міністрів державам-учасницям Ради Європи від 19 вересня 2001 року / Офіційний сайт Центру політико-правових реформ. URL: <http://pravo.org.ua/files/Criminal%20justice/recl.pdf>.
4. Кодекс поведення должностных лиц по поддержанию правопорядка: Резолюция 34/169 Генеральной Ассамблеи ООН от 17 декабря 1979 г. URL: http://zakon2.rada.gov.ua/laws/995_282.
5. Про участь громадян в охороні громадського порядку і державного кордону: Закон України від 22 червня 2000 року № 1835-III. *Відомості Верховної Ради України*. 2000. № 40. Ст. 338.
6. Долгополов А.М. Організаційно-правові питання діяльності громадських формувань з охорони громадського порядку і державного кордону в Україні: дис. ... канд. юрид. наук: спец. 12.00.07 / Долгополов Анатолій Миколайович. К., 2008. 268 с.
7. Бесчастний В., Гребеньков Г. Взаємодія міліції й населення як стратегічний напрям діяльності органів правопорядку. *Віче*. 2013. № 12. С. 11-13.
8. Денисюк С.Ф. Громадський контроль за правоохоронною діяльністю в Україні: адміністративно-правові засади: дис. ... докт. юрид. наук: спец. 12.00.07. Київ, 2010. 393 с.

Received to editorial office 07.06.2018

Summary

The article analyzes the models of construction and functioning of the legal support system and organization of public control over the activities of the police of the leading countries of the world.

Taking into account the analysis of foreign experience in the implementation of certain forms of public control over the activities of the police in a number of countries and in individual countries, in particular, the prospective ways of its introduction in Ukraine are identified.

Keywords: *police, public control, means and methods of public control, foreign experience, directions of implementation.*



Eduard Ryzhkov

Ph.D., As. Prof.

(the Dnipropetrovsk State University of Internal Affairs)

SOCIAL NETWORKS AS INTERESTED OBJECTS OF LAW-ENFORCEMENT BODIES

DOI: 10.31733 / 2078-3566-2018-2-224-228

Рижков Е. СОЦІАЛЬНІ МЕРЕЖІ ЯК ОБ'ЄКТ ІНТЕРЕСУ ПРАВООХОРОННИХ ОРГАНІВ. У статті розглядається соціалізація мережі Internet, та її вихід на істотно новий рівень, що і зумовлює необхідність врахування значного масиву оперативної інформації в практичній діяльності правоохоронних органів.

У сучасному інформаційному суспільстві соціальні мережі все частіше використовуються не за своїм основним цільовим призначенням. Все частіше вони стають як знаряддям, так і місцем скоєння злочину. Дана тенденція вимагає від правоохоронних органів не тільки здійснення моніторингу та пошуку осіб в цілях оперативно-розшукової діяльності, але і у інтересах досудового розслідування.

Дедалі виникає необхідність використання різноманітних Інтернет ресурсів, як джерел оперативно-значущої інформації. Інформаційні масиви соціальних мереж виступають дієвим інструментом протидії злочинним проявам та джерелом інформації, яка становить оперативний інтерес.

Ключові слова: *соціальні мережі, правоохоронні органи, оперативно-розшукова інформація.*

Problem statement and the state of its research. Assessing the current scientific and technical situation in the world, it can be argued that humanity develops in an era of information society. In recent years, information, becoming one of the decisive factors in the development of modern society, is gaining increasing importance. Information processes that are observed in the world affect not only the scientific and technical sphere, but also on a wide

range of social relations. In particular, such a manifestation is the impact of social networks on the world community.

It is natural that with the expansion of the use of social networks, the number of offenses related to this technology is increasing as they become not only a method of committing crimes, but also an instrument. It is the use of scientific and technological achievements in the commission of crimes that has always caused many problems for law enforcement agencies in the world.

A number of scholars, in particular I.A., were engaged in research on the problems of using social networks in law enforcement activities. Voronov, O.V. Bochek, Ye.O. Zvonok, VO Golubev, O.E. Corinth, M.V. Korchevsky, LA Osipenko, E.D. Patarakin, V.V. Pizhugida, E.V. Ryzhkov, Yu.V. Stepanov, M.Yu. Litvinov and others. At the same time, it should be noted that the work of predecessors is sufficiently substantiated and fundamental, but they require additional comprehension, addition and interpretation, first of all, in the modern youth environment.

The **purpose** of this article is to study the peculiarities of using social networks in the interests of law enforcement.

To achieve this goal it is supposed to solve the following scientific tasks: to analyze the genesis of the history of the emergence and concept of the social network; to explore functions, tasks and features of social networks; to carry out a comprehensive analysis of the legal basis for the use of information; obtained through social networks in law enforcement activities; characterize the international experience of using social networks by law enforcement agencies; to conduct a comprehensive analysis of ways to search and use information that is of operational interest in law enforcement activities to counteract criminal manifestations.

Presenting main material. Analyzing the goal and tasks set forth, it should be noted that the concept of "social network" is not new in science, but at different stages of the development of information networks, its content and thematic content constantly changed, depending on the evolution of technologies.

Exploring the genesis of the development of social networks as a social and legal phenomenon, we consider it expedient to propose the following stages of periodization.

The first stage is 1971-1995. The first social network using computer technology has become the technology of e-mail, which was introduced in 1971, and was used by the US military in the ARPA Net network.

The second stage (1995-2004) dates back to 1995, when Classmates.com, the first social network in the modern sense, was created by Randy Conrad. The concept of this network at that time met the needs of both separate social groups and society as a whole.

The next stage is from 2004 to the present. Begins with the foundation in 2004 of Facebook, which in a few years became the most popular social network in the world. At the heart of this network is the mechanism of communication, but in a different plane, which led to a revolution in this area. The number of active users by mid-2016 - more than 900 million. In 2006, its analogue appears - Vkontakte, which numbers more than 157 million users.

In 2006, the microblogging service Twitter launches - a system that allows users to send short text notes (up to 140 characters) using a web interface, SMS, instant messaging, or third-party client applications.

In 2010, Instagram is gaining momentum - a resource for sharing photos and videos, both recording, and in real time. By 2017, the number of users reaches 200 million people.

As reported in the study conducted for the Internet Association of Ukraine (InAU), in April 2015, there are 12.8 million regular Internet users aged 15 and over in Uanet. The highest level of attendance is among young age groups: 65% of Internet users belong to the age group from 15 to 29 years old and 35% to 30 to 44 years old. Every third Ukrainian uses the Internet on a monthly basis, and every fifth is practically every day [1].

According to a recent study by We Are Social and Hootsuite, in 2017, the number of people using social media around the world was more than 3 billion [4].

The number of active users of the main social platforms was: Facebook - more than 2 billion (remains the leading social network in 119 of 149 countries), YouTube - 1.5 billion. Significantly increased use of WhatsApp applications - 1.2 billion, Facebook Messenger - 1, 2 billion users [5, p. 205].

Among those who communicate using social sites, only 28% teach on their profile (page in the social network) the maximum of personal information, the main part - 69% of them outline the minimum of information. The reliability of this information in many (69%) is 100 percent. 73% of respondents are sure that if necessary they can easily remove their page

from the social site.

Among the benefits of communicating in social networks, respondents said: accessibility, efficiency, informative, anonymity, ease of use, cost-effectiveness and the ability to use at any time, you can find the right people, communicate with those who are far away and at the same time keep in touch with a few people at the same time and so on. Among the disadvantages they highlighted: lack of information, lack of visual and emotional contacts, artificiality, superficiality and lack of communication, misconceptions about people, anonymity, dependence, spam, viruses.

The processes that are observed at the present stage of society's development require prompt response from law enforcement agencies. Therefore, it is reasonable to assume that to date there is a problem of legal regulation of the use of information obtained through social networks in law enforcement activities. In our opinion, this issue should be considered from the standpoint of: analysis of national legislation on the use of social networks in the activities of the National Police; International experience of using social networks by law enforcement agencies of the world.

Taking into account that in the XXI century the influence of informatization on public life is increasing, in Ukraine a number of laws and regulations on legal regulation of public information relations have been adopted. Such legislation is based on system-building regulations, such as the Constitution of Ukraine, Ukrainian Codes, Laws of Ukraine "On Information", etc.

However, due to objective and subjective reasons, modern information law does not have a clear, hierarchical construction, unity, complexity, which causes a contradictory interpretation and application of its norms in practice, in particular because of the fact that separate integral problems are solved in various normative acts fragmentarily and without reconciliation.

In the framework of this topic and the tasks set, it is expedient to analyze some of the provisions of the Constitution of Ukraine, the Laws of Ukraine "On the National Police of Ukraine", "On Operational Investigative Activity", "On Information", "On Access to Public Information".

First, the Constitution of Ukraine in Clause 7 of Art. 116 stipulates the duty of law enforcement authorities to take measures to ensure the defense and national security of Ukraine, public order and the fight against crime [2].

Secondly, the Law of Ukraine "On the National Police of Ukraine" does not explicitly stipulate the use of social networking opportunities in law enforcement activities, but Art. 27 allows police officers to use information resources.

Describing the information received in the established legal order, it is advisable to pay attention to the Law of Ukraine "On information".

So, according to Art. 11 of the specified Law - information about an individual (personal data) - this information or a set of information about an individual that is identified or can be specifically identified [3].

It is important that the collection, storage, use and distribution of confidential information about a person is not allowed without its consent, except in cases prescribed by law, and only in the interests of national security, economic welfare and the protection of human rights. Confidential information about an individual includes, in particular, information about her nationality, education, marital status, religious beliefs, state of health, as well as address, date and place of birth. Nevertheless, Article 22 allows police officers to collect this information, since after the receipt of personal information into the social network, it becomes public.

Summing up the provisions of the aforementioned normative acts, it seems appropriate for us to highlight the following: the analysis shows that Ukraine's legislation on the use of information from social networks in law-enforcement activities has its disadvantages. Various laws and regulations that regulate public relations, the object of which is information, were adopted at different times without the proper agreement of the conceptual apparatus. Thus, the notion of a social network on the Internet is not contained in any regulatory legal act that regulates these relations.

Effective work of law enforcement bodies depends on many factors, first of all, the use of modern forces, means and methods of operative-search activity. Thus, the use of the latter provides for the effective detection and suppression of crimes, which is especially important in the modern conditions of informatization of society [9, p. 42].

Unlike Ukraine, law enforcement agencies of the world have been monitoring social networks for a long time, which allows them to warn and timely detect not only offenses com-

mitted through the Internet, but also using traditional means. Thus, the Italian police are using social networks for the operational development of members of organized crime [5]. The peculiarity is that the Italian police apply only certain areas for the use of social networks, namely the monitoring of personal pages of persons of operational interest and analysis of correspondence over the networks. Thus, according to the agreement of the authorized bodies, the representatives of Facebook provide assistance not only to the law enforcement agencies of Italy, but also to the world.

In our opinion, the successful use of the tasks facing the units to combat cybercrime depends on qualitative training. For example, the UK Department of the Interior has included a special course on social media collection in the UK police training program.

The British police have officially recognized the importance of social networks in disclosing crimes by including an appropriate course in the training program for young employees. Future detectives will learn how to collect information from computers and mobile phones and look for crime-related information on social networks.

Network crimes, especially those that occur directly in the middle of the network, are, to varying degrees, endowed with attributes peculiar to crime in general. Monitoring both individual segments and the network as a whole will allow law enforcement agencies to increase the level of disclosure of this type of crime, because social networks represent not only the information array of personal data of the user, but also the basis for communication between individuals [7, p. 85].

Osipenko L.A. in his monograph on the fight against crime in global Internet networks, identifies 4 types of crimes that crumble through it [6, p. 117].

In our opinion, its classification does not accurately reflect the features of this topic, because it does not take into account the individual properties of social networks. This is conditioned both by the scientific novelty of this work and by the fact that social networks are a relatively new socio-legal phenomenon of our time. So, in our opinion, with the help of social networks, the following crimes are committed: "Traditional" crimes, in the implementation of which, social networks are used as the necessary technical means (drugs, weapons, etc.); crimes related to the placement of illegal information in networks: pornography offenses - pornography distribution through global networks, offering or granting access to it, obtaining for themselves or others through the computer system, storage of pornography in a computer system; network computer crimes - they include network marketing, investment projects, fake marriage offices.

The annual report of the 2001 International Narcotics Control Board (INCB) states that drug trafficking is increasingly being carried out through the Internet. Agreements are discussed in closed chambers from law enforcement agencies. The report provides examples of drug purchases in the Czech Republic through an Internet café and the Dutch company operating on an international scale that sells hemp seeds through social networks.

One of the most important properties of network computer crimes is their high latency. Establishing true scales of new types of criminal activity is much more complicated than any other. According to experts, from 85 to 97% of network computer intruders does not even appear. Thus, here comes the confirmation principle, according to which "the more complicated the criminal activity, so it is latent."

As you know, in the absence of sufficient material and technical and personnel support for law enforcement agencies, reducing the gap between latent and registered crime can lead to an increase in the absolute number of undisclosed crimes. This circumstance forces certain members of law enforcement agencies to maintain high disclosure rates, refuse to register network computer crimes, the probability of which disclosure is extremely small [6, p. 161].

Consequently, the analysis carried out shows that Ukraine's legislation on the use of information from social networks in the activities of the police has a number of shortcomings. Laws and regulations that regulate social relations, the subject of which I have been informed, were taken at different times without proper agreement of the conceptual apparatus. They have a number of terms that are not correct enough, do not cause unambiguous public reflection, or do not have a clear definition of their content.

Personal information about the user of the social network is not confidential, which enables it to be used by law enforcement agencies to detect and stop the crime, to search for missing persons, and other tasks facing the police. Despite the fact that the legislator did not directly foresee the possibility of using information from social networks in operatively-search activity, but due to the special design of the rules, it becomes possible.

Conclusion. Taking into account the above, we can conclude that in the modern infor-

mation society, social networks are increasingly used not for their main purpose. Increasingly, they become both an instrument and a place of committing a crime. This trend requires law enforcement authorities not only to monitor and search individuals for operational purposes, but also in the interests of pre-trial investigation. Among the peculiarities of using social networks, it is expedient to distinguish between law enforcement authorities: firstly, the information comes to the social network, as a rule, without the participation of law enforcement officers; Secondly, information contained in social networks is dynamic and, in some cases, actual, because it is constantly updated; on the third - the array of this information in steady dynamics is constantly increasing quantitatively, forming additional interobjects bonds.

Thus, social networks act as a unique source of significant information for law enforcement agencies and require additional legal regulation in order to provide an effective legal basis for the formation of probative reasons in its use.

References

1. Інструменти спілкування в Інтернет. URL: <http://lib.mdpu.org.ua/e-book/oi/lection7.htm>.
2. Number of social media users passes 3 billion with no signs of slowing. URL: thenextweb.com/contributors/2017/08/07/number-social-media-users-passes-3-billion-no-signs-slow-in.
3. Титуніна К.В., Марценко В.Є. Соціальні медіа як засіб комунікації між поліцією та громадою. *Економічна та інформаційна безпека: проблеми та перспективи: матеріали Всеукраїнської науково-практичної конференції (27 квітня 2018 р., м. Дніпро)*. Дніпро: Дніпропетровський державний університет внутрішніх справ, 2018. С. 204-208.
4. Конституція України від 28.06.1996. *Відомості Верховної Ради України*. 1996. № 30. Ст. 141.
5. Про інформацію: Закон України *Відомості Верховної Ради України*. 1992. № 48. Ст. 650.
6. Про доступ до публічної інформації: Закон України *Відомості Верховної Ради України*. 2011. № 32. Ст. 314.
7. Кутузов О.В. Спам: проблеми законодавчого регулювання та протидії. *Шляхи та перспективи розвитку кримінального права України: юридичні читання: матеріали Всеукраїнської студентської конференції (м. Одеса, 7 жовтня 2011 р.)* / Одеський державний університет внутрішніх справ. Одеса: ОДУВС, 2011. С. 134-136.
8. Кутузов О.В. Соціальні мережі закритого типу як перспективне джерело отримання оперативно-значущої інформації. *Актуальні проблеми юридичної науки очима молодих вчених: матеріали всеукраїнської науково-практ. конференції (в авторській редакції) (Донецьк, 24 лютого 2012): матеріали у 2 ч.* Донецьк: ЧП «ІД «Кальміус», 2012. Ч. 1. С. 160-163.
9. Кравцова М.О. Кіберзлочинність: кримінологічна характеристика та запобігання органами внутрішніх справ: автореферат ... канд. юрид. наук. Харків: ХНУВС, 2016. 19 с.
10. Рижков Е.В., Тітов О.О. Пошук інформації яка становить оперативний інтерес, в мережі Інтернет. *Кібербезпека в Україні: правові та організаційні питання: матеріали Всеукр. наук.-практ. конф., м. Одеса, 21 жовтня 2016 р.* Одеса: ОДУВС, 2016. С. 191-193.

Received to editorial office 06.06.2018

Summary

The article deals with the socialization of the Internet, and its access to a substantially new level, which necessitates the consideration of a significant amount of operational information in the practice of law enforcement agencies. There is a growing need for the use of various Internet resources as sources of operationally relevant information. Information masses of social networks are an effective tool for combating criminal manifestations and a source of information that is operational interest.

Keywords: *social networks, law enforcement agencies, operative-search information.*



Svitlana Ryzhkova
lecturer

*(the Dnipropetrovsk State University
of Internal Affairs)*

DOI: 10.31733 / 2078-3566-2018-2-228-231

REALIZATION OF CITIZENS' RIGHTS IN PUBLIC ORDER PROTECTION AS PUBLIC ASSISTANTS

Рижкова С. РЕАЛІЗАЦІЯ ПРАВ ГРОМАДЯН В ОХОРОНІ ГРОМАДСЬКОГО ПОРЯДКУ ЯК ГРОМАДСЬКИХ ПОМІЧНИКІВ. У статті розглядається реалізація права громадян в охороні громадського порядку як членів громадських формувань та обґрунтовується