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ADMINISTRATIVE LEGAL AND CRIMINALISTIC ASPECTS OF THE STRUGGLE AGAINST THE SPREAD OF CORONAVIRUS INFECTION

Abstract. *In order to prevent the rapid spread of coronavirus infection and the damage it may cause, many governments have been forced to introduce restrictive measures that required changes and legislative amendments. These changes allowed using not only administrative measures, but penal sanctions as well. Also, during the epidemiological investigations, the supervisory authorities were allowed to use and apply forensic technology to track, collect and transmit personal data and information on violators of the isolation and social distancing.*

Keywords: *coronavirus infection, legal regulations, personal data, epidemiological investigation, forensic intelligence.*

Анотація. Для запобігання швидкому поширенню коронавірусної інфекції і шкоди, якої вона може завдати, уряди багатьох країн були змушені запровадити обмежувальні заходи, що вимагали змін і виправлень у законодавстві. Ці зміни дали змогу застосовувати не тільки адміністративні заходи, а й кримінальне покарання. Також під час здійснення епідеміологічного розслідування органами контролю було дозволено використовувати й застосовувати криміналістичні технології для відстеження, збирання та передавання особистих даних і інформації про порушників ізоляційного режиму та соціального дистанціювання.

Ключові слова: *коронавірусна інфекція, правові норми, особисті дані, епідеміологічне розслідування, криміналістична розвідка.*

Аннотация. Для предотвращения быстрого распространения коронавирусной инфекции и вреда, который она может нанести, правительства многих стран были вынуждены ввести ограничительные меры, требовавшие изменений и поправок к законодательству. Эти изменения позволили использовать не только административные меры, но и уголовное наказание. Также при ведении эпидемиологического расследования контролирующим органам было разрешено использовать и применять криминалистические технологии для отслеживания, сбора и передачи личных данных и информации о нарушителях изоляционного режима и социального дистанцирования.

Ключевые слова: *коронавирусная инфекция, правовые нормы, личные данные, эпидемиологическое расследование, криминалистическая разведка.*

The world is experiencing the COVID-19 pandemic, unprecedented in modern history in terms of the number of cases and social and economic impact. The pandemic has

a significant impact on the economic development of countries and the way of life of the population.

COVID-19 infection is caused by the SARS-COV-2 virus, which is spread between humans, mainly in close contact of an infected person with other people.

In an effort to prevent the rapid spread of coronavirus infection, some countries have been forced to introduce additional countermeasures. These measures may include changes in certain legal regulations and the adoption of laws that limit certain rights and freedoms of citizens, as well as the use of technical and forensic methods of epidemiological investigation to prevent the chain of viral shedding.

Changes in legal regulations include: restriction on citizen travelling, entry and exit from the country, following the mask requirements, prohibition of public events, self-isolation.

To prevent the spread of the virus through sick contacts, epidemiological investigations are under way in many countries, involving the collection, processing and releasing the information about contacts with an infected person. In most cases, information is collected with the help of electronic tracking methods: phone geolocation, various applications, tracking electronic means of payment, use of electronic bracelets, security cameras for identity recognition.

This method of connecting scattered parts of information to get a complete picture of repetitive crimes is known as “forensic intelligence” and has been successfully used by police units of some countries to deal with crime and terrorism [1].

One of the first countries to adopt amendments in its legislation was Israel. According to them, temporary measures were introduced to restrict certain liberties of citizens (closure of borders, restrictions on visiting public places, closure of public establishments, forced isolation of citizens, etc.), violations of which are subject to administrative penalties in the form of fines [2]. In exceptional cases, the violation of isolation and the spread of dangerous infection shall be criminalized in the form of imprisonment up to 7 years [3].

According to official Israeli police figures, as of February 2021, 633 thousand fines were issued for various violations of the regime, including several cases brought to court, with the population of the country 9 million people.

In addition, electronic tracking methods have been allowed by the Government to monitor the spread of the virus, in particular the geolocation of the phone to identify isolation violators and contact with infected people. These methods were both voluntary, in the form of installation applications on the phone, and forced digital tracking, which was entrusted to the Internal Security

Agency (Israel Security Agency-ISA). According to the decision of the court and the Government, the personal data of people should not have been preserved and used for purposes other than to prevent the chain of the virus infection.

Such extraordinary measures, taken at the very beginning of the spread of coronavirus infection, helped to significantly reduce the rate of spread of the virus and interrupt its shedding chain. European countries have also tightened measures to combat the spread of coronavirus infection — states of emergency were imposed in Italy, France, England, Spain, Hungary, Slovakia, the Czech Republic and Serbia.

Recommendations have been adopted by the European Union for the use of modern information collection technologies to combat the virus. With mobile applications that use anonymous mobility data, warnings have been sent and contact with infected people was prevented to help limit the spread of COVID-19 [4].

The Regulation on the Protection of Individuals with regard to the processing of personal data and on the free movement of such data is the General Data Protection Regulation 2018 (GDPR).

In the Ukraine, some legislative acts have also been amended. For violation of quarantine rules and not observance of sanitary rules, administrative or criminal punishment is provided in the form of a fine or imprisonment for a period of 6 months to 8 years [5].

As of January 2021, 76 thousand protocols were issued in the Ukraine for violation of quarantine rules with a total population of 43.6 million people. Also, the Ministry of Healthcare of Ukraine was instructed to ensure the introduction into industrial operation of the electronic integrated system of watch of diseases in terms of accounting and registration suspicious and confirmed cases of coronavirus infection.

Australian authorities, to track, observe social distancing in the context of the COVID-19 pandemic (coronavirus infection), use the geolocation of the phone. To track the movement and congestion of people in the cities of Sydney and Melbourne data from transport applications and CCTV cameras installed in cities are used [6]. The legal act of using these measures is the law on biosafety [7].

Thus, it can be seen that in order to combat the spread of coronavirus infection, to identify and to stop its distribution chain, some countries in emergency situations have

adopted strict legal restrictions in the legislation. Advanced technologies of criminalistic surveillance and gathering information, which are commonly used to combat crime and terrorism, have also been used to do so.

The effectiveness of such measures depends largely on the openness of the State to its citizens, in explaining the need to take appropriate measures, as well as the civil responsibility of citizens.

It is important to note that the collection of personal information should be conducted in strict accordance with the law and legal acts of storing and using personal information such as GDPR. Data obtained by “forensic intelligence” should be used to interrupt the chain of infection and not in any case — for actions unrelated to this task.

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ЩОДО ПИТАННЯ ПРОФЕСІЙНОЇ КУЛЬТУРИ СПІВРОБІТНИКІВ СУДОВО-ЕКСПЕРТНИХ УСТАНОВ УКРАЇНИ

Анотація. Розглянуто актуальні проблеми професійної культури судових експертів. Підкреслено, що для співробітників цих установ наявність високого рівня

професійної культури є необхідною умовою якісного виконання професійних обов'язків.