

Ministry of Internal Affairs of Ukraine
THE DNIPROPETROVSK STATE UNIVERSITY
OF INTERNAL AFFAIRS

SCIENTIFIC BULLETIN
of the Dnipropetrovsk State University
of Internal Affairs

Scientific Journal

2018

SPECIAL ISSUE № 2 (92)

*Recommended for printing and distribution
via the Internet by the Academic Board
of the Dnipropetrovsk State University of Internal Affairs
(protocol No. 1, September 20, 2018)*

Dnipro
2018

Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs : Scientific Journal. – 2018. – Special Issue № 2 (92). – 244 p.

Scientific Edition • Founder and publisher – the Dnipropetrovsk State University of Internal Affairs • Certificate of state registration – KB 20781-10581ПІП from 08.05.2014 • Issued quarterly • Circulation – 100 copies. • Editorial address: 26, Gagarina av., Dnipro, 49005, Ukraine, tel. +38056-370-96-59

**The Journal is enlisted of scientific professional editions of Ukraine
in which researchers may published the results of their dissertation papers
for scientific degrees of doctor and candidate of sciences (legal sciences)**

(Annex 11 to the Order of the Ministry of Education and Science
of Ukraine of 10.07.2015 № 1021).

***The Journal is evaluated annually
in INDEX COPERNICUS INTERNATIONAL
& registered in CROSSREF***

DOI: 10.31733/2078-3566

The Journal is a collection of scientific articles, first published in English, dealing with current problems of law and law-enforcement. There are also publications covering issues of legal education. The journal contains reviews on scientific editions.

It may be used by scholars, legal and law-enforcement practitioners, and post-graduates.

Вміщено англійською мовою наукові статті вчених, викладачів і здобувачів університету, навчальних закладів системи МВС та інших центральних органів виконавчої влади, працівників правоохоронних органів. Розглянуто питання держави та права, окремих галузей законодавства, проблеми правоохоронної діяльності та юридичної освіти.

Призначено для науковців, юристів-практиків, працівників правоохоронних органів та всіх, хто цікавиться питаннями науки і права.

EDITORIAL BOARD:

Ph.D. **Andrii Fomenko** (*Editor in Chief*); Dr of Law, As. Prof. **Valentyna Bonyak**; Dr of En-g, Prof. **Volodymyr Vyshnya**; Dr of Biol., Prof. **Vitaliy Hryban**; Dr of Law, As. Prof. **Oleh Kyrychenko**; Dr of Law, Prof. **Vasyl Kostytskyy**; Dr of Ph. S., Prof. **Vyacheslav Kuzmenko**; Dr of Law, Prof. **Mykhaylo Loshytskyy**; Dr of Ph. S. **Olena Marchenko**; Dr of Law, Prof. **Roman Myronyuk**; Dr of Law, Prof. **Larysa Nalyvaiko** (*Dep. Editor in Chief*); Dr of Law, As. Prof. **Ihor Pyrih**; Dr of Philol. S., Prof. **Anatoliy Popovskyy**; Dr of Law, As. Prof. **Victoriya Savishchenko**; Dr of Law, Prof. **Andriy Sobakar**; Dr of Law, Prof. **Olga Sokolenko**; Dr of Law, Prof. **Kostyantyn Chaplynskyy** (*Dep. Editor in Chief*); Dr of Law, Assoc. Prof. **Volodymyr Shablystyy**; Dr of Law, As. Prof. **Oleksandr Yunin**; Ph.D. **Vitaliy Hlukhoverya**; Ph.D., As. Prof. **Eduard Ryzhkov**; Dr of Law **Shtefan Belechiu** (Moldova); As. Prof. **Migdaugas Bilius** (Lithuania); Dr of Law **Riccardo Furfaro** (Argentina); Dr of Law **Paulina Bies-Srokosz** (Poland); Dr of Law **Koba Chikhladze** (Georgia).

ISSN 2078-3566

© DSUIA, 2018
© Authors, 2018

Marchenko O. International practices of conceptualization the corruption phenomenon.....	64
Skyba E. Concept of legal consciousness in the philosophy of law by B. Kistyakovskyy	67
Viznytsya Yu. Criminal activity as a component of a modern hybrid war	73
Gritsay I. The principle of gender equality in the Armed Forces of Ukraine: problems and perspectives	77
Gritsay I., Gordiienko L. International mechanism for ensuring rights of internally displaced persons and its implementation by Ukraine at the regional level	82
Dzhafarova O. Research of the modern status of theoretical and normative closure of the concept of public-service activity	87
Dolgoruchenko K. The essence of analytical intelligence as a type of activity of the special department of "Vineta" of the Reich Ministry of education and propaganda	92
Ilkov V. Legal practice as a source of law in the administrative procedure	95
Ismaylov K. The state of understanding the concept of information society in jurisprudence	98
Komisarov O. The citizens' right to peaceful assembly: problems of terminological uncertainty.....	101
Korshun A. The internally displaced persons' right to housing in Ukraine: problems of ensuring realization	105
Oreshkova A. Theoretical and legal characteristics of the approaches to the definition of the concept of internally displaced person	109
Sambor M. Administrative discretion in administrative-delict law	115
Samotuga A. Social contract and problems of its legal embodiment in Ukraine	121
 ISSUES OF PRIVATE LEGAL REGULATION OF SOCIAL RELATIONS	
Andriyevska L., Polishchuk M. Modern problems of liability for damage in labor law	126



Karen Ismaylov, Ph.D.
(the Odessa State University of Internal Affairs)

CONCEPT OF INFORMATIONAL SOCIETY IN JURISDICTION

DOI: 10.31733/2078-3566-2018-2-98-100

Ісмайлов К. СТАН РОЗУМІННЯ КОНЦЕПЦІЇ ІНФОРМАЦІЙНОГО СУСПІЛЬСТВА. Здійснено аналіз розвитку та стану правового забезпечення розвитку інформаційного суспільства в Україні, зазначені проблеми формування інформаційного суспільства в Україні та запропоновані шляхи їх вирішення.

Ключові слова: інформаційне суспільство, інформаційний простір, інформаційна спільнота, інформаційні ресурси.

From the second half of the twentieth century for the leading countries of the world the time has come for the post-industrial or information society, where the main products of production are not things and energy, but information and knowledge that serve not only as a means of understanding, but also the most expensive commodity, the most common system of services and a special form of ownership. The problem of creating a global information space has emerged in the world. In Ukraine, this process began only at the beginning of the twenty-first century. Immediately there was a need to build a people-centered, open to all people, and aimed at developing an information society in which everyone could create and accumulate information and knowledge, have free access, use and share [5]. Indeed, Ukraine, having gained independence, became part of the European democratic states. And one of the main constitutional rights of citizens is the right freely to collect, store, use and disseminate information [3, art. 34]. This right laid the foundation for the development and establishment of an information society in Ukraine. However, the normative and legal basis of this process, without a definite categorical apparatus, does not contribute to the appropriate legal training of citizens of the state prior to entering the state of the informational development of civil society, as an integral part of modern civil society.

The urgency of the topic of this work is due to the transition of modern Ukrainian society from industrial to informational, in which the activities of people are realized on the basis of the use of services provided through information technology, through the exercise of the right to information that is possible only in the context of significant information and legal education work in this area.

The state of scientific development. The authors of the publication "Information Society" made a significant contribution to the interpretation of the main theoretical and practical issues of the information society, the stages of its development in Ukraine. The Way of Ukraine ". It attempted to answer the question on which way Ukraine could go and identified this way. The author of the analytical report "Information Society in Ukraine: Global Challenges and National Opportunities" is a comprehensive analysis of the theoretical and practical issues of the information society in Ukraine. Doctor of Philosophy Dubov D.V., Doctor of Philosophy O.M., Ph.D., Hnatyuk S.L. Among the well-known Ukrainian scholars in the field of law, which are considering the legal basis of the information society in Ukraine, should also be distinguished by T.A. Bereza, V.D. Gapotya, I.V. Hetman, V.P. Kolisnika, V.G. Pylypchuka, A.A. Pismenytsky and other researchers.

The purpose of the article is to analyze the current state of legal provision of the development of the information society in Ukraine in the context of conceptual understanding of this concept in jurisprudence.

The object of research of this publication is the information society in Ukraine in the legal categorical aspect.

Research methods. The methodological basis of the research was the general methods of scientific knowledge, as well as those used in legal science: methods of analysis and synthesis, formal-logical, comparative law, etc.

To reflect better the state of the information society in Ukraine, the notion of "information society" needs to be defined. Unfortunately, in the jurisprudence there is no clear definition of this concept, but the characteristics of its main features, which are presented in doctrinal definitions, the opinions of most researchers are similar.

Bereza T.A. said: "Information society is really digital and global, it is characterized by life-long learning, network intelligence, silicon technology. Also:

- Information is a society in which all possibilities of modern civilization are used for the benefit of a concrete person, in which it maximally reveals and fully realizes itself;
- Information is a society aimed at introducing, exchanging and generating new ideas and knowledge of the main national capital, the basis for the stable development of the state;
- Information is a society in which a high level of technological development is organically combined with the principles of humanity, humanism, openness and responsibility of all its members [1, p. 285-286].

Ukraine, a developing country, is in a state of civilizational uncertainty. For her, the information society is rather a slogan of developed countries than real practice. Therefore, the process of transition of Ukraine to the information society should be closely linked with the development of the world information community.

At the present stage, a number of legal acts regulating the development of the information society in Ukraine were adopted: the law "On Information", the law "On the Basic Principles of the Information Society Development in Ukraine for 2007-2015", the resolution of the Cabinet of Ministers of Ukraine "On the Establishment of Interbranch Council on the development of the information society", the resolution of the Cabinet of Ministers of Ukraine "On Approval of the Strategy for the Development of the Information Society in Ukraine", the order of the Ministry of Education and Science of Ukraine "On Approval of the Methodology for indicators for the development of the information society", etc. But they are controversial, uncoordinated, and therefore ineffective. Today, there are many gaps in information law, which is a significant barrier to the development of the information society.

By the resolution of the Cabinet of Ministers of January 14, 2009, the "Regulation on the Inter-branch Council on the Information Society Development" was approved, which is a permanent consultative and advisory body under the Cabinet of Ministers of Ukraine. Its main tasks are the preparation and submission to the Cabinet of Ministers of Ukraine of proposals on the implementation of the state policy on the development of the information society and Ukraine's integration into the global information space [7].

There is also a resolution of the Cabinet of Ministers "On Approval of the Provision on the State Agency for Electronic Government of Ukraine". It states that the State Agency for E-Governance of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine and which implements state policy in the spheres of informatization, e-governance, the formation and use of national electronic information resources, the development of the information society [4].

In Ukraine there is intensive informatization of most spheres of human life and activity. This process is characterized by the following indicators:

- the instant and global nature of information exchange;
- the distances and state boundaries for the flow of information flows are erased;
- the possibilities of collecting, processing, storing, transmitting information, access to it are growing;
- there is a transition to new forms of employment, in particular, new labor resources are formed due to the increase in the number of employed in the information / intellectual-oriented types of works [2, p. 5];
- the number of sites on the Internet is growing rapidly;
- development of telecommunication systems and means;
- national communications network is expanding.

In the law of Ukraine "On the Basic Principles of the Information Society Development in Ukraine for 2007-2015", the expected results from the tasks, goals and areas stipulated by this law are indicated. Today they are disappointing, because the minority is scheduled to be implemented:

- the level of information security of man, society and state has increased;

- degree of development of information and telecommunication infrastructure, in particular Ukrainian segment of the Internet;
- the share of science-intensive products, the quality and accessibility of education, science, culture and health services increased due to the implementation of ICT;
- the human capacity to gain access to national and world information electronic resources has expanded;
- new jobs were created, conditions for work and life improved;
- the introduction of the legal and regulatory framework of the information society was deepened [5].

Based on the statement "Strategy of the development of the information society in Ukraine", it is appropriate to point out that the current state of the development of the information society is facing a certain resistance, which is due to:

- lack of an effective mechanism for the implementation of the tasks of the development of the information society;
- the ineffectiveness of the Inter-branch Council on the development of the Information Society;
- the economic crisis, which led to a reduction in the amount of financing of works in the framework of the National Program of Informatization, etc. [6].

Thus, in order to increase the effectiveness of the development of the information society, today we can offer the following ways to overcome the negative trends mentioned above:

- systematization of normative legal acts, codification - creation of the Information Code of Ukraine. Compliance of the information legislation system with the norms of international law on the development of the information society;
- creation of new acts and bodies that would ensure the full implementation of citizens' right to information;
- education of the population of the basic foundations of the culture of information and mastering the skills of realization of the right to information. This knowledge and skills are necessary for the fullness, reality of the embodiment of the idea of an information society.
- raising the level of computer and information literacy of the population;
- creating conditions for greater transparency (informational openness) of power (legislative, economic, technical).

References

1. Береза Т.А. Поняття інформаційного суспільства, принципи його побудови та складові компоненти // Інформаційне суспільство. Шлях України. Київ: Бібліотека інформаційного суспільства, 2004. 309 с.
2. Інформаційне суспільство в Україні: глобальні виклики та національні можливості. Київ: НІСД, 2010. 29 с.
3. Конституція України: Закон від 28.06.1996 № 254к/96-ВР. *Відомості Верховної Ради України*. 1996. № 30. Ст. 141.
4. Про затвердження Положення про Державне агенство з питань електронного урядування України: постанова Кабінету Міністрів України від 1 жовтня 2014 р. № 492. В редакції Постанови КМ № 887 від 16.11.2016. URL: <http://zakon3.rada.gov.ua/laws/show/492-2014-%D0%BF/05.04.2018./12.55>.
5. Про Основні засади розвитку інформаційного суспільства в Україні на 2007-2015 роки: Закон України від 9 січня 2007 року N 537-V. *Відомості Верховної Ради України*. 2007. N 12. Ст. 102.
6. Про схвалення Стратегії розвитку інформаційного суспільства в Україні: розпорядження Кабінету Міністрів України від 15 травня 2013 р. № 386-р. URL: <http://zakon1.rada.gov.ua/laws/show/386-2013-%D1%80/20.10.2017./20.00>.
7. Про утворення Міжгалузевої ради з питань розвитку електронного урядування. Постанова Кабінету Міністрів України від 14 січня 2009 р. № 4. URL: <http://zakon4.rada.gov.ua/laws/show/4-2009-%D0%BF/20.10.2017/8.30>.

Received to editorial office 31.05.2018

Summary

In this article an analysis of the development and status of the legal provision of information society development in Ukraine is implemented, the problems of information society formation in Ukraine are designated and the solutions are offered.

Keywords: *information society, information environment, information community, information resources.*

Наукове видання

НАУКОВИЙ ВІСНИК
ДНІПРОПЕТРОВСЬКОГО ДЕРЖАВНОГО
УНІВЕРСИТЕТУ ВНУТРІШНІХ СПРАВ

Науковий журнал

2018

Спеціальний випуск № 2 (92)

Англійською та українською мовами

Редактор, оригінал-макет – *А.В. Самотуга*

Редактори: *Н.Ю. Веріго, Л.В. Омельченко*

Підп. до друку 21.09.2018. Формат 70х10/16. Друк – цифровий.
Гарнітура – Times. Ум.-друк. арк. 19,00. Обл.-вид. арк. 20,00. Тираж – 100 прим.

Надруковано у Дніпропетровському державному університеті внутрішніх справ
49005, м. Дніпро, просп. Гагаріна, 26, т. (056) 370-96-59
Свідоцтво про внесення до державного реєстру ДК № 6054 від 28.02.2018