MEDIA REPORT AS A GROUND FOR INITIATING CRIMINAL PROCEEDINGS:
EUROPEAN EXPERIENCE AND UKRAINIAN REALITIES

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ABSTRACT

Objective: The objective of this article is to analyze the possibility of initiating a pre-trial investigation based on information obtained from mass media sources.

Theoretical framework: The theoretical framework of this article revolves around the intersection of media and criminal justice systems. It explores the potential benefits and drawbacks of relying on media reports as a trigger for criminal investigations. The article also considers the importance of clear and detailed legislative provisions to facilitate effective cooperation and understanding between law enforcement agencies and the media.

Method: The article employs a comparative analysis of the criminal procedural legislation of Ukraine and other countries, evaluating the normative regulations surrounding the initiation of pre-trial investigations based on media reports. It also examines international standards and guidelines that govern the relationship between journalists and law enforcement agencies in the context of criminal offenses.

Results and conclusion: Based on the analysis of criminal procedural legislation and international standards, the article concludes that there is a need for more precise and comprehensive regulation in the Ukrainian legal framework regarding the initiation of pre-trial investigations based on media information. It highlights the importance of clear guidelines to ensure a harmonious relationship between law enforcement agencies and the media, while maintaining the principles of fairness and justice.

Originality/value: This article contributes to the existing literature by specifically examining the possibility of initiating criminal investigations based on media reports. It provides a comparative analysis of the legal frameworks in Ukraine and other countries, shedding light on the potential challenges and benefits associated with utilizing media information in criminal proceedings.

Keywords: Criminal Procedure, Media Reporting, Communication, European Experience.

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REPORTAGEM DA MÍDIA COMO FUNDAMENTO PARA INICIAR PROCESSOS CRIMINAIS: 
EXPERIÊNCIA EUROPEIA E REALIDADES UCRANIANAS

RESUMO

Objetivo: O objetivo deste artigo é analisar a possibilidade de instauração de inquérito pré-julgamento com base em informações obtidas em meios de comunicação de massa.

Referencial teórico: O referencial teórico deste artigo gira em torno da intersecção dos sistemas de mídia e de justiça criminal. Ele explora os potenciais benefícios e desvantagens de confiar em relatórios da mídia como um gatilho para investigações criminais. O artigo também considera a importância de disposições legislativas claras e detalhadas para facilitar a cooperação e o entendimento efetivos entre as agências de aplicação da lei e a mídia.

Método: O artigo emprega uma análise comparativa da legislação processual penal da Ucrânia e de outros países, avaliando os regulamentos normativos que cercam o início de investigações preliminares com base em relatos da mídia. Ele também examina as normas e diretrizes internacionais que regem o relacionamento entre jornalistas e agências de aplicação da lei no contexto de infrações penais.

Resultados e conclusão: Com base na análise da legislação processual penal e das normas internacionais, o artigo conclui que há necessidade de regulamentação mais precisa e abrangente no quadro jurídico ucraniano no que diz respeito à instauração de investigações preliminares com base em informações da mídia. Ele destaca a importância de diretrizes claras para garantir um relacionamento harmonioso entre as agências de aplicação da lei e a mídia, mantendo os princípios de equidade e justiça.

Originalidade/valor: Este artigo contribui para a literatura existente examinando especificamente a possibilidade de iniciar investigações criminais com base em reportagens da mídia. Ele fornece uma análise comparativa das estruturas legais na Ucrânia e em outros países, esclarecendo os possíveis desafios e benefícios associados à utilização de informações da mídia em processos criminais.


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1 INTRODUCTION

The effectiveness of pre-trial investigation doesn’t always depend on the actions of law enforcement officials alone. Sometimes the public can also have a significant influence on the course and results of criminal proceedings. Ideally, communication between representatives of law enforcement agencies and public should take place directly by reporting the facts of criminal offenses, giving statements, providing evidence to the investigator, etc. At the same time, such communication is one-sided and does not allow involve a significant number of people in the investigation. There are cases in which individual citizens have critical information for the investigation and don’t even know about it. Accordingly, communication between public and law enforcement agencies cannot always take place directly, so such communication happens with the use of mass media.

Relationship between mass media and law enforcement agencies is carried out both in the process of investigating criminal offenses and in the process of their coverage for the public. At the same time, such coverage can have both positive and negative aspects. On the one hand, the mass media in some cases take a rather aggressive position, covering the course of the pre-trial investigation. “Driven by the desire to reach (and keep) a larger audience and pressured by the competition of new communication channels such as social networks and video sharing
platforms, the media are often tempted to ignore the fundamental rights of suspects and accused persons and publish information that would affect the presumption of their innocence. At the same time, in many countries, media laws do not address in detail the coverage of criminal cases, leaving the media to define the rules themselves through self-regulation instruments like ethics guidelines or codes of conduct” (Markov, 2023).

At the same time, it is unacceptable to evaluate the importance of mass media in the investigation of criminal offenses only from such point of view, because it is through mass media communication between the public and law enforcement agencies takes place. Thus, scientific studies show that when information is disseminated through the mass media, law enforcement agencies receive many reports from citizens regarding the details of this criminal offense, a third of which can be used during a pre-trial investigation. “A media appeal is of course just one of a number of routes by which the police can try to engage the support of, and receive information from, the general public to assist in the investigation of serious crimes. House-to-house enquiries, leaflet drops, reconstructions and road stop-checks are alternative mechanisms. Each of these has strengths and weaknesses as techniques for acquiring information... Interviewees highlighted the advantages the media offered over alternative approaches to the public. For instance, newspapers, radio and television can be used to reach a high proportion of the population over a wide geographic area very quickly after the discovery of an offense. Even if an investigation does not achieve national coverage, local and regional media by themselves can achieve sizeable audiences, and more significantly, can address particular target audiences (e.g. those likely to contain potential witnesses)” (Feist, 1999).

Also, representatives of law enforcement agencies can independently identify signs of crimes in the mass media and (or) in social networks. For example, one of the studies states that “almost half of the evidence cited in a series of 2011–2014 gang indictments that charged a total of 198 teens and young adults with felonies referred to social media use, such as messaging and posting updates and photos. And the charges stuck, with 190 defendants convicted” (Lane and Ramirez, 2023).

Also, we must not forget the enormous importance of journalistic investigations in establishing signs of and uncovering crimes. “Investigative journalism is a form of journalism in which reporters deeply investigate a single topic of public interest, often including crime, political corruption or abusive acts of large companies or corporations. An investigative journalist may spend months or years investigating and preparing a report and it is a very important source and main thing in detailed information. It requires the implementation of in-depth investigations, on matters that affect the interests of citizens, violated corruption that grounds the state administration followed later in all cells of social organization. Investigative journalism is characterized by features that differentiate it from any other type of journalism. It is an expression of the degree of democracy and professionalism. It is not blackmail, pressure in the interests of the moment, also it is not a party, individual or electoral scoop” (Kastrati, 2016).

Thus, now, it is possible to ascertain the enormous influence of mass media on the field of criminal justice, including detection and investigation of criminal offenses. At the same time, it should be noted that at the moment, legal regulation of such relationships is either absent at the level of most countries or concerns certain aspects of communication between mass media and law enforcement agencies.

The purpose of this study is to examine the European experience and Ukrainian realities regarding the use of media reports as a basis for initiating criminal proceedings.
2 LITERATURE REVIEW

The Constitution of Ukraine (Article 34) defines “everyone's right to freedom of thought and speech, to the free expression of their views and beliefs” (Verkhovna Rada of Ukraine, 1996).

The concept, meaning and organization of mass media activities are defined and regulated by such Ukrainian national legal acts as: Law of Ukraine “On Information” (Verkhovna Rada of Ukraine, 1992a), Law of Ukraine “On Printed Media (Press) in Ukraine” (Verkhovna Rada of Ukraine (1992b), Law of Ukraine “On Television and Radio Broadcasting” (Verkhovna Rada of Ukraine, 1993), Law of Ukraine “On Electronic Communications” (Verkhovna Rada of Ukraine, 2020a). Also, in December 2022, the Law of Ukraine “On Media” was adopted, which will enter into force on March 31, 2023 ((Verkhovna Rada of Ukraine, 2020b) in accordance with Article 1 of which “media (mass media) is a means of disseminating mass information in any form, which is periodically or regularly published under editorial control and a permanent name as an individualizing feature” (Verkhovna Rada of Ukraine, 2020c).

Analysing the available scientific points of view regarding the importance of the mass media in combating crime, it should be noted that they are mostly aimed at highlighting problems related to the provision of journalistic activity, as well as the negative impact on the formation of criminal behaviour.

According to Mokryak (2016), “the mass media are an important component in the functioning of the deterministic mechanism of crime, they qualitatively influence the formation of an individual personality, the nature of his mental activity, and are a source of formation of behaviour, including criminal behaviour. The structure of this process can be presented as follows: elements of mass media carry criminogenic potential, an individual falls into their sphere of influence, his criminal qualities are formed, which shape criminal behaviour”. Supporting this point of view, it is possible to assert the necessity of researching the specified problem at the strategic (nationwide) level with the possibility of further creation of the Concept of reforming the mass media. However, for now it is necessary to determine what criteria an individual of society must meet? And this issue is multifaceted and controversial and relates to such concepts as “censorship”, “human rights and freedoms”, etc. The possibility of only a partial solution to this issue depends on the situation in the country, on the level of worldview and civil society building, political and criminal situation.

A small number of scientific works are devoted to the study of the concept, essence, meaning, structure, and stages of journalistic investigations in the fight against certain manifestations of crime. However, even those that exist testify to the relevance of using the capabilities of investigative journalists in exposing manifestations of criminal activity and the effectiveness of ensuring comprehensive countermeasures by informing society about the hidden processes of the criminal environment, even without signs of preparation, commission and concealment of specific criminal offenses.

Supporting H. Kryvoshey (2013) and V. Galuzina-Horobets (2021) regarding the understanding of journalistic investigation in the analytical genre, as well as the method of journalistic activity, thanks to which “the author reveals critical-consequential connections, events, phenomena, processes, reproduces and argues his point of view”, it should be noted that “journalistic investigations” are in a state of formation in Ukraine. For the formation of sustainable specialization in journalism, the presence of many factors is necessary - from the professional orientation of journalists, their high-quality training to recognition and respect from society and law enforcement agencies.

V. Sevruk (2021) notes that “an important area of interaction of law enforcement agencies with the mass media and the public is the use of the mass media and the public to solve
specific investigative, operational, and other official tasks”. At the same time, it should be noted that the algorithm for the use of such interaction depends on many factors, from the type of criminal offense to the professional skills of journalists, employees of operative units, investigators, and the operational situation in the region of application of such interaction, ensuring the preservation of state, investigative and other secrets, taking into account Article 34 of the Constitution of Ukraine, which states that the right to freedom of thought and speech, to the free expression of one's views and beliefs “may be limited by law in the interests of national security, territorial integrity or public order in order to prevent riots or crimes, to protect health population, to protect the reputation or rights of other people, to prevent the disclosure of information obtained in confidence, or to maintain the authority and impartiality of justice”.

It is possible to support the point of view of A. Kovalenko (2022), who states that “the main areas of interaction of pre-trial investigation bodies with mass media during the collection, research and use of evidence in criminal proceedings are obtaining initial information about the signs of a criminal offense from reports or publications, usage of materials of journalistic investigations during the pre-trial investigation, distribution of information about wanted persons and wanted items, distribution of requests for the search of eyewitnesses of criminally relevant events and other potential witnesses, as well as the organization and conduct of tactical operations with the involvement of mass media”.

A separate direction of research can be considered the assessment of the quality of data contained in the materials of the mass media and the possibility of using them as a basis starting criminal proceedings. For the most part, the outlined problems were studied considering the Criminal Procedural Code of 1960, in which one of the grounds for initiating a criminal case was the presence of a message published in the press (Article 94 of the Criminal Procedural Code of Ukraine of 1960) (Verkhovna Rada of the Ukrainian SSR (1960).

Currently, this problem is addressed and discussed mostly by practicing lawyers. Thus, V. Moroz (2018) notes the possibility of entering data contained in the mass media, while emphasizing that “the journalist and the editorial board (editor) of the mass media are obliged to observe the objectivity and reliability of publications and are responsible for the violation of the rights of individuals due to distribution in mass media of unreliable or biased information”. At the same time, he emphasizes that "in the case of … starting a pre-trial investigation on the basis of a report in the mass media that does not correspond to reality, is based on biased or distorted data, it is necessary to prove the inauthenticity of the relevant publication and seek its refutation, and after its refutation to require the investigator to close the criminal proceedings”.

A similar point of view is supported by A. Kovalenko, who also emphasizes the need for additional verification of data obtained by mass media when deciding the issue of opening criminal proceedings. Thus, in their view, the outlined information is mostly indicative.

3 METHODS

The methods employed in this article involved a combination of legal analysis, comparative study, and qualitative research. First, a comprehensive review of relevant legal documents, including criminal procedural legislation and regulations, was conducted to examine the normative regulation of using media reports as a basis for initiating criminal proceedings in European countries and Ukraine. A comparative analysis was then performed to identify similarities and differences in the legal frameworks and practices among these jurisdictions. This involved examining the legislative provisions, judicial interpretations, and practical approaches related to the use of media reports in initiating criminal proceedings.

Case analysis was utilized to gain practical insights into the application and outcomes of relying on media reports in criminal investigations. Specific cases from both European
countries and Ukraine were carefully selected and analyzed to understand the factual backgrounds, legal arguments, and court decisions associated with using media reports as evidence. Qualitative interviews were conducted with legal experts, scholars, practitioners, journalists, and representatives from law enforcement agencies. These interviews provided valuable perspectives, experiences, and insights on the benefits, challenges, and ethical considerations involved in utilizing media reports as a ground for initiating criminal proceedings.

Ethical considerations were carefully examined by assessing the ethical implications of relying on media reports, including issues such as source verification, accuracy, potential biases, and their impact on fair trial rights and the presumption of innocence. Ethical guidelines and professional codes of conduct for journalists and legal professionals were reviewed to assess the ethical dimensions of utilizing media reports as evidence.

Empirical data analysis involved examining relevant statistical data, research studies, and empirical evidence on the use of media reports in criminal proceedings. This data was analyzed to understand success rates, challenges, and potential biases associated with relying on media reports in different jurisdictions.

Finally, a systematic review of existing literature, including academic articles, reports, and scholarly publications, was conducted to gather a comprehensive understanding of the topic. The findings from previous studies were critically evaluated to identify gaps in knowledge and areas for further research. Based on the analysis conducted through these methods, the article presents conclusions and provides recommendations for enhancing legal frameworks, promoting transparency, ensuring fairness, and protecting the rights of all parties involved in criminal investigations based on media reports.

4 RESULTS AND DISCUSSION

4.1 Media Report as a Ground for Initiating Criminal Proceedings: The Legislative Dimension of the Problem

The criminal procedural legislation of Ukraine does not contain any special provisions regarding media reports as a basis for the initiation of a pre-trial investigation. Part 1 of Art. 214 of the Criminal Procedural Code of Ukraine contains only a general norm, according to which the investigator, inquirer, prosecutor immediately, but no later than 24 hours after submitting an application, notification of a committed criminal offense or after independently discovering from any source circumstances that may indicate the commission of a criminal offense, is obliged to enter the relevant information in the Unified Register of Pretrial Investigations, to start an investigation. Although this regulation of this aspect is brief, it opens wide opportunities for identifying the source of information that can be the basis for initiating criminal proceedings, and, it does not exclude media reports from this list.

However, other normative acts do not ignore the issue of reporting criminal offenses in mass media. The Regulation on the Unified Register of Pre-Trial Investigations, the procedure for its formation and maintenance (approved by the Order of the General Prosecutor of Ukraine on 30.06.2020 № 298) says that criminal offenses should be considered forewarned when entering information into the Unified Register of Pre-Trial Investigations, which includes, among others, offenses, which were reported by mass media (Prosecutor General's Office (2020).

The current level of scientific and technical progress and significant diversification of mass media have contributed to a change in approaches to this aspect among Ukrainian researchers. For example, O. Protsenko (2020) believes that any form of public distribution of mass information falls under the category of fixed periodic distribution, including posts in social...
networks. Indeed, such approach is correct at today’s stage of development of society and information technologies, but in the practical plane it raises many new questions regarding the verification of the source and its reliability. Currently, the practice is widespread, according to which the authors of messages in the mass media place a special inscription under it, asking them to consider it as an official statement about the commission of a criminal offense. Quite often there are situations in which information about the possible commission of a criminal offense is published by several mass media; as a result it acquires a public resonance. The current criminal procedural law does not directly establish the obligation of pre-trial investigation bodies to follow up on such reports. However, in all these cases, when certain information comes to the attention of persons authorized to carry out criminal prosecution ex officio, they are obliged to check it and in the presence of circumstances that may indicate the commission of a criminal offense in the context of Article 214 of the Criminal Procedural Code of Ukraine to start an investigation.

It should be noted that the legislation of individual countries more thoroughly regulates issues related to the initiation of criminal proceedings based on media reports.

For example, Article 197 of the Criminal Procedural Code of the Republic of Estonia, which is entitled “Other information indicating a crime”, contains a separate rule that establishes that the basis for carrying out criminal proceedings may be information indicating a crime, which was obtained by the prosecutor's office or an investigative body from publications in mass media (Code of Criminal Procedure, 2003).

The legislator of the Republic of Kazakhstan pays quite a lot of attention to media reports as a basis for initiating criminal proceedings. Article 183 of the Criminal Procedural Code of the Republic of Kazakhstan indicates that a message in the mass media can be a reason for the initiation of a pre-trial investigation when it is published in a newspaper or magazine or disseminated on radio, television or telecommunications networks (Criminal Procedure Code of the Republic of Kazakhstan, 2014). The latter, it seems, opens the possibility to include social networks and channels in messengers in this list. At the same time, the law obliges persons who perform managerial functions in a mass media that published or disseminated a message about a criminal offense, at the request of a body authorized to initiate a pre-trial investigation, to hand over documents in their possession and other materials confirming the done notification, as well as to name the person who presented the information, except for cases when this person presented it under the condition of keeping the source of the information confidential.

A somewhat different approach to the regulation of this issue is reflected in the Criminal Procedural Code of the Republic of Azerbaijan. At the same time, it should be noted that their legislation clearly distinguishes reports made by legal entities and reports made by mass media. And this aspect has important legal significance. In Article 206.1 of the Criminal Procedural Code of the Republic of Azerbaijan, it is established that mass media reports about the fact of committing or preparing to commit a crime, which may be a reason for initiating a criminal case, after appearing in the press, on radio, on television, must be sent to the criminal prosecution authorities (Code of Criminal Procedure of the Azerbaijan Republic, 2000). In fact, the law obliges the mass media, after the relevant publication, to send relevant messages to the competent authorities to decide on the initiation of criminal prosecution. Obviously, the law limits the list of mass media to only press, television and radio precisely for the purpose of being able to identify the person who is responsible for fulfilling this duty. In addition, Article 206.2 of the Criminal Procedural Code of the Republic of Azerbaijan establishes that representatives of the mass media can send unpublished correspondence to criminal prosecution bodies only as legal entities.

As we can see, the criminal procedural legislation of foreign countries assigns a special role to media reports as a possible basis for initiating criminal prosecution, although both the general approach and the degree of regulation of this aspect remain quite different. The
Ukrainian legislator, in turn, practically does not give legal significance to the differentiation of the grounds for starting a pre-trial investigation. That is why some researchers note the presence of cases when information about a criminal offense that was identified by the mass media from a legal point of view was qualified as “independent discovery by a pre-trial investigation body of circumstances that may indicate the commission of a criminal offense” in the context of Criminal Procedural Code of Ukraine. This approach is problematic, it downplays the role of the mass media in the mechanism of detection and prevention of criminal offenses, creates distrust in state institutions and reduces the possibility of interaction between the mass media and the bodies carrying out criminal prosecution.

4.2 Criminal Offenses Discovered by the Media: Known Cases

In our opinion, a positive example of the use of journalistic investigation results by law enforcement agencies in exposing persons guilty of a criminal offense should be considered the journalistic investigation carried out by investigative journalists of the “Investigation.info” project together with OCCRP journalists into the murder of the well-known journalist Pavlo Sheremet. Based on the results of the journalistic investigation, a documentary film “The Murder of Pavel” (Toporetska, 2015) was created, which gained public resonance and prompted law enforcement agencies to take appropriate actions. Journalists provided data on the persons involved in the preparation of the murder, publishing the results of monitoring a large number of street video cameras installed in the neighbourhood of the event. Also, with the help of experts of the BELLINGCAT project, a vehicle was identified that was used by the special services to monitor the deceased a few hours before the murder. In our opinion, the received information contributed to the identification of the perpetrators of the specified serious crime. However, there is still no answer to the questions about real criminals in this case. Objective reasons currently do not contribute to this; however, investigative journalists don’t lose hope of identifying all those involved in the murder of Pavel Sheremet. In this case, investigative journalists not only exercise public control over the results of a pre-trial investigation, but also help by searching, obtaining and unbiased analysis of a large amount of information.

At the beginning of 2019, almost at the height of the presidential election campaign, Bihus.info journalists published a multi-part investigation into the embezzlement of state funds in the defence sector in the “Our Money” program.

The corresponding corruption scheme, which was discussed in the journalistic investigation, consisted in the supply of parts and components smuggled from Russia, as well as parts from Ukrainian military units to defence enterprises from the “Ukroboronprom” system at two to four times inflated prices through gasketing companies. The management of the concern “Ukroboronprom” seems to have known about the fraudulent devices and consented to them (BBC News (2019).

The journalists named the entourage of the then President of Ukraine Petro Poroshenko as the curators of these schemes: the first deputy secretary of the National Security Council Oleh Gladkovskyi, his son Igor Gladkovskyi and his business partners Andriy Rogoza and Vitaly Zhukov. The story claimed that this way the group earned more than 250 million hryvnias, which it spent on real estate, luxury cars, as well as on bribes and kickbacks (Komarova (2020).

It should be noted that such information seriously affected the course of the 2019 presidential campaign in Ukraine, was the basis for manipulative statements by various politicians and generally demonstrates the level of public resonance that can provoke media reports. Let’s turn to the legal aspect of this case in terms of determining the basis for starting a pre-trial investigation. The relevant information was verified by the National Anti-Corruption Bureau of Ukraine, after which a pre-trial investigation was launched. However, according to
mass media, the first deputy secretary of the National Security and Defence Council, Oleh Gladkovsky, appealed to the law enforcement officers with a statement to verify the facts of the investigation of the “Our Money” program and asked to temporarily suspend his powers in office (Novynarnia (2019). In turn, the author of the program, Denys Bigus, noted that part of their investigation was the materials that were sent to the editorial office by e-mail by an unknown sender, and this file included the correspondence of those involved in the case.

Similar cases related to the initiation of criminal prosecution after the publication of reports in the mass media were the subject of consideration by the ECtHR in the light of Article 10 of the Convention on the Protection of Human Rights and Fundamental Freedoms. The case of Jecker v. Switzerland (application no. 35449/14) had such a context. In 2012, Nina Jacker published in the Basler Zeitung the article “Visit the dealer” about the activities of a small-time drug dealer who was involved in their distribution.

On the basis of this article, the prosecutor's office opened criminal proceedings against the hero of the publication. A journalist complained that she had been compelled to give evidence during a criminal investigation into drug trafficking and that the authorities had required her to disclose her sources following the publication of a newspaper article about a soft-drug dealer who had provided her with information. The Federal Supreme Court had found that Ms. Jecker could not rely on the right to refuse to testify, since trafficking in soft drugs was an aggravated offense. Referring to the balance struck in the legislation between the interests at stake, it held that the public interest in prosecuting an aggravated drug offense outweighed the interest in protecting a source. The Court pointed out that in view of the importance of the protection of journalistic sources for press freedom in a democratic society, a requirement for a journalist to disclose the identity of his or her source could not be compatible with Article 10 of the Convention unless it was justified by an overriding requirement in the public interest. In the present case, it was not sufficient for the interference to have been imposed because the offense in question fell within a particular category or was caught by a legal rule formulated in general terms; instead, it should have been ascertained that it was necessary in the specific circumstances”. However, the Federal Supreme Court had decided the case with reference to the balancing exercise performed in general and abstract terms by the legislature. Its judgment could not therefore lead to the conclusion that the order for Ms Jecker (2021) to give evidence had satisfied an overriding requirement in the public interest.

In the USA, the same issue was raised for the first time in the decision of the Supreme Court “Branzburg v. Hayes” (1998), in which, on the contrary, the public interest was placed above the issue of protecting journalistic secrecy. “The Supreme Court held that journalists could be compelled to appear and testify before grand juries investigating serious crimes, in part because the evidence adduced to show that the privilege was necessary to protect the flow of information to journalists was inconclusive. In addition, the Court was not convinced that the interest in protection of confidentiality outweighed the public interest in the investigation and prosecution of crimes and in deterring the commission of such crimes in the future”. At the same time, this decision caused a rather unexpected reaction among lower courts and regional legislative bodies, which began to approve normative acts designed to protect journalistic secrecy (Asner, 1993).

At the same time, it should be noted that the mentioned examples demonstrate the problems of protecting journalistic secrecy in the event that the relevant investigations fall into the orbit of criminal justice, and their analysis reveals a fairly weak regulatory regulation of the issue of relations between the mass media and law enforcement agencies.
5 CONCLUSIONS

At the current stage of the development of the criminal procedural legislation of Ukraine, it can be stated that the Ukrainian legislator does not perceive reports in the mass media as an independent basis for starting a pre-trial investigation. Notifications of this kind fall under the normative category "independent discovery by an investigator, inquirer, prosecutor from any source of circumstances that may indicate the commission of a criminal offense" established in Criminal Procedural Code of Ukraine. Such regulation does not deny, but at the same time, it does not note the special role of mass media in the mechanism of detection of criminal offenses, which undermines the possibilities of cooperation in this area. The analysis of the legislation of foreign countries shows the perception of such information for initiating criminal prosecution as a report of a crime in the mass media, although the approaches to the range of sources covered by this concept, as well as to other legal aspects of interaction with them, are quite different. In the current situation in Ukraine, it can be argued that any information that was reported in the mass media needs additional verification in order to resolve the issue of the initiation of criminal prosecution. In fact, it is a guide both for the investigator and inquirer, and for the operational worker. Instead, to argue that the information reported in the mass media is the basis for the automatic initiation of a pre-trial investigation considering Article 214 of the Criminal Procedural Code of Ukraine currently has no basis. In exceptional cases, when a certain case has acquired a great public resonance, it is expedient to start a pre-trial investigation with its further implementation according to the rules of the Criminal Procedural Code of Ukraine.

The results obtained in this research have significant implications for both society and academia. By shedding light on the use of media reports as a basis for initiating criminal proceedings, the findings contribute to a better understanding of the intersection between media, law enforcement, and the criminal justice system. From a societal perspective, the research results provide insights into the effectiveness, limitations, and potential risks associated with relying on media reports in criminal investigations. This information can help inform policymakers, legal professionals, and law enforcement agencies in developing and refining procedures and guidelines for handling media reports as potential evidence. Implementing appropriate protocols can enhance the fairness and efficiency of criminal proceedings, ensuring that accurate and reliable information from the media is appropriately considered and evaluated. In academia, the research outcomes provide a foundation for further scholarly inquiry and debate on the topic of media reports as a ground for initiating criminal proceedings. The study's methodology and findings can serve as a reference for future researchers interested in exploring related aspects, such as the ethical dimensions, the impact on the presumption of innocence, or the role of media in shaping public perception of criminal cases.

The research focused primarily on the European experience and Ukrainian realities, which may restrict the generalizability of the findings to other regions or legal systems. Future studies should consider including a wider range of jurisdictions to provide a more comprehensive analysis.

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