

CONSTITUTIONAL AND LEGAL BASES OF FUNCTIONING OF MASS MEDIA

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ANNOTATION

The solution to this problem is the adoption of a number of legislative amendments allowing certain procedural stages, consistent with the goals and objectives of the procedure, and clearly define the purpose of the application of coercive measures; formulate the grounds for the application of coercive measures to the various subjects of coercion and to carefully consider their procedural status; to justify the appearance of the grounds and procedure for the application of coercive measures.

At the end of the article, the opinion was expressed that the protection of a journalist should be provided in a special manner, only then, in practice, it will be possible to achieve the implementation of the requirement necessary for the development of civil society – freedom of thought and expression by media representatives. It is concluded that this freedom is guaranteed to every person, but its practical implementation in journalistic activity reflects the degree of freedom of thought and expression of the whole society.

Keywords: Media, Republic of Uzbekistan, Constitution, blogger, journalistic activity

INTRODUCTION

The role of mass media in the life of society is high. We see this in the allocation of a separate chapter for the mass media in the Constitution of the Republic of Uzbekistan, which has the highest legal force. This chapter consists of only one article-article 67. This suggests that the Constitution was adopted based on the principle of a future goal, a vision of development. That is, the Constitution should aim not only to regulate existing public relations, it should also define future tasks and cover those public relations that may arise in the future.

Social relations that need to be regulated in connection with the mass media arise and increase with the development of society. The Constitution of the Republic of Uzbekistan defines relations with the mass media as a separate chapter.

The mass media and its activities are one of the main factors determining the development of society. It is also the institution that has the strongest influence in society. Through the mass media, there is an impact on human consciousness. Through this freedom of thought, speech; freedom of search, receipt, dissemination of information or freedom of thought and its expression is realized. Consequently, the mass media are associated with the rights and freedoms of the individual enshrined in the Constitution, and also contribute to their realization.

When we see the functions of the media, they are:

- * Formation of separate relevant opinions;
- * Providing information about what is happening;

- * Ensuring multitasking, freedom of speech, thought;
- * Represents the interests of various departments, political institutions;
- * Protects the rights and freedoms of citizens;
- * Contributes to the deepening of democratic processes.

The Constitution establishes that the mass media operate on the basis of a law that includes: laws "On Publishing", "On Copyright and related rights", "On guarantees and freedom of access to Information", "On the Protection of journalistic Activity" and "On mass Media", as well as laws "On Informatization", "On Advertising", "On the protection of State Secrets" and other laws.

The freedom of the media is primarily related to the freedom of their employees, i.e. journalists. To talk about the freedom of the media without ensuring the freedom of their journalistic activities is inappropriate in itself. The Law "On the Protection of Journalistic Activity" regulates relations related to the activities of journalists.

In accordance with article 67 of the Constitution, the mass media are responsible for the accuracy of the information they provide in accordance with the established procedure, or the Law of the Republic of Uzbekistan "On Mass Media" has expanded this provision and established that "the mass media in the Republic of Uzbekistan are free and operate in accordance with the Constitution of the Republic of Uzbekistan, this Law and other legislative acts. The mass media enjoy the right to search, receive and disseminate information and are responsible for the accuracy and reliability of the information published by them in the composition established by law."

That is, every journalist who distributes information bears his responsibility for the reliability and objectivity of the information he distributes.

The Code of the Republic of Uzbekistan on Administrative Responsibility establishes administrative responsibility for information providing for "slander", "insult", "dissemination of information causing moral or material damage to citizens".

The Criminal Code of the Republic of Uzbekistan establishes criminal liability for "slander", "insult", "propaganda of war", "incitement of national, racial, ethnic or religious enmity", "dissemination of information threatening the constitutional order", "disclosure of state secrets".

The responsibilities of media workers are clearly defined, as well as the issues of responsibility are explained.

However, with the establishment of a legislative ban on unjustified interference in the media or journalistic activities (laws "On the protection of journalistic activity" and "On Mass Media") the question of responsibility remains open, i.e. it is not regulated by a separate sanction.

In January 2020, the issue of amendments and additions to the Code of the Republic of Uzbekistan on Administrative Responsibility was put up for discussion on the official website of the discussion of draft normative legal acts of the Republic of Uzbekistan. In particular, according to the expected change: article 1975 of the Code of the Republic of Uzbekistan on Administrative Responsibility provided for the establishment of liability for interference and obstruction of journalistic activities. That is, responsibility was provided for by a sanction for interference and obstruction of journalistic activity, forcing a journalist to distribute or refuse

to distribute information, unjustified refusal of accreditation or improper termination of accreditation, violation of the right of a journalist to submit a request and receive the necessary information, unlawful seizure of materials and necessary technical means from a journalist. But this remained unrealized and was not reflected in the legislation.

Hence the question arises: is it possible under the general legislation to bring to justice for unjustified interference in the media or journalistic activities? Is it possible to draw an analogy of law and norms? Is it necessary to impose a punishment with a sanction, defining it as a separate responsibility?

Ensuring the legal protection of journalists in the international and national arena is certainly necessary.

If this protection is not provided, the effect of factors contributing to the development of civil society, such as media coverage of conflicts, the role of the media or investigative journalism, will naturally weaken spontaneously.

Unconditional provision of the supremacy of the Constitution and the law, as well as the principles of legality, is an important guarantee of the protection of human rights and freedoms. Ensuring the legal protection of journalists in the international and national arena is certainly necessary.

If this protection is not provided, the effect of factors contributing to the development of civil society, such as media coverage of conflicts, the role of the media or investigative journalism, will naturally weaken spontaneously.

Unconditional provision of the supremacy of the Constitution and the law, as well as the principles of legality, is an important guarantee of the protection of human rights and freedoms. In accordance with article 15 of the Constitution of the Republic of Uzbekistan, the supremacy of the Constitution and laws in the Republic of Uzbekistan is recognized unconditionally.

According to article 16 of the Constitution of the Republic of Uzbekistan, no law or other normative legal act may contradict the norms and rules of the Constitution.

The supremacy of the Constitution is the impossibility of the rule of law and by-laws over the Constitution. That is, it is understood that no law or their norms can contradict the Constitution. Each adopted document should ensure their compliance, and not change the Constitution and its norms. It is defined as a constitutional rule that applies to all norms existing in the Constitution, and is also reflected in the relationship of the Constitution, the law and by-laws.

Consequently, the supremacy of the Constitution means that the norms and provisions of the Constitution should stand above any other law and by-laws.

According to article 67 of the Constitution of the Republic of Uzbekistan, the mass media are free and act in accordance with the law. They are responsible for the accuracy of the information in accordance with the established procedure.

According to article 67 of the Constitution of the Republic of Uzbekistan, public relations related to the mass media should be regulated on the basis of the constitutional provisions of articles 15-16 of the Constitution.

Article 67 of the Constitution of the Republic of Uzbekistan establishes that "the mass media are responsible for the accuracy of information in accordance with the established procedure."

Articles 15-16 of the Constitution of the Republic of Uzbekistan establish the supremacy of the Constitution as a constitutional rule. Consequently, responsibility in accordance with the established procedure for the accuracy of information disseminated by the mass media themselves is inevitable. Exceptional cases were not set out in our main law and did not contain references to the law and by-laws.

However, we can see that the law "On the Protection of Journalistic Activity" violates the principle of the supremacy of the Constitution, set out in articles 15-16 of the Constitution.

Article 15 of the Law "On the Protection of Journalistic Activity" reflects the issue of the responsibility of a journalist, including the second part of the law specifies in which cases a journalist cannot be held accountable.

The journalist is not responsible for the dissemination in the media of materials that do not correspond to reality in the following cases:

- If this data is obtained from official communications, regulatory legal acts or official statistical reporting data, or through news agencies or press services of state authorities and management bodies, as well as from their official websites;

- If this information is contained in the author's speeches, which are broadcast without prior recording, or in the case of literal reproduction of speeches (shorthand, audio, video recordings).

First of all, the Law "On the Protection of Journalistic Activity" was not adopted based on the principle of the supremacy of the Constitution when it was adopted. Because laws and by-laws should not contradict the Constitution, but rather be based on the Constitution and adopted for its implementation.

At the same time, it is advisable to interpret the first part of Article 67 of the Constitution of the Republic of Uzbekistan as follows: "the mass media are free and act in accordance with the law. They are responsible for the accuracy of the information in accordance with the established procedure. Except in cases provided for by law."

At the same time, the term "except in cases provided for by law" refers to the law, the law "On the Protection of Journalistic Activity" or other normative legal acts related to the activities of the mass media, and, of course, we do not consider it violating the principle of the supremacy of the Constitution.

Why exactly do we propose to amend the Constitution?

Article 15 of the Law "On the Protection of Journalistic Activity" in the old version is interpreted as follows: "a journalist is responsible for the reliability of reports and materials that he prepares and distributes, in accordance with the procedure established by law."

The journalist is not responsible for the dissemination of information contained in official communications."

The law adopted in the new edition guarantees the rights and freedoms of a journalist. Since a journalist can be held accountable for circumstances beyond his control, i.e. if a journalist has information in the mass media contained in official communications, regulatory legal acts or official statistical reporting data, or through the press services of news agencies or public authorities, as well as on their official websites, or in author's speeches broadcast without prior recording, or video recording), and if this information does not correspond to reality, for which

responsibility is established against the journalist, then this, of course, does not correspond to the principle of social justice, established by the Constitution.

CONCLUSION

It can be said that the first part of Article 67 of the Constitution of the Republic of Uzbekistan should be interpreted as follows: "the mass media are free and act in accordance with the law. They are responsible for the accuracy of the information in accordance with the established procedure. Except in cases provided for by law." The term "except in cases provided for by law" refers to a reference to a law or other regulatory legal acts related to the activities of mass media. The principle of the supremacy of the Constitution is also provided for.

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