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ISSUES OF STRENGTHENING COOPERATION BETWEEN THE COURT AND PROSECUTOR'S OFFICE WITH MASS MEDIA IN THE CRIMINAL PROCESS

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Annotation:

This thesis provides a scientific and theoretical analysis of the legal foundations of mass media and journalistic activity in the Republic of Uzbekistan, specifically examining their aspects interrelated with criminal procedural and administrative legislation. Furthermore, it offers a systematic analysis of the norms set forth in the Criminal Procedure Code, the Code of Administrative Responsibility, and the Laws of the Republic of Uzbekistan on Mass Media and on the Protection of Journalistic Activity, while putting forward scientific and practical proposals to improve current legislation.

Keywords: Mass media, journalist, freedom of information, criminal process, administrative liability, court, prosecutor's office, court publicity, evidence, privacy, journalistic investigation, right to obtain information.

In today's information society, mass media is considered one of the important social institutions providing information exchange between the state and society. The main task of mass media (hereinafter referred to as media) is not limited only to the dissemination of information, but also consists of informing the public about socio-political, legal, and economic processes, delivering information to



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the public about the activities of state bodies and officials, as well as bringing social problems into open discussion.

From this point of view, the effective implementation of journalistic activity is directly dependent on the existence of legal guarantees. In the process of seeking, obtaining, verifying, and disseminating information, a journalist may encounter several legal regimes at the same time. For example, while the principle of openness of judicial proceedings when collecting information on a criminal case gives the journalist the opportunity to obtain information, at the same time, requirements to protect private life, minors, victims, witnesses, state secrets, and other data protected by law may limit this opportunity.

Article 19 of the Criminal Procedure Code of the Republic of Uzbekistan establishes the principle of open court proceedings for criminal cases. According to it, except for exceptions provided for by law, criminal cases are considered on their merits in open court sessions. This norm, along with ensuring the openness of judicial activities to the public, serves as an important legal basis for media and journalists. The Code also specifies that audio recording, photography, video, and filming in courtrooms are permitted with the permission of the presiding officer. At the same time, freedom of the media is not an absolute right. Freedom of information must be harmonized with the rights and freedoms of other persons, public safety, state interests, inviolability of private life, and other values protected by law. Thus, one of the main tasks of legal regulation consists of ensuring a reasonable balance between the freedom to obtain and disseminate information and other legal interests.

In Uzbekistan, media activities are regulated by a number of normative legal acts. Among them, the Law "On Mass Media" is of special significance. This law regulates relations in the sphere of creation, functioning, and termination of activities of media outlets. The Law "On Protection of Journalistic Activity" also



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plays an important role in defining the legal status of the media. This law regulates issues such as the concept of a journalist, rights and duties of a journalist, journalistic investigation, maintaining confidentiality of the source of information, and guarantees of professional activity of a journalist. Legislation recognizes the journalist's right to seek, receive, and disseminate information. At the same time, during their activity, a journalist must strictly comply with legislative requirements, verify the reliability of information, and treat the rights and legitimate interests of persons with care.

One of the important aspects of the Law "On Protection of Journalistic Activity" is the presence of mechanisms to protect professional activity of a journalist. The law provides that the rights, honor, and dignity of a journalist are protected by law, and the state guarantees the opportunity for the journalist to freely obtain and disseminate information. It is important that these legal guarantees have not only a declarative character, but are also ensured in practice. Because if a journalist's opportunity to obtain information is restricted, the public's right to receive information may also be indirectly restricted.

One of the most important legal bases of media activity in criminal procedure is the principle of publicity/openness of court proceedings. In accordance with Article 19 of the CPC of the Republic of Uzbekistan, court proceedings may be conducted in closed sessions in cases where there is a need to protect state secrets, in certain cases related to sexual crimes, crimes committed by minors, as well as to protect private life, honor, and dignity, or to ensure the safety of participants. This norm demonstrates the balance between two important legal values. On the one hand, openness of court activities strengthens public control and serves to ensure trust in the judicial process. On the other hand, the private life, honor, and dignity of every person must be protected. The CPC also separately regulates the issue of audio recording, photo, and video recording in courtrooms. The mere fact



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that a court session is open does not give a journalist the right to use any technical equipment without restriction. Such actions are carried out with the permission of the presiding officer of the court session. Here, the concepts of "openness of judicial proceedings" and "right to film in court session" should not be viewed as identical. Openness means the opportunity for the public to participate in court proceedings and obtain information about judicial activity, whereas using technical equipment is a separate legal action subject to procedural rules.

The evidentiary significance of journalistic materials in criminal proceedings also arouses special scientific interest. According to Article 81 of the CPC, evidence in a criminal case includes factual data relevant to the case. The Code also foresees written and digital evidence, audio recordings, video recordings, films, and photographs as sources of evidence. Proceeding from this, audio, video, photo material, or other information prepared by a journalist does not automatically gain evidentiary status. For it to be evaluated as evidence, it must be verified for compliance with legal requirements, relevance to the case, reliability, and admissibility. The CPC also defines requirements regarding the admissibility of evidence. Data obtained as a result of a violation of the law, data from unknown or unidentifiable sources, and certain materials formed in violation of procedural requirements cannot be accepted as evidence. In this respect, when analyzing the connection between journalistic activity and criminal process, it is necessary to distinguish between the concepts of "source of information" and "source of evidence". A journalist may keep their source confidential within the framework of the law, but for investigative and judicial bodies, procedural admissibility of the material is evaluated based on independent criteria.

Working with the source of information is of special importance in journalistic activity. Communication with officials, participation in open events, and familiarization with documents and materials serve as important tools in fulfilling



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a journalist's professional duties. The Law "On Protection of Journalistic Activity" foresees, along with the journalist's right to seek, receive, and disseminate information, the possibility to keep the source of information confidential. Hindering the professional activity of a journalist, violating their rights, or threatening them in connection with their professional activity entails liability specified in legislation. However, a legal balance is required between protecting source confidentiality and the powers of investigative-judicial bodies aimed at establishing the truth in a criminal case. A journalist's right to receive information does not mean the right to freely access all materials of a criminal case. Especially during the preliminary investigation process, there may be investigative secrecy, personal data, state secrets, and other legally protected information regimes. Therefore, it is considered important to clearly define the distinction between journalistic investigation and procedural investigation. A journalist may independently study issues of public importance, but this does not enable them to exercise procedural powers of investigative bodies or interfere with the rights of participants in the process.

The Code of Administrative Responsibility regulates a number of legal relations directly or indirectly connected with media activity. Article 10 of the Code of Administrative Responsibility defines the concept of an administrative offense, recognizing unlawful and culpable actions or omissions that infringe upon the rights and freedoms of citizens, property, state and public order, and the natural environment as an administrative offense. From the standpoint of media activity, norms of the Code of Administrative Responsibility concerning a person's honor and dignity, privacy of personal life, confidential information, access to information, and other legal relations are of special importance. In particular, Article 40 of the Code of Administrative Responsibility provides for



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administrative liability for slander. It defines the deliberate dissemination of false, fabricating statements that disgrace another person as an offense.

This norm is of important significance for journalistic activity, because in disseminating information, a journalist and the media editorial board face the necessity to verify the truthfulness of the information, assess its source, and comply with legal requirements when disseminating data affecting a person's honor and dignity. At the same time, the preparation of critical material by a journalist cannot automatically be evaluated as slander. In legal qualification, the conformity of information to reality, the knowledge and intention of the person disseminating it, the content of data, the source, and other legally significant circumstances must be comprehensively evaluated. Article 41 of the Code of Administrative Responsibility establishes liability for insult, i.e., intentional degradation of a person's honor and dignity. This norm also makes the issue of language culture and legal caution relevant in preparing media materials. Likewise, Article 44 of the Code of Administrative Responsibility establishes administrative liability for officials for groundless refusal to grant a citizen the opportunity to familiarize themselves with documents, decisions, and other materials affecting their rights and interests. This norm shows that the right to receive information has legal significance not only for journalists, but also for citizens in a broad sense.

In modern journalism, working with personal data is acquiring increasingly important significance. The widespread use of the Internet, social networks, digital archives, and mobile devices allows journalists to rapidly obtain large volumes of data. However, the presence of information on the Internet does not automatically mean that it can be publicly disseminated. When disseminating personal data, person's rights, legitimate interests, and data protection regime must be taken into account. Article 46 of the Code of Administrative



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Responsibility provides for liability related to the disclosure of medical or commercial secrets, correspondence and other communications, notarial actions, banking operations and deposit secrets, as well as other information that may cause moral or material damage to a citizen. Furthermore, Article 46¹ covers offenses related to the violation of privacy. Illegal collection or dissemination of information constituting a person's personal or family secret without their consent may entail administrative liability. In applying these norms to media activity, it is necessary to clearly define the distinction between public interest and privacy. For example, reporting on an event important to the public and disseminating personal data of a person that has no public significance do not have the same legal content. For this reason, distinguishing between the concepts of "public interest" and "mere curiosity" in preparing journalistic material is considered important from scientific and practical points of view.

In practice, cooperation of court and prosecution bodies with the media encounters a number of problems.

First, lack of systematic information policy is observed. In some cases, court or prosecution bodies provide commentary only on high-profile cases, while daily procedural activity remains hidden from the public. As a result, the media fills the void with its own interpretations, assumptions, or emotional approaches.

Second, some information materials lack procedural neutrality. For example, information regarding a suspect or defendant may be presented in a strictly accusatory tone contrary to the presumption of innocence. This situation harms not only personal rights, but also the impartiality of judicial power.

Third, cases occur where professional communication in working with media representatives is not sufficiently formed. A court press secretary, prosecution representative, or other responsible person should be able to answer a journalist's question not just with a "yes" or "no", but with a legal explanation. Otherwise,



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official communication does not fulfill its task. Giving a legal explanation is not a simple statement; it requires the skill to clearly explain procedural content without disclosing the essence of the case.

There are several main restrictions in the cooperation of court and prosecution bodies with the media. They consist of the following: investigative secrecy, honor and dignity of process participants, interests of minors, safety of victims, state secrets, and judicial independence. These boundaries are necessary not only for procedural technique, but also to preserve legal justice.

Thus, in the modern media environment, the legal effectiveness of media activity is determined not only by the existence of rights granted to journalists, but also by the presence of clear procedural mechanisms for exercising these rights, transparency of obtaining information, openness of courts and state bodies, and effective legal remedies in cases where offenses are committed.

In further improving legislation, it is advisable to take into account the specific characteristics of digital journalism, social networks, electronic evidence, personal data, and online mass media. In this process, the main task should consist not of opposing freedom of information and individual rights, but of harmonizing them within a single legal system.

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