

Constitutional Legal Basis of the Media

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Abstract: This article is devoted to the legal analysis of the legal consequences of unjustified interference with journalistic activities. The article shows that until this period, the law regulating social relations related to unjustified interference in journalistic activities has not been adopted. It is justified that this social relationship cannot be regulated through the analogy of law and law.

At the end of the article, it was agreed that the protection of the journalist should be ensured in a special order, and only then, in practice, it is possible to achieve the realization of the freedom of opinion and expression by representatives of mass media, which is necessary for the development of civil society. It was concluded that this freedom is guaranteed to every person, but his practical realization in journalistic activities shows the level of freedom of thought and expression of the whole society.

The role of mass media in the life of society is high. We can see this in the allocation of a separate chapter for mass media in the Constitution of the Republic of Uzbekistan, which has supreme legal power. This chapter consists of only one article, Article 81. This shows that the Constitution was adopted based on the principle of aiming for the future goal and development. That is, the Constitution should not only aim to regulate existing social relations, it should also define future tasks and include social relations that may arise in the future.

That need to be regulated regarding mass media emerge and increase as society develops. In the Constitution of the Republic of Uzbekistan, relations with mass media are formalized as a separate chapter.

Mass media and its activities are one of the main factors determining the development of society. It is also the most influential institution in society. The human mind is influenced by mass media. Freedom of thought and speech through it; freedom to seek, receive, disseminate or think and express information. Therefore, the mass media are related to the rights and freedoms of the individual, which are strengthened by the Constitution, and also help in their implementation.

We look at the tasks of the media, they are:

- formulating separate relevant opinions;
- providing information about the happenings;
- ensuring pluralism, freedom of speech and thought;
- represents the interests of various agencies and political institutions;
- protects the rights and freedoms of citizens;

➤ Contributes to the deepening of democratic processes.¹

The constitution stipulates that the mass media shall operate on the basis of the law, and these are: "On Publishing Activities", "On Copyright and Related Rights", "On Guarantees and Freedom of Information on", "On Protection of Journalism" and "On Mass Media", as well as "On Information", "On Advertising", Laws "On Protection of State Secrets" and other laws.

The freedom of mass media is primarily related to the freedom of their employees, that is, journalists. It is inappropriate to talk about the freedom of the mass media without ensuring the freedom of journalistic activities. The law "On protection of journalistic activities" regulates relations related to the activities of journalists.

According to Article 81 of the Constitution, mass media are responsible for the correctness of the information provided by them in the prescribed manner, or in the Law of the Republic of Uzbekistan "On Mass Media" and they operate in accordance with the Constitution of the Republic of Uzbekistan, this Law and other legal documents.

Mass media use the right to search, receive and distribute information and are responsible for the correctness and veracity of the information they publish in accordance with the law."

That is, every journalist who distributes information is responsible for the correctness and impartiality of the information he/she disseminates.

The Code of Administrative Responsibility of the Republic of Uzbekistan defines administrative responsibility for information that includes "Defamation", "Insult", "Distribution of information causing moral or material harm to citizens".

In the Criminal Code of the Republic of Uzbekistan, "Defamation", "Insulting", "Promoting war", "Inciting national, racial, ethnic or religious enmity", "Dissemination of information threatening the constitutional system", Criminal liability is established for information intended to "disclose state secrets".

Obligations of mass media workers are clearly defined, and issues of responsibility are clarified.

However, as the law prohibits unjustified interference with media or journalist activities (Laws on Protection of Journalism and Mass Media), the issue of liability remains open, i.e. , not regulated by a separate sanction.

In January 2020, the issue of amendments and additions to the Code of Administrative Responsibility of the Republic of Uzbekistan was discussed on the official website for the discussion of draft normative legal documents of the Republic of Uzbekistan. In particular, according to the expected change: Article 197⁵ of the Code of Administrative Responsibility of the Republic of Uzbekistan stipulated responsibility for interference and obstruction of journalistic activities. That is, interfering with and obstructing journalistic activities, forcing a journalist to distribute or refuse to distribute information, unjustifiably denying accreditation or improperly canceling accreditation, violating a journalist's right to request and receive necessary information, it was envisaged that the journalist's materials and necessary technical means would be sanctioned. But it remained as a project and was not reflected in the legislation.

Is it impossible to prosecute under general law for unjustified interference with media or journalistic activities ? Is the analogy between law and law untenable? Is it necessary to define as a separate responsibility and impose a penalty with a sanction?

of journalists at the international and national level.

¹Constitutional law: textbook. Second Edition, Completed and Reprinted. - Tashkent: Legal literature publishing, 2020. -187 pages.

If this protection is not provided, the activities of the factors that contribute to the development of civil society, such as media coverage of conflicts, the role of the media, or journalistic inquiry, will naturally decline.

Unconditional provision of the Constitution and the rule of law and the principles of legality is an important guarantee of the protection of human rights and freedoms.²

According to Article 15 of the Constitution of the Republic of Uzbekistan, the supremacy of the Constitution and laws is unconditionally recognized in the Republic of Uzbekistan.

According to Article 16 of the Constitution of the Republic of Uzbekistan, not a single law or other normative legal document may contradict the norms and rules of the Constitution.

The supremacy of the Constitution is that laws and regulations cannot prevail over the Constitution. That is, it is understood that no law or their norms will contradict the Constitution. Every document to be adopted should ensure the implementation of the Constitution and its norms not change. This is established as a Constitutional provision, which applies to all the norms contained in the Constitution, and is also reflected in the interrelationship of the constitution, laws and by-laws.

Therefore, the supremacy of the Constitution means that the norms and rules of the Constitution must be higher than any other laws and regulations.

According to Article 67 of the Constitution of the Republic of Uzbekistan, mass media are free and work in accordance with the law. They are responsible for the correctness of the information.

social relations related to mass media should be regulated on the basis of the Constitutional provisions of Articles 15-16 of the Constitution.

Article 81 of the Constitution of the Republic of Uzbekistan stipulates that "mass media are responsible for the correctness 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. Therefore, mass media are inevitably responsible for the correctness of the information they disseminate. Specific cases are not specified in our General Dictionary or referred to by laws and regulations.

see that the principle of the supremacy of the constitution in Articles 15-16 of the Constitution is being violated in the law "On Protection of Journalism".

Article 15 of the Law "On Protection of Journalism" deals with the issue of journalist's responsibility, including the second part of the law, in which cases the journalist is not responsible.

shall not be responsible for disseminating untrue materials in mass media in the following cases:

- if this information is obtained from official messages, normative legal documents or information from official statistical reports or through press services of news agencies or state authorities and management bodies, as well as from their official websites;
- if this information is contained in the author's performances broadcast without prior recording, or if there is a verbatim reproduction of the performances (shorthand, audio-, video-recording).

First of all, the Law "On Protection of Journalism" was not adopted based on the principle of the priority of the Constitution. Because the laws and regulations should not contradict the Constitution, but on the contrary, they are adopted on the basis of the Constitution and for its implementation.

²Mirziyoyev Sh. The approval of our people is the highest evaluation given to our activities. - T.: "Uzbekistan", 2018, volume 2, page 39.

it would be appropriate if the first part of Article 81 of the Constitution of the Republic of Uzbekistan is interpreted as follows : " Mass media are free and work in accordance with the law." They are responsible for the correctness of the information. Except for the cases stipulated by the law."

In this case, we refer to the law, the Law "On the Protection of Journalism" or other normative legal documents related to the activities of mass media by the concept of "Except for the cases provided for by the law" and, of course, the Constitution. we are considered to have not violated the principle of priority .

Why exactly are we proposing to amend the Constitution?

"On Protection of Journalism" in the old version was interpreted as follows: "A journalist is responsible for the truthfulness of the news and materials he prepares and distributes in accordance with the procedure established by law.

Shall not be responsible for the dissemination of the information stated in the official reports .

and freedoms of journalists are guaranteed by the new law . Because the journalist is held accountable for a situation beyond his control, i.e., when the journalist uses information in the mass media from official reports, normative legal documents, or from official statistical reports, or from information agencies or state authorities. through press services, as well as information obtained from their official websites, or if it is contained in the author's performances broadcast without prior recording, or if there is a verbatim reproduction of the performances (stenography, audio-, video recording) and this ma If the information does not correspond to the truth, if the journalist is held responsible for it, it certainly does not correspond to the principle of social justice stipulated in the Constitution.

In conclusion, we can say that: the first part of Article 81 of the Constitution of the Republic of Uzbekistan is interpreted as follows: " The mass media are free and work in accordance with the law." They are responsible for the correctness of the information. Except for the cases stipulated by the law." By means of the concept "cases stipulated by the law are excluded" we refer to the law or other normative legal documents related to the activity of mass media . The principle of constitutional primacy is also ensured.

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3. O'zbekiston Respublikasi Konstitutsiyasi;
4. O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksi;
5. O'zbekiston Respublikasining Jinoyat kodeksi;
6. "Noshirlik faoliyati to'g'risida"gi qonun;
7. "Mualliflik huquqi va turdosh huquqlar to'g'risida"gi qonun;
8. "Axborot olish kafolatlari va erkinligi to'g'risida"gi qonun;
9. "Jurnalistlik faoliyatini himoya qilish to'g'risida"gi qonun;
10. "Ommaviy axborot vositalari to'g'risida"gi qonun;
11. "Axborotlashtirish to'g'risida"gi qonun;
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