PROCEDURE FOR MEDIA RECEIVING INFORMATION FROM STATE AUTHORITY AND ADMINISTRATIVE BODIES

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Аннотация: Ушбу мақолада ахборот фойдаланувчиларининг давлат ҳокимияти ва бошқаруви органларидан ахборот олиши борасидаги ҳуқуқлари ўрганилган. Бунда мурожаат ва сўровнинг қонунчиликда кўрсатилган турлари ва унга қўйилган талаблар, муддатлари ҳақида сўз юритилади.

Аннотация: В статьей рассматриваются права пользователей информации на получение информации от органов государственной власти и управления. В данном случае речь идет о видах обращений и запросов, указанных в законодательстве и требованиях и сроках.

Annotation: In the article examines the rights of information users to receive information from public authorities and administration. In this case, we are talking about the types of appeals and inquiries specified in the legislation and the requirements and deadlines.

Калит сўзлар: Давлат ҳокимияти органи, ҳуқуқ, сўров, мурожаат, ариза, муддат, қонунчилик, журналист, ахборот фойдаланувчиси.

Ключевые слова: Орган государственной власти, право, запрос, обращение, заявление, срок, законодательство, журналист, пользователь информации.

Keywords: Public authority, law, request, appeal, application, term, legislation, journalist, information user.

Journalism acts as a bridge between the state and society. For this reason, one of the reliable and often-applied sources of information for the field worker is the state

authorities and administrative bodies (hereinafter - SAAB - the emphasis is ours K.M.). That is, if the SAAB provides the journalist with timely information, the audience also gives their suggestions and objections about the journalistic work and other typical problems.

According to the legislation of the Republic of Uzbekistan, mass media and citizens receive information from SAAB in the form of appeals and requests.

Types of appeals to state authorities and management bodies as the main information source of the mass media	
Media appeal to SAAB: A) application; B) complaint; C) proposal.	Media inquiry about SAAB activities.

The mass media have the right to apply orally, in writing, and in the form of an electronic document when they want to receive information from SAAB through an application or request [1].

№	Type of application	Application form
1.	Media appeal to SAAB: A) application; B) complaint; C) proposal.	1) oral; 2) written; 3) electron.
2.	Media inquiry about SAAB activities.	

Methodological manual of the Ministry of Justice of the Republic of Uzbekistan entitled "How to send an appeal and a request to state bodies?" [2] states that there are three types of appeals: application, complaint and proposal. According to it, an application is an appeal stating a request for the realization of rights, freedoms and legal interests; proposal - an appeal containing recommendations for further improvement of the state and society's activities; complaint is an appeal sent by citizens requesting protection of interests and restoration of violated rights and freedoms [3]. A request for information about the activities of the SAAB is a verbal,

written and electronic request of the information user to this body or their officials in order to receive information about the activities of the SAAB [4].

A journalist's request, in particular, an appeal to organize an interview of officials, is considered within a maximum of seven days [5]. In contrast to the mass media, the period for consideration of citizens' appeals is slightly different [6]. Their request should be answered no later than fifteen days from the date of receipt of the request, unless otherwise provided by law [7]. The presence of the applicant's email address in the written request confirms that the request can be answered electronically. A verbal request should be answered immediately, if possible [8]. At this point, some inconsistencies in the legislation are also noticeable. That is, is the verbal request answered on a case-by-case basis, or does the requester need immediate gratification? The fact that conflicting situations are defined in the legislation causes an increase in the number of conflicting situations not only for the mass media, but also for citizens to receive information from state authorities and management bodies. If the content of the article provides for prompt response of the requested body using all possibilities, "An oral request should be answered immediately after collecting information." Unfortunately, this situation does not justify itself in practice, because if the requester applies again for the purpose of obtaining information, the responsible staff of the SAAB may repeatedly make an excuse that they did not have time to collect information, and that they will respond immediately as soon as they have the opportunity.

Hence, when asked about information related to the activities of SAAB, a request is made. If there is a situation, it is addressed with an application, proposal and complaint. Although "request" and "appeal" are interpreted differently in law, a request can be said to be a component of an appeal. Because it is written in the legislation "when applied with a request", that is, it is possible to apply both with an application and with a request. However, since a citizen who goes to the organization with a request can be called a "petitioner", it is logical to add a request to the types of requests. Also, most of the laws related to journalists mention only appeals, that is, applications, complaints, and proposals, and requests are only mentioned in the new

edition of "On Mass Media", in the Law "On Protection of Journalistic Activity" [9] and "State Power and "On the openness of the activities of management bodies" is provided in the laws. It follows from this that the request exists in the laws adopted in recent years, the fact that the Criminal Code of the Republic of Uzbekistan and the Codes on Administrative Responsibility in this regard do not specify responsibility is a clear proof of our opinion. The law "On openness of activities of state authorities and management bodies" only states that "Persons guilty of violating the legislation on openness of activities of state authorities and management bodies shall be held accountable in the prescribed manner [10].

In the article of Sevara Orinboeva, head of the information service of the Ministry of Justice, entitled "Receiving and distributing information and its use must be within the law" [11], the following question is raised: "If experts of a certain organization or state body do not answer the journalist's questions or do not answer completely, or do not answer the question at all If the answer is no, what action will be taken according to the law?". In response to him, the press secretary says that failure to ensure the implementation of the decision taken in connection with the appeal is punishable by a fine of up to 25 times the BHM or up to 300 hours of compulsory community service or up to 2 years of correctional work. Here, too, there is confusion: is it a question or an appeal, a request or a clarification of facts? The confusion of terms in the legislation and the lack of simplification of the legislation on journalists, the different deadlines for the mass media to receive information from the SAAB, cause conflict situations between journalists and the source of information. Because the question is about "journalist's question", not about his "application", "complaint", "proposal". If we include the question in the "appeal", according to the law, the journalist will receive a written and electronic answer to his question within fifteen days. If we include it in the "request", information will be provided within seven days, but there is no responsibility for this. This confusion affects not only journalists, but also the activities of SAAB in the field of information.

So what is being done or improved in terms of accountability for journalists' inquiries into SAAB operations? Amendments to some legal documents on the

establishment of liability for obstructing the professional activity of a journalist, for not providing information, including documents, on time or at all to his request, or for knowingly providing false or incorrect information, for obstructing his activity, for harassment, for interfering with his journalistic activity the project was developed [12]. According to it, citizens will be fined from one to three times the minimum wage, and officials will be fined from five to ten times. It is set to enter into force from the date of its official announcement [13]. However, the law was not officially promulgated, and no amendments or additions were made to the Code of Administrative Responsibility. As a result, the responsibility of state authorities and management bodies in relation to the journalist's request was not fully legalized. For this reason, our next learned source states that in the Code of Administrative Responsibility, there is no liability for violation of the legislation on the openness of SAAB activities, in particular, complete or complete non-disclosure of information designated as public information, violation of the period and order of publication, or incorrect presentation of information [14]. The bill of this content has been submitted to the Legislative Chamber of the Oliy Majlis for consideration.

Although the issue of responsibility for the journalist's inquiry about the activities of state authorities and management bodies has not been legalized, punishment measures have been established for his appeal. In the article titled "Uzbekistan, the officials who unreasonably refused to answer the journalist's question were told what responsibility they have" [15], the responsibility for unlawfully refusing to accept and consider the appeals of individuals and legal entities, delaying the deadlines without good reason, and not sending a written or electronic response existence is given. It will also be useful to make changes and additions to the activities of field workers in terms of preventing them from obtaining information. For example, Article 197 of the Code of Administrative Responsibility contains Articles 1971 and 1972, such as "Obstruction of the professional activity of a lawyer", "Obstruction of the performance of the professional duties of a notary". In the draft cited above, which has not officially entered into force, Article 1975 was proposed to be called "Hindering the lawful professional activity of a journalist" [16].

A journalist has the right to conduct an investigation, record information using the necessary technical means, and a number of other rights while carrying out activities related to his profession. But it is desirable for a journalist to know how to use these rights in his place. In particular, journalist Polatova M. The following case related to can be a proof of our opinion. After the publication of the journalist's article entitled "Donations for Broadcasting" in "Navoiy Ziyosi" newspaper, Pardaev M. comes to the journalist's apartment and accuses the author of not fully investigating the story. The journalist says that he wrote down the information only in his notebook according to the wishes of the interviewees. Then, in order to gather evidence, the journalist secretly records their conversation and proves that he is right [17]. M. Polatova, the author of the article, expressed her opinion about this situation for our research. He said that the journalist finds out that a low-income family living in his neighborhood is not provided with social assistance. When interviewing family representatives, he does not use a dictaphone at their request, but transcribes the information in a notebook. The reason for the article published by him is that there is a meeting in the district and the activities of the chairman of the neighborhood are condemned because the residents are not informed about their social situation. After that, disagreements arise between the chairman of the neighborhood and the journalist's family members, and even the journalist's father is beaten up. The journalist will contact the prosecutor's office regarding the incident. The prosecutor's office does not accept the drafts in the journalist's notebook as evidence and decides the case in favor of the neighborhood chairman. In addition, the representatives of the family interviewed by the journalist say that they did not provide such information to the journalist and accuse the journalist of spreading false information. And the journalist secretly records the conversations of his neighbors on a dictaphone in order to gather evidence for himself. As a result, the case was re-examined by the prosecutor's office of Navoi region, and the chairman was accused of improper performance of his duties and was acquitted. As we noted above, a journalist has the right to record information using the necessary technical means while performing the activities related to his profession. In this sense, the journalist has the right to record

audio and video recordings while preserving the anonymity of the applicant. In this sense, journalist Polatova M. to record his interview using the necessary technical devices, explaining that the interviewee would remain anonymous if he did not wish to do so. In this case, a question may arise whether a journalist should obtain permission from the source of information when using technical devices. According to the legislation, special technical means (audio- and video-recording, as well as photography) may be used during the private reception of a state body, head of an organization or other official, provided they are informed about it [18]. In our opinion, this situation limits the journalist's activity. It is advisable for him to record any interview using the necessary technical devices. In this case, an official or a citizen should only request that it be used anonymously. That is, there is a need to make the provisions of the legislation more strict. When conducting a journalistic investigation, it is appropriate for a journalist to use technical devices, which are his modern work tools, and not drafts in a notebook without confirmation. Otherwise, any respondent may refuse to give an interview to a journalist. If it is not possible to use technical devices, it is also possible to write down the content of the conversation in full and sign it to the source of information. It takes a lot of time, so this method is not justified today.

Citizens' access to information can be restricted only in accordance with the law. Information is not provided only for the purpose of protecting the rights and freedoms of people, ensuring the foundations of the constitutional system, protecting the moral values of the society and the spiritual, cultural and scientific potential of the country [19]. The state protects the right of citizens, especially journalists, to seek, receive, and perform other related actions. It is forbidden to restrict their right to receive information based on their personal and social position, social origin, as well as gender, race, nationality, language, religion and belief [20].

Journalists should verify the accuracy of information from sources [21]. Because they, together with the source of information, are responsible for its correctness [22]. However, if the information can only be obtained from one information source, then the responsibility for the information falls on the information source. That is, the

editor-in-chief, as well as the journalist, will not be responsible for taking untrue materials and publishing them through the press services of SAAB, as well as their official websites [23]. In this case, the persons who received untruthful information at their request have the right to be compensated for the material damage caused to them or to be compensated for moral damage in accordance with the law [24].

In order for journalists to work effectively with SAAB, it is necessary to systematize and simplify the relevant legislation. It is also important to retrain journalistic personnel, to increase the legal literacy of young people studying in this regard, and to increase the responsibility of SAAB in relation to journalists' inquiries and appeals.

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