

https://doi.org/10.31516/2410-5333.053.16

УДК 070 + 340

I. P. Kovalenko, Candidate of Science in Social Communications, Associate Professor, Kharkiv State Academy of Culture, Kharkiv

Irakovalenko777@mail.ru

https://orcid.org/0000-0001-6205-263X

PROBLEM OF INFORMATIONAL OBJECTIVITY IN THE CONTEXT OF JOURNALISTS' LEGAL CULTURE

The article is devoted to the little-studied problem of journalistic information objectivity. Analyzing it in the context of the legal culture of journalists, the author highlights four factors that have a significant effect on the formation of journalists' domestic demand for objective coverage of social events. The author links the strengthening of journalists' information objectivity with the development of the democratic process; improvement of public control over the relations between publishers and editors, on the one hand, and journalists, on the other; the strengthening of the moral factor in shaping the legal culture of journalists; improvement of the system of their professional training.

Key words: *journalism, law, culture, legal culture, legal consciousness, legal behavior.*

И. П. Коваленко, кандидат наук по социальным коммуникациям, доцент, Харьковская государственная академия культуры, г. Харьков

ПРОБЛЕМА ИНФОРМАЦИОННОЙ ОБЪЕКТИВНОСТИ В КОНТЕКСТЕ ПРАВОВОЙ КУЛЬТУРЫ ЖУРНАЛИСТОВ

Рассмотрена недостаточно изученная проблема объективности журналистской информации. Анализируя её в контексте правовой культуры журналистов, автор выделяет четыре фактора, оказывающих существенное влияние на формирование внутренней потребности журналистов к объективному освещению социальных событий. Усиление объективности журналистской информации связывается с развитием демократического процесса; совершенствованием общественного контроля за взаимоотношениями между издателями и редакторами, с одной стороны, и журналистами, с другой; усилением морального фактора в формировании правовой культуры журналистов; совершенствованием системы их профессиональной подготовки.

Ключевые слова: *журналистика, право, культура, правовая культура, правосознание, правовое поведение.*

І. П. Коваленко, кандидат наук із соціальних комунікацій, доцент, Харківська державна академія культури, м. Харків

ПРОБЛЕМА ІНФОРМАЦІЙНОЇ ОБ'ЄКТИВНОСТІ В КОНТЕКСТІ ПРАВОВОЇ КУЛЬТУРИ ЖУРНАЛІСТІВ

Мета статті — висвітлити основні проблеми забезпечення об'єктивності інформації в контексті формування правової культури журналістів.

Методологія дослідження. Стаття ґрунтується на біхевіористському, системному, структурно-функціональному та аксіологічному аналізі правових аспектів журналістської діяльності.

Результати дослідження полягають у визначенні та структуруванні проблем формування правової культури журналістів в аспекті забезпечення ними об'єктивності інформації. На думку автора, до таких належать: особливість політичного режиму, тиск на журналістську діяльність видавців та редакторів засобів масової інформації, внутрішні переконання й суб'єктивні вподобання журналістів та їхня фахова підготовка. Посилення об'єктивності журналістської інформації пов'язане з розвитком демократичного процесу; вдосконаленням суспільного контролю за взаємовідносинами між видавцями й редакторами, з одного боку, та журналістами, з іншого; посиленням морального чинника у формуванні правової культури журналістів; удосконаленням системи фахової підготовки.

Новизна. Уперше докладно та різноаспектно проаналізовано чинник об'єктивності інформації в контексті формування правової культури журналістів.

Практичне значення. Результати дослідження сприятимуть удосконаленню медійного законодавства в напрямі посилення об'єктивності інформації. Матеріали статті можна використовувати в процесі фахової підготовки журналістів.

Ключові слова: *журналістика, право, культура, правова культура, правосвідомість, правова поведінка.*

Problem statement and previous research. The formation of a journalists' legal culture is an urgent problem of Ukrainian modernity, the solution of which leads to the development of processes of building a democratic state and civil society. As a social institution, the journalism performs very important functions of citizens' information on various events and communication between different social structures through the media, which significantly affects the formation of social behavior trends among members of society. However, the information and communication functions of journalism (Romanyuk, Kovalenko, 2018) are mediated by the legal culture of journalists.

The concept of legal culture is rather vague (Michaels, 2011), which is explained by the peculiarities of its interpretation in works written in the Anglo-Saxon (Cotterrell, 2006; Nelken, 2004 and 2007), and German (Blankenburg, 1989; Gephart, 2006/2007) traditions, as well as Ukrainian researchers (Bytyak, Yakovyuk, 2007; Kalinovskyy, 2008). The vagueness is explained by the multidimensional nature of this phenomenon and the different approaches to its interpretation.

According to the behavioral approach, legal culture is interpreted as a certain set of stereotypes of legal consciousness and behavior in the aspect of observance of legal norms. Legal culture has specific features of its manifestation in various spheres of social life and in various professional activities. The influence of professional activities on legal culture is due to the fact that the functioning of the various spheres in which it occurs is regulated by different rules. Among the norms governing journalism, the most

socially important, but also the most difficult to control, is *the requirement of objectivity (Journalistic objectivity)*.

The requirement of an objective approach to coverage of social events is contained in the laws regulating journalistic activities in many countries, in particular, in Ukraine. Thus, article 26 of the Law of Ukraine (1992) "On printed mass media (press) in Ukraine" requires journalists to "submit for publication objective and reliable information". Article 59 of the Law of Ukraine (1993) "On Television and Radio Broadcasting in Ukraine" assigns the responsibilities of broadcasters to "disseminate objective information". The 3rd article of the Law of Ukraine (2014) "On Public Television and Radio Broadcasting of Ukraine" emphasizes that the important principle of the National Public Broadcasting Company of Ukraine is "comprehensive, objective and balanced informing about socially significant events in Ukraine and abroad". Although the problem of objectivity has found its reflection in a same works (Hunter, 2014; Kaplan, 2002; Lichtenberg, 1991), but many of its aspects remain unexplored.

The aim of this article is to identify the main problems of ensuring the information objectivity in the context of journalists' legal culture formation.

The main text. The main problems of objectivity in the formation of the journalists' legal culture can be divided into four items.

The first is a problem of the nature of the political regime. In undemocratic regimes, the objectivity of information is made impossible by the presence of political (in authoritarian regimes) and also ideological (in totalitarian regimes) censorship (Romanyuk, Kovalenko, 2017). Thus, only political democracy has the ability to create the conditions that form the internal need of journalists in the objective coverage of social events and problems, because it creates for these legal (requirements of the legislation concerning information objectivity), institutional (independence of the judiciary) and socio-psychological (negative attitude to "ordered information") preconditions. At the same time, it should be borne in mind that the formation of the internal need of journalists in the objectivity of their information, even in democracy, depends on the degree of its development. As practice shows, the best conditions for this are created by such political regimes which are defined as "liberal democracy".

The second is the problem of pressures on journalists' activities by publishers and media editors. Although the legislation in democratic countries guarantees the independence of journalism and protects journalists from an unlawful interference of publishers and media editors, this problem continues to exist. The reasons for such pressure are the engagement of publishers and editors by certain political forces or in their links with large

business structures. Journalists yield to such pressures because of the fear of dismissal from work, the career considerations, large royalties. However, there is a breach of the law in relation to the objectivity of information in any of these cases.

How to get rid of this disadvantage?

In the opinion of the author, this could be done by:

1) increasing responsibility of both publishers and editors regarding the pressure exerted on journalists and journalists' responsibility for the objectivity of their materials;

2) intensify the public control over the activities of the media and protect journalists exposed to pressure from publishers and editors;

3) increase the moral factor in the functioning of the media.

The third is the problem of inner convictions (ideological or religious) and subjective preferences (political or socio-economic) of the journalists. In the opinion of Nelken, the ideas, values, aspirations and mentalities are "more nebulous aspects" of the legal culture than institutions and norms (Nelken, 2004, p. 1). However, these aspects have a significant impact on the work of journalists, in the context of law as well. This is especially true of the objectivity of journalistic information.

Although inner convictions and subjective preferences cannot but affect journalistic activities (which is generally normal), the journalists, while protecting their positions, should tolerate alternative views. For example, the journalists of socialist political orientation, criticizing the work of the liberal government, must not only see its disadvantages, but also do not conceal the positive effects of its activities. Conversely, the journalists of liberal orientation should not blacken the work of the socialist government.

The problem of media coverage of inter-ethnic and inter-confessional relations is much more complicated. As Dankwart Rastow (1970, p. 359) observes, the ethnic and religious conflicts are much more brutal and longer than those that occur in the socio-economic context. Therefore, information on such issues should be especially careful. For example, journalists, shaping a negative attitude of the public to Islamic fundamentalism, should not extend it to all Muslims. The ability to combine internal convictions and subjective preferences with the objectivity of information is determined by the professional level of journalists.

The fourth is a problem of journalists' professional training. Unfortunately, many persons involved in journalism have not received any relevant professional education. Accordingly, they are not well-informed in the field of media law, which often leads to its violation. In addition, the journalistic education itself, as evidenced by the experience of Ukraine, has many shortcomings today. After the abolition of the institute of normative

disciplines in the system of higher education of Ukraine, a number of disciplines such as political science, economics, sociology, and cultural studies were excluded from the program of training journalists in some higher educational institutions. However, journalistic activities are inextricably linked with the coverage of the political, economic, social and cultural development of society. The question arises: how can a journalist "submit objective and reliable information for publication, if he or she does not have sufficient knowledge to determine the objectivity and reliability of this information? Even ethics was ostracized, although it plays an exceptional role in shaping a commitment to the objectivity of information from journalists. There is a straightforward and fairly rigid pattern the more the journalist is a moral person, the more objective is his information.

Thus, the formation of journalists' internal need for the objectivity of their information (as the most important aspect of their legal culture) is inseparably connected with creating such a system of their training, which would organically combine the inheritance of legal professional knowledge, profound knowledge in various fields of social life and education of high moral qualities of their personality.

Conclusion. Legal culture, representing a subjective reflection of the legal system of society, is an important factor in the regulation of social relations, including the professional sphere. The nature of professional activities require specific features of the individual legal culture.

The process of developing journalists' objectivity is determined by four main factors: the nature of the political regime and, accordingly, the legal system; the attitude of journalists on the part of publishers and media editors; journalists' internal convictions and subjective preferences; the system and content of their professional training. Accordingly, the main directions contributing to strengthening journalists' information objectivity are the development of a democratic process in society and improving its legal system; improvement of public control over the relations between publishers and editors, on the one hand, and journalists, on the other; strengthening the moral factor in shaping the legal culture of journalists; improvement of the system of their professional training, especially in higher educational establishments.

In this article the author has outlined only the main ways of developing journalists' internal need for objectivity in informing society about the events of public life. The task of further work on this problem is a deeper analysis of their content.

References

- Romanyuk, O. I & Kovalenko, I. P. (2018). The Communication Function on Journalism. *Visnyk of Kharkiv State Academy of Culture. Series: Social*

- Communications, Scientific Journal*. (Issue 52, pp. 149–153). Kharkiv [In English].
- Michaels, R. (2011) *Legal Culture*. Retrieved from https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3012&context=faculty_scholarship [In English].
- Cotterrell, R. (2006) *Comparative Law and Legal Culture*. M. Reimann, R. Zimmermann (Eds.) *Oxford Handbook of Comparative Law*. Oxford: Oxford University Press, pp. 711–713 [In English].
- Nelken, D. (2004). Using The Concept of Legal Culture. *Australian Journal of Legal Philosophy*, Vol. 29, pp. 1–26 [In English].
- Nelken, D. (2007). Culture, Legal. D. S. Clark (Ed.). *Encyclopedia of Law and Society: American and Global Perspectives*. London: Sage, pp. 369–374 [In English].
- Blankenburg E. (1989) Zum Begriff “Rechtskultur” H. J. Hoffmann-Nowotny (Hrsg). *Kultur und Gesellschaft: gemeinsamer Kongreß der Deutschen, der Österreichischen und der Schweizerischen Gesellschaft für Soziologie*, Zürich Zürich: Seismo Verlag, s. 292–297 [In German].
- Gephart W. (2006/2007) *Rechtskultur und Geltung. An den Grenzen des Rechts: Vorlesung im Wintersemester*. Retrieved from https://www.politiksoziologie.uni-bonn.de/de/institut/lehrkoerper/kaete-hamburger-kolleg-recht-als-kultur/prof.-dr.-werner-gephart/Gephart_Skript_Vorlesung_Rechtskultur_und_Geltung_.pdf [In German].
- Bytyak, Y. P. & Yakovyuk, I. V. (Eds.) (2007). *Legal Culture in the Conditions of Formation of Civil Society*, Monograph. Kharkiv: Pravo. [In Ukrainian].
- Kalinovsky, Y. Y. (2008) *Legal Awareness of Ukrainian Society: Genesis and Modernity*. Kharkiv : Pravo. [In Ukrainian].
- Journalistic objectivity*. Retrieved from https://en.wikipedia.org/wiki/Journalistic_objectivity
- Verkhovna Rada Ukrainy (1992). *Law of Ukraine “On printed mass media (press) in Ukraine”*. Retrieved from <http://zakon2.rada.gov.ua/laws/show/2782-12> [In Ukrainian].
- Verkhovna Rada Ukrainy (1993). *Law of Ukraine “On Television and Radio Broadcasting”*. Retrieved from <http://zakon3.rada.gov.ua/laws/show/3759-12/print1509554453956466> [In Ukrainian].
- Verkhovna Rada Ukrainy (2014). *Law of Ukraine “On Public Television and Radio Broadcasting of Ukraine”*. Retrieved from <https://suspilne.media/documents/1> [In Ukrainian].
- Hunter, A. (2014). Crowdfunding Independent and Freelance Journalism: Negotiating Journalistic Norms of Autonomy and Objectivity. *New Media & Society*, Vol. 17, 2, pp. 272–288. [In English].
- Kaplan, R. (2002). *Politics and the American Press: The Rise of Objectivity, 1865–1920*. New York: Cambridge University Press. [In English].
- Lichtenberg, J. (1991). In Defense of Objectivity. J. Curran and M. Gurevitch (Eds.) *Mass Media and Society*. London: Arnold. [In English].

-
- Romanyuk, O. I. & Kovalenko, I. P. (2017). The Mass-media and Political Regimes (The Problem of Mass-Media Determination by Political Regimes). *Visnyk of Kharkiv State Academy of Culture*". Series: *Social Communications, Scientific Journal*. (Issue. 50, pp. 245–251). *Kharkiv*. [In English].
- Rustow, D. A. (1970). Transitions to Democracy — Toward a Dynamic Model. *Comparative Politics*, Vol. 2, 3, pp. 337–363. [In English].

Надійшла до редколегії 22.08.2018 р.