

Problems of Legal Journalism

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Abstract. The article examines the circumstance of Kazakhstan and Russian law journalism. The issue show that the idea of law journalism has not yet determined in Russia, despite a variety of materials which has been written about this subject. There are many ways to classify the subject of law journalism. But the most of them are very different and unlike from each other. Actually we cant say that we know the all aspects of law journalism. Furthermore, this trend in journalism meets many problems. For example, the incompetence of the authors, the lack of legal base and non-transparency of government and authorities.

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Introduction

Journalism has firmly taken its place in social, cultural, economic and political life of the society. Still, the science of journalism is so far full of “blind-spots”. The theory of journalism and publicism has long ago adopted and enriched themselves with such notions as «sports journalism», «economic journalism», «political journalism», «science journalism», «gossip journalism» and even «business journalism», though the latter appeared in the Kazakh journalism only at the end of the XX century. However, the taxonomy of national journalism is still missing such notion as “legal journalism” though It has long played a prominent role in the national mass media.

Certain aspects of legal journalism are analyzed in general works on the history of journalism or in the articles, theses and monographs on the problems of mass media and law. However, many known domestic and Russian historians and theorists of mass media study legal journalism fragmentarily, not paying complex attention to it. In this sphere we can note scientific publications of such local scientists as: Esdauletov A.O. “The formation and development of legal journalism in Kazakhstan during the years of independence”[1], Alaukhanov E.O. “The journalist should know the law”[2], Velitchenko S. “The role of journalism in shaping the legal culture of the society”[3], B. Beknazarov “Mass media and the courts: together in the same boat?”[4], and the Russian scientists: the thesis by F.Yu. Sheudzhen “Journalistic legal text (the problem of judicial interpretation)”[5], the thesis by Tretyakova O.V. “Law enforcement information in the system of formation of legal consciousness”[6] and some others.

Many scientific papers are devoted to the conflict of the language and meaning in the legal journalism, detailed linguistic analysis of legal publications, legal interpretation of texts, their social component. But where the legal journalism as such has started? Which influence formed it? Answers to these questions are still open, despite the large number of papers devoted to particular segments of legal journalism. But legal publicism deserves detailed study and examination, as many of its factors still remain untouched.

By far not all aspects of legal journalism can be called thoroughly studied. Only a small part of papers provides arbitrary classification of materials of legal journalism, relationship to it of the reading audience, and considers the ethical side of the issue. The review studies legal journalism as an independent phenomena, defines the parameters and features that allow attributing journalistic texts to legal publicism, as well as it proposes and analyses the classification of materials that can probably be defined as “legal journalism”. For that purpose, the author reviewed the news stories on relevant topics, as well as the works of known domestic and Russian historians and theorists of mass media who studied the status of this issue (S. Kozybayev, T. Kудaybergen, G. Sultanbaev, B.I. Esin, E.P. Prokhorov, V.V. Voroshilov, Yu.V. Luchinsky *et al.*).

Though the very notion “legal journalism” exists and is often used in a large number of scientific and popular texts, its conventional interpretation still does not exist, and connotations of its use have the most diverse content. Though the notion “legal journalism” is still not completely adopted in the theory of journalism, the rhetoric of journalistic terminology, a certain classification of journalistic

texts that can be referred to legal journalism, can already be made. As usual, legal journalism is presented in newspapers in several directions:

1. Dissemination of general information on legislation. This segment may include publication in periodicals of adopted normative legal acts (laws, regulations, etc.), a variety of explanations and comments to them. Analyzing the specific documents, the author leads the reader to the overall findings, popularizes and explains the law. Articles and reviews devoted to both domestic lawmaking and legal systems of other countries are written usually by government officials (lawyers, economists, social workers - depending on whose competence refers to the adopted document). I.e., Journal of the Almaty City Bar Association "Lawyers of Almaty"[7].

2. Trial journalism. This category includes notes, reports and records of the court hearings, materials covering significant legal proceedings. Its purpose is brief, quick, precise reporting on the most vexed civil and criminal proceedings. The journalists recount the very course of the trial, the contents of speech for the prosecution and defense speech of the lawyer, etc. Such materials often include comments and interviews of law enforcement officers, judges and prosecutors, lawyers on both sides.

3. Criminal chronicles. These are the news, articles, stories, essays and reports on the most urgent criminal cases. In some ways, criminal chronicles correlate to the judicial journalism.

Such materials often include comments and interviews of law enforcement officers, judges and prosecutors, lawyers on both sides. The journalists often discuss the moral-ethical side of criminal (civil) cases referring to the life of the accused and the victim, arguing about how this could happen in the society and what brought the accused to the crime.

4. The moral and legal advocacy uses analytical and artistic and journalistic genres (essays, satires, sketches, correspondence, etc.). The authors reveal various stigmas of the society on the examples of certain cases; they show what consequences a law will have for certain categories of citizens (a perfect example – publication in a number of leading editions of the Draft Law of the Republic of Kazakhstan "On pension security in Kazakhstan", which caused great dissatisfaction of a certain part of the local population). This sector of journalism is very useful, as it attracts the attention of citizens to the imperfections of society and tries to resolve the existing problems.

5. Legal advice. Such materials usually have format of questions and answers and provide advices of lawyers, law enforcement and other authorities, who explain to citizens their rights and responsibilities. However, this distribution is rather

arbitrary, as all these sectors do not stick to tough borders and can interfere or blend with each other. The only thing that unites all kinds of journalistic legal text, is that they all fit into the parameters of the "crime and punishment" form[8], both in a literal and figurative sense. Since the parametric characterization of the formula is set extremely wide, the entire spectrum is unified by the moral aspect (condemnation of the written), even if some publications tend to romanticize the deviant behavior. If we accept this version of the concept of the text in the legal journalism, the vectors of its implementation receive very diverse implementation – from analytical reviews in high-quality editions to sensational materials of specific property in the tabloids.

Another gradation proposed by I.N. Grineva studies legal publicism as a form of social control via mass media of law-making and law enforcement processes, as mass media can directly influence both the sanctions against violators of the law, and the prevention of criminal behavior. In this case, the tool is "the system of functions of journalism involved in confronting the criminality, which are understood as its direct responsibilities"[9].

First group of these functions is related to illumination of this phenomenon, with the study of its roots, the specific circumstances of certain crimes in order to guide the audience help it in terms of security, information assistance to law enforcement authorities. Here, the journalism acts as an informant of the society that secures the attention of its members on the most dangerous forms of criminality.

The second group involves promoting the efficiency of law enforcement agencies through analysis of their activity, revealing both the positive and negative sides in fighting the criminality. Here the journalism acts as social controller stimulating the improvement of activity of law enforcement systems and authorities.

The third group of functions is focused on the prevention of criminality. By drawing public attention to the reasons and consequences of unlawful acts, increasing legal literacy of the audience and strengthening its legal awareness, the press is involved in the creation of such moral climate in public life when uncompromising attitude to crime and mercy to those who realized their guilt, become the natural norm of conduct. "In this situation, the journalism plays the role of the Illuminator and social educator" [10].

Today, legal texts on mainly trial and criminal subjects are published in the majority of periodicals and specialized editions ("Top secret", "World of criminal", etc.), and in mass media, both in the tabloids ("Life", "Your day", etc.), and in high-

quality editions ("Caravan", "Kazakhstan Today", etc.).

In spite of all its diversity, legal journalism is now experiencing hard times – availability of any topics and the ways of their disclosure became a serious temptation for journalists.

This common problem of all domestic journalism, journalism of Russia and former USSR countries of transitional period to a greater extent referred to the legal journalism. "One of the most serious consequences of changes in the conditions of work of a journalist in the editorial office is his growing liability. Definitely, before he also answered to the readers and heads of his editorial office for what he was doing. And if the journalist broke the established social norms, party regulations and Editor's guidelines, if he made bad mistakes, he had to respond for that"[11].

Those professionals who survived in mass media are particularly sensitive to the current legal journalism also because in olden times mass media preferred legal essays, which enjoyed a well-deserved popularity, despite the regimentation of journalism of bygone era. The articles of the then masters of legal journalism, such as E.O. Alaukhanov, S.K. Kozybaev, S. Velitchenko, O.G. Chaykovskaya, Yu.P. Schekochikhin, received thousands of letters in response. And nearly "each publication was the social event that is discussed at home and at work"[12].

Today, in spite of a sufficient number of publications on the problems of crime in modern Kazakh press, most of them are characterized by "shallow penetration of the authors into the essence of this negative phenomenon generated by their incompetence, lack of expertise".

Besides, quality of the materials is affected by often oversized self-esteem of media workers, unwillingness of the authors to get professional (and if necessary, additional) education and improve themselves. This is also affected by the lack of proper understanding between journalists and law enforcement officials, little understanding by the said parties on the functions, tasks and methods of each other's activities, as well as the mindset of law enforcement officers on the closeness of information important for the society, on limiting access to the press.

Unfortunately, today in many publications on judicial topics include only a small part of text is devoted to actually the judicial topics. Description of the court trial in most cases finalizes the material, or is even absent. Previous sections uncover the fable of the case – the process of committing a crime, the search and capture of the criminal, other stages of investigation. Such a structure is most characteristic

for publications made in the genre of "judicial essay or a report."

Detailed analysis of publications shows factual poverty of materials devoted to legal subjects, absence in them of legal evaluation and comment. This scarcity is accompanied, but not compensated by numerous authors' comments.

This is what the known soviet lawyer M.S. Strogovich said back in 1970s on the importance of description of the very course of court trial: "Very rarely you can meet in a newspaper a detailed description of the very course of court trial, content of evidentiary hearing, the testimony given in court, speech for the prosecution and speech for the defense, etc. And in many cases it would be helpful, would attract the attention of citizens to the work of the court. Would help mobilize the public to fight crime, to prevent the crime"[13]. Unfortunately, his words are still relevant today.

Legal culture of media workers also plays an important role. Despite the good intentions of the storytelling, wish to objectively highlight the chosen theme, a low level of legal culture, aborted and deformed legal awareness of journalists rushes to eyes.

It is not only legal knowledge, or rather lack of it, but the attitude to the law, legal principles, legal requirements. While "a journalist shall be well educated, and only then he can avoid depthlessness and mistakes to be effective media worker"[14], – says Kazakh lawyer E.O. Alaukhanov.

Now mass media very often clearly demonstrate disregard for the legal requirements up to a complete rejection of all prohibitions. "Practice of journalism presents whole palette of relations: from legal infancy (juridical carelessness) through legal nihilism (disregard for the law) to legal negativism (rejection of the law). This traces the main problem that creates a threat to the media "from within"[15], – notes M.V. Bogomolov. The same view is shared by D.S. Avraamov, who believes that "in the pursuit of sensational revelations, editors of newspapers and television mindlessly break the basic ethical and legal prohibitions"[16].

One of the main reasons, according to S.M. Gurevich, that lead to degradation of quality of legal journalism, is the irresponsibility of some journalists, a false understanding of their role in society, their rights and responsibilities. The second reason is the frantic pace of work in mass media. Now it is required to write fast and a lot, there is no time for the careful selection of information and verification of the facts. Definitely, this does not improve the quality of texts. But the society has the right to demand from mass media the objectivity and wide coverage of all the problems, as well as full inclusion

of its representatives as subjects of mass communication. If we take the judicial journalism, even a small article about the judicial process has to say a few words about the causes and conditions that contributed to the commission of the crime. And, finally, you cannot do without coverage by the media of the moral climate of the society, the level of its legal awareness, mindset towards the criminality as a phenomena and all its elements, first of all – to the perpetrators of crimes and their victims.

Taking into account positive achievements of the past, analyzing and correcting impartial estimation of activity of the editions who address the topic of criminality today, forming in the period training of specialists in the field of mass media and law the mindset on mutual trust, respect and willingness to be of service to each other and, certainly, bearing in mind the purpose of journalism, we could achieve highly effective participation of mass media in the fight against crime.

Today, the corporate solidarity of the journalist and legal communities oriented to censure any use of professional status for the desecration of public morality and ethics, could be much more effective for the protection of public morality.

Guild of Court Reporters in Russia tried to contribute to the development of legal journalism by issuing the declaration “On the principles of conscientious work in the genres of court essay and reportage, and journalistic investigation”. It was prepared by a group of journalists who regularly illuminate the trial and pre-trial (during the investigation and prosecution) proceedings. This document says: “We are first of all worried about the prestige of the journalist profession. Lately the genre of “ seamy side” or superficial, low-grade crime reportage displaces from newspaper columns and from the air qualified materials that are focused on the ideas of justice, analyze the social and other causes of crime. Such status is does not meet interests of democracy and the prospects for Russian mass media.

Unification of efforts of journalists working in this segment of the information space, dictates the need to protect our common shop interests, prevailing over the motives of competition. Our reputation needs to be protected in the first place from the amateurish approaches that devalue the profession court reporter in the eyes of the public. Responding to each other by our author names, we recognize the following principles of honest work in the genres of court essay and reporting, as well as journalistic investigation” [17].

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