

THE ROLE OF MASS MEDIA IN PREVENTING CORRUPTION

Submitted: 03 December 2020

Revised: 27 January 2021

Accepted: 01 February 2021

Article submitted to peer blind review

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DOI: <https://doi.org/10.26512/istr.v13i1.35433>

Abstract

Purpose – The article focuses on the freedom of speech as a basic principle in the activities of mass media against corruption. The attribute of every democratic and law-governed state is freedom of speech, that is, the ability to express their thoughts and beliefs freely. Ukraine is not an exception, for the right of freedom of thought and speech and free expression of ones' views and beliefs are guaranteed. The existence of an effective media system is the basis for implementing the principle of publicity in the activities of public administration and ensuring effective transparent oversight of its activities. Moreover, mass media play an important role in the political life of the country.

Methodology/Approach/Design – The research is based on the methods of systemic and critical analysis.

Findings – The ability of domestic journalists to be active participants in anti-corruption reforms is confirmed by many journalistic corruption investigations and high-profile disclosures, which led to the opening of criminal proceedings.

Keywords: Corruption. Mass Media. Freedom of Speech. Transparency. Political Life.

INTRODUCTION

The attribute of every democratic and law-governed state is freedom of speech, that is, the ability to express thoughts and beliefs freely. Ukraine is not an

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exception, since everyone is guaranteed the right of freedom of thought and speech, free expression of his views and beliefs, under Article 34 of the Constitution of Ukraine. Since everyone has the right to collect, store, use and disseminate information freely: orally, in writing, or in any other way – of their choice.

Freedom of speech is a basic principle in the activities of mass media (newspapers, magazines, television and radio programs, film documentaries, other periodical forms of public dissemination of mass media). The existence of an effective media system in the state is the basis for implementing the principle of publicity in the activities of public administration and ensuring effective transparent oversight of its activities. Moreover, mass media play an important role in the political life of the country (Walgrave et al, 2007). The ability of domestic journalists to be active participants in anti-corruption reforms is confirmed by several journalistic corruption investigations and high-profile disclosures, which in the future led to the opening of criminal proceedings. Of course, it is difficult to speak of transparency, complete impartiality, and credibility of the media in Ukraine. The confirmation of this thesis is the result of an international rating of freedom of the press, according to which in 2020 Ukraine ranked 96th out of 180 possible (Reporter ohne Grenzen, 2020). At the same time, it is impossible not to notice the massive potential of the media in preventing corruption. Thus, the study of the role of the media in the field of prevention of corruption in Ukraine is urgent and necessary.

DISCUSSION AND RESULTS

First, the article focuses on the legislative essence of the concept of "media". Thus, according to the Law of Ukraine "On Information", the mass media means intended for the public distribution of printed or audiovisual information. Regarding the types of mass media, according to the above-stated legislative norm, there are print media (press) and audio-visual (electronic). It is necessary to understand the periodical and continuing publications, which come under the permanent name, with the frequency of one or more issues (issues) during the year based on the certificate of state registration, and under the other – an organization that provides for mass reception of audiovisual information by consumers, transmitted in the form of electrical signals and accepted with the help of household electronic devices.

The development of the information society in Ukraine has resulted in the rapid development of the Internet media. Today, in the era of society's dependence on electronic devices, and because of electronic information resources, they have surpassed the old media as a whole and as a source of corrupt information. As Christian Fuchs notes, the factors that predetermined the prevalence of such media

are the unlimited possibility of disseminating information, expressed as access to information resources around the world at any time. It means that media create special modes of proximity (Fuchs, 2004).

And, of course, free access to information. Because of these features, the Internet network should be considered as one of the most important components of the media with all its qualities. However, the development of legal relations does not always keep up with the development of social relations. So, the legal status, the procedure of creation, legalization, conditions of activity, and types of Internet mass media are not regulated legally. O. Kapliy proposes that the Internet media requires not only proper legal support, but also scientific and theoretical research on determining the principles of their organization and activities (Kapliy, 2013), which could form the basis for specialized legislation. Indeed, legislation can now find legal rules regulating the legal status of print, television and radio media, bypassing the Internet media, and the legal rules relating to electronic media are presented in a fragmentary way. In particular, the Law of Ukraine "On Telecommunications" defines the concept of "Internet", according to which it is the worldwide information system of general access that is logically linked to the global address space and is based on the Internet protocol defined by international standards. At the same time, the definition of Internet media does not operate any regulatory document. According to Y. Barylo, these are any websites as components of the Internet (regardless of where the Internet segment is located) owned by a particular person or entity (regardless of national or geographical origin) and Intended for distribution of mass information, that is, for mass communication (Barylo, 2006).

The Internet media essentially combines all types of media. Therefore, it is quite logical that the prospect of spreading them to the general norms of mass media legislation seems quite logical. Indicative in this aspect is foreign experience, for example, in Hungary, the Law on Mass Media regulates public relations regarding the activities of all types of mass media. According to V. Konakh, a similar situation in the Republic of Slovenia (Konakh, 2013). At the same time, countries such as the United States and England do not have a separate media law at all. Any information activity in these states is governed by civil, criminal, and other legislation (Afanasieva, 2006). In our opinion, in Ukraine, none of these orders can be realized, as the law governing the activities of the media scattered over a huge number of regulations and need upgrading to meet the needs of today. Therefore, to legalize the relationship in the field of Internet media, considering the need for systemic and specialized approaches, adoption of the relevant law is urgent. We believe that such a law must necessarily contain legal rules aimed to resolve several groups of social relations. First, the order of legalization of the Internet media (registration, licensing, etc.). In our opinion, all

Internet media must undergo a registration procedure. Instead, Y. Barylo believes that the introduction of compulsory state registration of online publications is an impractical, ineffective, and even counterproductive step, and therefore the state registration would be an extra worry (Barylo, 2006). In our view, this approach is extremely one-sided, since it only considers the interests of owners of Internet media, bypassing the interests of the readers or viewers (right to accurate information), workers (lack of legal status of the journalist, but as a consequence of social benefits, guarantees, special legal health, etc.) and the state, whose task is to protect society from the distribution of products that adversely affect public morality (child pornography, production, promoting Nazism and fascism, degrades or offends a nation or ethnic grounds, etc.). In addition, state registration of the analyzed type of mass media will require the payment of taxes, which will accordingly contribute to the strengthening of the tax system, and, consequently, the financial system of Ukraine. Therefore, those information resources that wish to engage in journalism must necessarily be registered in the manner prescribed by law. In addition, such discretion in regulating the relations of registration of Internet media may lead to their privileged status, in comparison with other mass media subject to mandatory registration.

Second, to identify the state authority that will be authorized by registering, controlling, and overseeing the activities of the Internet media. Hanna Krasnostup proposes to entrust the development of the procedure for state registration of such mass media to the Security Service of Ukraine, the Ministry of Infrastructure of Ukraine, the National Commission for Communications Regulation and Information, the State Committee for Television and Radio Broadcasting, and the National Expert Commission for the Protection of Public Morality (Krasnostup). Instead, in our opinion, such a dispersion of authority will result in the duality of competence and irresponsibility in the result. We believe that the state regulation of the Internet media should be implemented by the Ministry of Justice of Ukraine. After all, the consolidation of powers for the registration of mass media, both printed and electronic, into one body will allow the development of common unified rules and, accordingly, promote the equality of all media. At the same time, supervision on this issue should be entrusted to the National Commission on Communications and Informatization Regulation, which among its powers includes, among other things, the implementation of the state strategy for development in the field of telecommunications, informatization, and development of the information society, and, in addition, ensuring state supervision (control) By observance by the subjects of the market of legislation on telecommunications, informatization and postal communication.

Thirdly, it is necessary to outline the principles of the activity of the analyzed mass media. The first and foremost among such principles, of course,

should be the freedom of speech, that is, the lack of censorship as a way of managing the information space, in particular, by abolishing or limiting access to the Internet or certain information resources, except for cases of limitation of the law in the interests of national security, territorial integrity or public order to prevent disturbances or crimes, to protect public health, to protect the reputation or rights of others, to prevent the disclosure of information, received in confidence, or for maintaining the authority and impartiality of the judiciary (Constitution, 1996). In addition, freedom of speech implies the absence of any interference by the authorities with the subject and content of the articles. So, the practice of using media to propagate government policies and directives is unacceptable (Chen, 2003). There is a proportional relationship between the level of freedom of speech in the state and corruption. Thus, journalists working under free media can disclose the "secrets" of power, which in turn contributes to the reduction of corruption (Becker et al, 2014).

The second principle is to determine the impartiality of information; the information must be objective, regardless of political or religious beliefs, gender and social affiliation, race, color, etc., as a journalist. Moreover, the concealment of information that has become known to a journalist due to his or her interest in the third party's unlawful gain or other motives must be found to be unlawful. On the other hand, entirely, objective journalism is impossible because it requires reporters and editors to report issues and events wholly uninfluenced by values (Oswald, 2009). Also, Steven Shiffrin notes that journalists can be quite cynical in their opinions (Shiffrin, 1994).

The third principle, of course, should be the reliability of the information since the main problem of most Internet media is the lack of true and verified information. Undoubtedly, the basis for such abuse is the lack of responsibility for defamation, the placement of materials of "illegal" nature, or materials of "condemnation". In our opinion, the provision of truthful information is the main task of the journalist in ensuring that citizens exercise their constitutional right to information. For example, all citizens need reliable information about candidates to make a well-informed decision during the presidential elections, legislative bodies, and local self-government bodies. Economists emphasize the enormous role played by information to avoid losses and efficient resource allocation (Färdigh, et al., 2011). In addition, the lack of reliability in the media hides the threat of pushing them in the "yellow" direction (Koleva, 2011).

The fourth principle should be the principle of a balanced combination of state support and self-regulation in the activities of the Internet media. State support of the mass media is a set of legal, economic, social, organizational, and other measures of state assistance for the strengthening and development of the information industry, its infrastructure. Forms of state support of mass media in

Ukraine are, for example, tax, customs, tariff regulation, additional state economic support of some mass media, etc. The concept of complete self-regulation of the Internet is a kind of utopia since it provides uncompromising respect for intellectual property rights but as a result of a voluntary denial of piracy, competent and objective coverage of events, phenomena, or facts, as well as the presence of high-morality of all participants in information relations. In contemporary Ukraine, the realization of this concept is undoubtedly an illusion. Besides, a balanced composition of both self-regulation and state support, in our opinion, at this stage is rational. A great example of this is the US experience. Because the US government subsidized newspapers at the beginning of the nineteenth century. However, now according to the US Constitution, this activity is not allowed. Since such actions can be regarded as interference in the activities of private media (Hallin, 2005).

Fourthly, it is important to regulate the legal status of employees of the Internet media. In particular, K. Afanasieva believes that network authors may be equated with journalists, although writers can be recognized as professional journalists in case of reception, creation, and preparation of information, but a significant percentage of online writers do not have the appropriate education and do not engage journalism professionally. In addition, the journalist should be in labor or contractual relations with the editorial staff, which for this purpose should have the status of a legal entity. At the same time, the editorial office can acquire the status of a legal entity only after the state registration of the mass media. As we see, registration is a prerequisite for providing legal protection to entities and objects of information activity in the media (Afanasieva, 2006). In addition, the acquisition of the status of journalists by the Internet media will oblige them to comply with the Code of Professional Ethics of the Ukrainian journalist, as well as to ensure the dissemination of professional legal safeguards for these individuals.

Fifth, it is necessary to clearly outline the grounds and mechanism of prosecution for violating the law on the protection of public morals, as well as compensation for damage caused by copyright infringement. The question of protecting public morals has always been ambiguous, because on the one hand, a special law regulating these relations, aimed at preventing anti-moral influence on society, and on the other hand, can be regarded as leveraging freedom of speech since it essentially filters the information flow and is a vivid manifestation of censorship. At the same time, foreign experience suggests the possibility of the existence of both special legislation in this area (England) and the competent authority (Argentina). Therefore, we believe that prosecution for violating the law on the protection of public morals, especially on the Internet, is socially necessary.

As for the protection of copyright, in Ukraine de jure a system of legal acts aimed to protect copyright has been developed and in force. However, it is exceedingly difficult to recognize them as effective de facto, and the undoubted confirmation of this is that Ukraine belongs to the most infringing countries. The most common types of violations in this area are plagiarism and piracy. Thus, considering the negative trends, the state authorities take certain measures (alas, slow) to improve the situation in this area, among which, in particular, gradual improvement of the national legislation is foreseen. In this situation it is urgent to accelerate the adoption of the Law of Ukraine "On collective management of property rights of subjects of copyright and related rights", other legislative acts, which should provide for the introduction of systemic changes regarding a significant increase in civil, administrative, and criminal liability for violation of copyright law. The work of the State Service of Intellectual Property (as a central executive body that implements the state policy in the field of intellectual property) also needs to be revitalized and effective. It should be understood that increasing the efficiency of solving a complicated problem of copyright infringement in Ukraine depends on the development and implementation of a unified state strategy, within which there should be a combination of systematic and coordinated efforts of specialists in the legislative, scientific-intellectual, law-enforcement and state-management spheres (Kryvolapov et al., 2015).

Another criterion of the classification of the media in Ukraine is the ownership of the media: public, utilities, and private. Today, most of the media is private. The problem is that, in a competitive environment, state-owned media are losing popularity. Commercial media is becoming more ranking. At the same time, when private media are struggling for the audience and the reader, the state executes a government order. The development of non-state-owned companies is provided by the owners (Putkalets, 2015), and therefore it is more rapid, due to the considerable material and technical potential. At the same time, other problems in the media are in private ownership. So, Nataliia Moroz insists that now there is a tendency towards the creation of powerful media groups that unite several popular commercial media of the mass media and play a prominent role in the information environment. However, their financial subordination leads to inadequate objectivity, bias in the supply of information, and the output of ordered transmissions. So, sometimes they work to make money, but not news (Moroz, 2012).

The third criterion for the classification of the media in Ukraine is territory distribution, national (available all over Ukraine), interstate (available not only in Ukraine but also abroad), regional (available in the region, district), local (available at a certain city, village, settlement).

After describing the legal nature of the media, we propose to focus on the forms of their participation in the prevention of corruption in Ukraine. In the first place, we will focus on the form of such participation, which is legally defined. Firstly, the legislator affirms the necessity of compulsory coverage in the national report on the implementation of the principles of anti-corruption policy in cooperation with the media. Secondly, it is noted that the National Anti-Corruption Agency carries out the verification of anti-corruption declarations based on information received from the media about the possible reflection in the declaration of inaccurate information. Thirdly, it is envisaged that the National Agency of the Prevention of Corruption carries out monitoring of the life of the subjects of a declaration based on information received from the media, which contains information about the inconsistency of the living standards of the entities declaring their declared assets and income.

In our opinion, such a list of forms of media participation in preventing corruption in Ukraine is limited. Therefore, we propose to supplement it. The first form is the possibility of obtaining public information. This form has a general nature since it is accessible not only to journalists but also to individuals, legal entities, unions of citizens without the status of a legal entity, except the subjects of power. The Law of Ukraine "On Access to Public Information" provides an opportunity for everyone to obtain information that is or should be at the disposal of state authorities and local self-government. Although the law does not establish a separate procedure of access to public information for journalists, it is the investigative journalists who use access to public information as a tool for daily use (Oleksiyuk, 2017).

As to the essence of the notion of "public information", the Law of Ukraine "On Access to Public Information" calls it the information that was received or created in the course of execution by the subjects of the authorities, which was reflected and documented by any means and on any media. Their responsibilities stipulated by the current legislation, or which is in the possession of the subjects of power authorities, other administrators of public information, determined by this Law. For example, information on the disposal of budget funds, possession, use, or disposal of state and communal property, including copies of relevant documents, conditions for obtaining these funds or property, surnames, names, and the name of legal entities that received these funds or property.

Access to this and other public information is provided in two ways: the disclosure of information (in official publications, official websites, etc.) and the provision of information upon request. The first way is public, that is, they can use absolutely all without exception. An example of a resource with publicly available public information is the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Self-

Government. Thus, every journalist during the corruption investigation can use open online access and means of searching for open data contained in declarations can download them in various formats. As experience shows, journalists in the process of identifying shortcomings and interesting, ambiguous records in declarations of persons authorized to perform state or local government functions may be more effective than those of the National Agency for the Prevention of Corruption, whose competence is to check such declarations. After all, the latter are constantly complaining about the lack of time and human resources to check the declarations of persons authorized to perform functions of the state or local self-government properly.

In addition, ProZorro – an electronic system of public procurement that has replaced the paper government protégé – plays an important role in streamlining the process of journalistic corruption investigations. Thus, a journalist can be virtually present during the public procurement process and become a direct witness to the corruption procedure. Under such conditions corruption, procedure immediately receives publicity in the press, and its members will be involved in criminal proceedings, since according to the order of the Prosecutor General of Ukraine number 139 of April 6, 2016 "On Approval of the Procedure of the Unified Register of pre-trial investigations" message in the press is a source from which circumstances may be discovered that may indicate a criminal offense, and, consequently, be the reason for the opening of criminal proceedings. In addition, journalists can review all submitted bids and independently determine whether the winner of a specific public procurement has been objectively selected.

The second way involves the filing of a specially made request for access to public information - a person's request to the information manager to provide public information in his possession. It should be noted that the legislator does not establish a mandatory form of the request for public information, which greatly simplifies the procedure for its compilation. The form of the request may also be different, from the written end to the telephone. At the same time, in a written request for access to public information, it is necessary to specify:

- The name of the requestor, postal address, or e-mail address, as well as the number of the means of communication, if any. The indication of the name is necessary for the identification of the person; however, the administrators of the information are not obliged to confirm the identity of the requesting entity, for example, by submitting certain documents or providing copies of them). Moreover, the requestor of information is not obliged to disclose his motives or goals in obtaining public information;

- A general description of the information or the type, title, details or contents of the document for which the request is made, if known to the requesting party;
- The indication of the date in the request for public information is fundamental since the information manager must respond to such a request no later than five working days from the date of receipt of the request. The answer is considered to be given from the moment of delivery of the document to the post office; Registration of the response to a request as a source document in the record-keeping system of the information manager is not the moment of completion of the course of the mentioned term. If the answer to the request appears to mail correspondence with another of the same species and categories proper and valid proof of sending such a request is a list grouped postage stamp of an employee due to its adoption. However, as you know from each rule, there are exceptions the terms for responding to a request for access to public information may be both reduced and extended. Squared terms apply if the request relates to the information necessary to protect the life or freedom of the person regarding the state of the environment, the quality of food and household items, accidents, disasters, hazardous natural phenomena, and other emergencies that have occurred or may occur and threaten the safety of citizens. In such circumstances, the response must be given no later than 48 hours from the date of receipt of the request. Instead, if the request relates to the provision of a large amount of information or the search for information in a large amount of data, the information manager may extend the time limit for processing the request to twenty business days with justification for such extension. The administrator shall inform the requesting person in writing about the extension of the term not later than five working days from the date of receipt of the request.

As for the foreign experience on this issue, for example, in Georgia, the period for responding to a public information request is also differentiated, but it can be as immediate as ten days if the information is to be collected. In our opinion, the phrase "immediately" is an estimate, since it is unclear when the period of this period begins (at the moment when the request was registered with the information manager or received by the immediate executor). At the same time, this period in Moldova is longer and will be fifteen days.

Unfortunately, real access to information is not as great as it is written in the law. A journalist may receive a formal denial or refusal concerning a state or commercial secret. Thus, investigative journalism is in a difficult position. The

officials do not adhere to the time frame; officials try to postpone the answer. It is not sent on the first day, even if it is ready, but – on the last (Andreitsiv, 2016). The described situation greatly damages the work of the journalist because the key to a successful journalistic investigation is the efficiency and verifiability of the facts.

As for the positive features of the Law of Ukraine "On Access to Public Information", among them, I would like to draw special attention to those that are most important for journalists during corruption investigations. And the first one is the opportunity to receive an answer to a request for access to public information not only in writing or verbally, but also in electronic form. For example, in Armenia, there are no provisions that regulate electronic queries. According to the law, requests must be submitted only verbally or in writing. The court ruled that electronic queries do not require the same answers as written. We believe that the possibility of obtaining an electronic response significantly simplifies the procedure for exchanging information, since the time required to respond is considerably reduced, compared to the written version, which may take up to a week, to be postponed. Unfortunately, this method has several drawbacks. The disadvantage of the objective nature is that not all information seekers have unimpeded access to the Internet, such as remote villages and mountain districts. That is journalists working in these areas are denied the right to an electronic filing of the request and the right to receive an electronic response to such a request. A disadvantage of subjective nature is that sometimes information managers hide the fact of receiving a request for access to public information by e-mail and, accordingly, do not respond to it at all.

The second positive feature of the analyzed law is the possibility of free reception of information of public interest. Nevertheless, this provision has some limits, since if a journalist wants to receive information that does not constitute public interest and exceeds ten pages, then he is required to reimburse the actual costs of copying and printing documents containing such. In our opinion, to avoid delays in the response to the request for access to public information, you must request a response to an e-mail in the request. After all, in practice it is necessary to perform several actions: the information manager will inform the requestor of the need to pay the money, the requestor will pay the money, the funds will be sent to the account manager (the process can take up to three days), and only then the administrator will send the requested information by mail. As you can see, such an algorithm can take up to two weeks, and, accordingly, the right to promptly receive information is discredited.

The third positive feature is the neglected ignoring of the bureaucratic procedures that permeate most of the legislation. So, firstly, having received a request for information submitted under the Law of Ukraine "On access to public

information", which is an appeal by a citizen, the information manager should refuse to satisfy such a request because of the discrepancy of his subject with the requirements of the law taking into account the principles of conscientiousness and prudence to consider a request for the Law of Ukraine "On Citizens' Appeal". In this case, the applicant must be informed within five days that his request for information will be treated as a citizen's request. The condition for the notification of the requesting information is significant since the period for reviewing the citizens' request and the request for access to public information is very different. Thus, for citizens' appeals, it varies between fifteen days and one month from the date of receipt of the application; instead, the time for consideration of the request for access to public information, as already noted, is substantially smaller and lasts from 48 hours to fifteen days from the date of receipt such a request.

Secondly, the Law of Ukraine "On Access to Public Information" does not contain any provisions that would regulate relations when the request for information was mistakenly addressed and directed not to the information manager but its structural subdivision. In these relations, by analogy with the law, it is necessary to extend the provisions of Article 3, Article 22 of this Law, and therefore, in the case of addressing a request of information to a structural unit, the latter is obliged to send the received request for information to the information manager. However, the above interpretation does not apply to separate structural subdivisions, in particular, territorial subdivisions of the apparatus of central executive authorities, which, under the Law of Ukraine "On Central Executive Bodies", by status are the authorities, and therefore, the administrators of information, which are obliged to independently consider the request. For information without forwarding it to the central executive body. Thus, if a journalist, for example, is mistaken with a specific department of the state body that is the administrator of information, then this situation will be promptly resolved without the return of the request to its author. Moreover, if it is difficult to determine the information manager, then the journalist has the right to submit a request simultaneously to two, three, or more institutions.

Different institutions can provide different answers, but this will help to get a clearer picture of the information it is interested in (Burmahin et al., 2014). And in some cases, it can be evidence of concealment of information or its falsification. The disclosure and disclosure of such circumstances by journalists, firstly, will contribute to informing society, and secondly, will be the basis for at least a service investigation that can grow into a criminal.

Thirdly the limited or forbidden access is limited to certain information from an official document, and not this document itself. Therefore, if the official document contains combined information, that is, both restricted information and

public information, information should be provided for access, access to which is unlimited.

Fourthly, the response of the information manager to the fact that the information may be obtained by the requestor from public sources is an unlawful refusal to provide information. For example, if the information requestor addresses a public authority to obtain information contained on its website, then the public authority has no right to refuse to provide such information. Otherwise, such actions by the information manager may be qualified under Article 212-3 of the Code of Ukraine on Administrative Offenses (violation of the right to information and right to appeal).

The fourth positive feature is the ability to appeal of decisions, actions, and inactivity of information managers. The appeal can take place in two ways: the administrative (to the higher body) and the court (to the administrative court). In practice, the most lasting way is more efficient and more spontaneous. The administrative appeals path seems less effective because of the corrupt relationship between executives and their subordinates. Thus, service dislocation, which begins with complaints about the actions of officials, connected with violation of the right to access public information, as a rule, flushes with nothing. After all, instructions on the rejection, delaying the response to inquiries come directly from the execution of their directors. Thus, there is a closed circle: corruption generates corruption.

Thus, the Law of Ukraine "On Access to Public Information" is an effective mechanism for ensuring publicity and publicity of information that is or may have public interest. This law has several positive features; however, its proper performance is hampered by information managers who are always trying to circumvent the law or openly abusing them.

The second form of media involvement in preventing corruption is a journalistic investigation. The role of the media in preventing and combating corruption is invaluable. Thus, journalists investigating corruption are the key to overcome the abuse of power, corruption crimes, and a form of providing citizens access to unbiased information about government activities (Färdigh, 2007).

Journalistic corruption investigations are usually long-term and require substantial material and, in some cases, human resources. In practice, they are more productive than the investigation of specially authorized state bodies. This situation is due to several factors. First, journalists involved in corruption investigations, especially those involving officials who are particularly at the service level, have substantial funding, which can be adjusted if necessary. Instead, the National Anti-Corruption Bureau of Ukraine is limited in cost estimates. Secondly, the criminal procedural law clearly defines the terms of pre-trial investigation. At the same time, the terms of journalistic roles are more

flexible. Thirdly, the results of the investigation may be adjusted or openly falsified for the possibility of obtaining or promising the adoption of unlawful benefits. Instead, bribing a journalist is more difficult. However, unfortunately, "ordered materials" remain extremely popular. That is when a journalistic investigation is carried out on the order of a certain person or group of persons. The most widespread are investigations on the eve of the election. And the customers in them are political leaders or even entire political parties. The purpose of such investigations is distorted because they are carried out not for informing the public or for exposing the criminal schemes of corruption or for bringing the perpetrators to legal liability, but for use as a compromise against political opponents. For example, a journalist does not publish the results of his investigation and sells them to the opponent of the object of investigation. Or, on the contrary, such an investigation is being published to damage information about a particular policy or official, that is, the use of such technologies calls into question the electoral democracy (Kalenborn et al., 2012). In addition, journalistic investigations are usually initiated concerning persons who play an important role in politics (Zaller, 1999).

The conduct of any investigative journalist, and especially the corruption theme, requires the media to interact with the public and individual journalists. First, law enforcement agencies, that the prosecution, the National Police, Security Service, the Military Police in the Armed Forces of Ukraine, National Anti-Corruption Bureau of Ukraine, border protection, Organic revenues and fees, enforcement and penal institutions, detention centers, bodies of state financial control, fisheries, the state forest protection and other bodies exercising enforcement or policing. Particular attention should pay to the National Anti-Corruption Bureau of Ukraine, whose main task is to prevent corruption, criminal offenses committed by senior officials authorized to perform state or local government functions and threaten national security. Undoubtedly, in some cases, investigations into corrupted crimes may also be carried out by other law enforcement agencies. However, the National Anti-Corruption Bureau of Ukraine, as a body with special competence, still occupies a key place in such investigations.

The law regulating the activities of this law enforcement agency clearly outlines its principles of activity, in particular, openness to democratic civilian control, accountability to the public, and transparency (National Anti-Corruption Bureau of Ukraine through the mass media regularly informs the society about its activities, prepares and promulgated no later than On February 10 and August 10, in the national print media and on its official website on the Internet, a report on its activities for previous six months, submitted to the President of Ukraine, Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine).

Unfortunately, the cooperation of mass media and law enforcement bodies is essentially declarative. After all, on the one hand, journalistic activities are considered by law enforcers as pressure and unlawful interference. Yes, they almost always complain about the mystery of the investigation when they submit their requests to journalists. On the other hand, journalists often abusively use their rights and interfere with the conduct of traces and operative actions, which complicate the investigation. In our opinion, the establishment of cooperation would be helpful for special legislation. It is necessary to determine the forms and procedures for cooperation between pre-trial investigation bodies and journalists. To clearly outline the timing and procedure of reporting by law enforcement officials on the results of the investigation of corruption crimes, especially those initiated by reports in mass media, and so on.

Secondly, the cooperation of journalists with Public organizations is important. Following the Law of Ukraine "On Prevention of Corruption", the public takes part in measures to prevent corruption, for example, public organizations, their members, or authorized representatives have the right to:

- Report on revealed facts of committing corruption or corruption-related offenses, a real, potential conflict of interest to authorized actors in the field of combating corruption, the National Agency, management or other representatives of the body, enterprise, institution or organization in which they have committed These offenses or whose employees have a conflict of interest as well as the public;
- Make proposals to the subjects of the right of a legislative initiative to improve the legislative regulation of relations arising in the field of prevention of corruption;
- Take measures to inform the population on issues of prevention of corruption;
- Exercise public control over the implementation of laws in the field of prevention of corruption, using, at the same time, such forms of control that do not contradict the law;
- Carry out other measures not prohibited by the law for the prevention of corruption.

A public organization following the Law of Ukraine "On Public Unions" is a voluntary association of individuals for the exercise and protection of rights and freedoms and the satisfaction of the public social interests. To date, in Ukraine, there are about 200 public organizations that declare their anti-corruption orientation (Yakymiuk, 2013). In our opinion, they play an important role in counteracting corruption. Thus, it is necessary to support M. Melnyk's position

that, first of all, this role is to promote the transparency of the functioning of power structures, which, in turn, creates favorable conditions for the prevention of corruption, the detection of facts of corruption offenses and bringing guilty persons to responsibility (Melnyk, 2004). At the same time, A. Musiyenko believes that, despite the large number of anti-corruption Public organizations in Ukraine, there is still no powerful and independent organization capable of influencing the authorities and their representatives. Therefore, one should combine such organizations into one, but immensely powerful, maximally transparent, to provide it with material (sponsor) support, media support for more effective combating corruption (Musiyenko, 2016). Undoubtedly, there is certain rationality in the stated proposal, however, the lack of pluralism among anti-corruption public organizations may threaten to discredit democratization in their activities, and hence the lack of just universal control.

In our opinion, the most productive type of anti-corruption control is public since it is the least biased one. Yes, public anticorruption control does not depend on political will and political orders. We are convinced that a well-balanced layout of the journalistic and public custodian is a key to prevent corruption, because government bodies focus most on the issue of preventing corruption, but on combating it. Instead, such tasks as education of the population, informing the population, encouraging the population to fight corruption, as a rule, do not find a proper place in their activities. That is why the real impact of such constitutional rights as freedom of speech and freedom of association is a significant step towards eradicating corruption in Ukraine. However, today there is very limited interaction between non-governmental organizations and mass media, public organizations, and the public, resulting in a lack of interest among citizens in the activities of such organizations and the desire to participate in their anti-corruption campaigns or volunteer work (Yakymiuk, 2013). This situation is since the purpose of journalists' activity, unfortunately, does not always coincide with the purpose of the activity of an anti-corruption public organization. After all, journalists do not always want to affect the state of corruption in the state but may pursue a mercenary goal (personal enrichment). Instead, members of public organizations believe in their purpose and how they intend to achieve it.

A journalist in Ukraine, and especially one who deals with corruption investigations, is a very risky profession. Therefore, domestic legislation guarantees special legal protection for people engaged in such activities.

The Code of Ukraine on Administrative Offenses provides for liability for violation of the right to information and access to citizens, in particular, if the journalist is not adequately responded to the request for information, information inaccurate, unlawfully refused to provide information, untimely or incompletely provided information, or provided false information, then A guilty official will be

charged a penalty of 25 to 50 tax-free minimum incomes. In addition, if a journalist has limited access to information or restricted information, if this is explicitly prohibited by law, then an administrative officer will be charged a fine of sixty to eighty non-taxable minimum incomes of citizens.

Concerning criminal law, Article 171 of the Criminal Code of Ukraine provides for liability for the illegal extraction of materials and technical means prepared by the journalist collected, processed, used by him in connection with his professional activities; Illegal denial of access to a journalist's information, an illegal ban on coverage of certain topics, the display of individuals, criticism of the subject of power, as well as any other deliberate obstruction of the journalist's legitimate professional activities. In addition, the influence in any form on a journalist to obstruct the performance of his professional duties or pursue a journalist in connection with his legitimate professional activities.

In the context of the legislative protection of journalists' professional activities, we should particularly like to note the changes that were made to the Criminal Code of Ukraine in 2015. Thus, Section XV of the Special Part of the Criminal Code of Ukraine has received a new name, which now sounds like "Crimes against the authority of bodies of state power, organs Local self-government, citizens' unions and crimes against journalists". This section among other things now implies responsibility for four crimes related to journalist's professional activities. The first of these is the threat of violence against a journalist (Article 345-1 of the Criminal Code of Ukraine). This article of the criminal law consists of three parts, which stipulate responsibility for the threat of murder, violence or destruction, or damage to the property of a journalist, his close relatives, or family members in connection with the exercise of this journalist's legal professional activities. Also, for intentional infliction of a journalist, his close relatives or family members of beatings, light, moderate, body injuries in connection with the implementation of this journalist's legitimate professional activities.

The second crime is a deliberate destruction or damage to the journalist's property (Article 347-1 of the Criminal Code of Ukraine): deliberate destruction or damage of property belonging to a journalist, his close relatives, or family members in connection with the performance of this journalist Legal professional activities, as well as the same acts committed by fire, explosion or another dangerous method, or causing death or other grave consequences.

The third crime is an attack on the journalist's life (Article 348-1 of the Criminal Code of Ukraine): murder or attempted murder of a journalist, his close relatives, or family members in connection with the implementation of this journalist's legal professional activities.

The fourth crime is the seizure of a journalist as a hostage (Article 349-1 of the Criminal Code of Ukraine), is seizure or detention as a hostage of journalist, his close relatives, or family members, to induce this journalist to commit or refrain from committing any action as Conditions for the release of hostages

The punishment for these crimes is differentiated and depends on the specific act of the perpetrator, for example, correctional work for up to two years, or imprisonment for ten years, or even life imprisonment.

Unfortunately, despite systematic and justified measures to protect journalists, it is hard to talk about their effectiveness in Ukraine. Confirmation of this is the statistics of criminal actions directed at journalists, according to official statistics, during the last two years, only 64 criminal cases were registered. And none of them was sent to court. This situation is paradoxical, because in the press, on the Internet-editions and television websites, they constantly describe situations of threats or violence against journalists. At the same time, the workers of this profession do not receive real protection. Thus, among the factors influencing media outlets in Ukraine, the key place is not political or economic, but repressive, that is, hostage-taking, physical violence against journalists, persecution, murder, etc. (Brunetti et al., 2003).

The greatest publicity among crimes against journalists was the investigation into the deaths of Georgiy Gongadze and Pavlo Sheremet, who were engaged in the coverage of the authorities. Yes, there are still many questions about the circumstances of their deaths and the organizers of these dreadful murders, which should bear the most severe responsibility. The unresolved issues in these issues are a kind of deterrent to the rest of the journalists in general to investigate the actions of officials and to objectively cover the results of their investigations, since they are elementarily afraid of their own lives and the lives of their loved ones.

CONCLUSION

According to Ukrainian legislation, the media is a body of prevention of corruption. The role and importance of the media in ensuring democracy, pluralism, and publicity in the activities of state authorities and local self-government bodies, as well as persons authorized to perform functions of the state or local self-government, are invaluable. After all, the main task of the mass media is to ensure the prompt, objective, and proper coverage of events, facts, or phenomena. The realization of this task is a key to informing the public about the state of corruption, its causes, and conditions, facts of committing corruption offenses and crimes, as well as offenses connected with corruption, which in turn serves as a foundation for preventing corruption. At the same time, the participation of the media in preventing corruption is hampered by several

reasons. First, domestic legislation on the media describes television, radio, and print media in a sufficiently detailed way, however, almost completely avoids legal regulation of the Internet media. To eliminate this gap, in our opinion, it is advisable to approve the relevant specialized law, which must contain a provision on the procedure for registration of the Internet media, a body that will exercise the function of supervision and control over their activities, the principles of activity (freedom of speech, impartiality, Authenticity, layout of state support and self-regulation), the legal status of employees of such mass media, liability for violation of the legislation in this area.

Secondly, Ukrainian legislation describes in detail the forms of media influence on the prevention of corruption. At the same time, we believe that there are more forms. In particular, the adoption of the Law of Ukraine "On Access to Public Information" greatly simplified the procedure for the use and dissemination of information about corruption. Through open information resources, journalists have the right to become witnesses and abusers of corruption-related criminal schemes and hidden revenues of persons authorized to perform functions of the state or local self-government. Moreover, journalists have the right to apply for unrestricted access to socially meaningful information and other information that does not belong to confidential or restricted information. The request for access to public information should be considered promptly, and the answer may be given not only orally or in writing, but also electronic form. However, in practice, despite such positive conditions of preventing corruption, answers to journalistic inquiries either delayed or "lost" practically impunity for their performers.

In addition, the basis for the successful prevention of corruption by the media is their interaction with law enforcement and anti-corruption public organizations. However, such cooperation is almost absent, although available in theory. Yes, law enforcement officers' reports to media and public organizations can use journalistic investigations to carry out an anti-corruption campaign against certain political forces or individual officials.

In our opinion, the establishment of the interaction of mass media with these subjects is the basis for preventing corruption, and not only fighting it.

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