

ФИЛОЛОГИЧЕСКИЕ НАУКИ

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LEGAL BASES OF MANAGING IN MASS MEDIA (UZBEKISTAN EXPERIENCE)

Abstract. The article deals with the legal framework for regulating the activities of the media in Uzbekistan. The history of the right to information is studied; its reflection in the legislation of Uzbekistan is analyzed. Attention is paid to the aspects provided for in the existing legislation. The peculiarities of the forms of ownership of the media organization, their definition in the norms of the law, their peculiarities are studied.

Keywords: *Mass media, law, norm, legal entity, individual, editorship, founder, private enterprise, limited liability company, joint stock company, unitary enterprise.*

Today, the information that has become a daily human need is being updated every second. Its area is so wide that if you can't find what you need, you're bound to be looking for a traveling star. At the same time, it has the power to rule the world - information has also gone through certain periods of development. Among them, the conscious dissemination of information by man took place in the fifth stage. In doing so, people went through morphological creation and achieved the results of real thinking and creativity. Conscious creation, on the other hand, was not limited to the collection and processing of information, but also encouraged the search for ways to disseminate it to the masses. The result has been pre-journalism scenes, including meetings, announcements, correspondence, lithography, and other forms of mutual information exchange.¹

Sources say that drastic changes in the field of information have occurred three times. The first took place when a special mechanism for recording and distributing time, by region, emerged. The second change is related to the beginning of book printing. It consisted of copying documented information using a special typewriter. The third is characterized by the invention of electronic computers. This change is significant as the transfer of work in human activity to technology.

Now they are assessing how democracy works by ensuring freedom of information and speech. In particular, this is one of the important directions in the current stage of democratic renewal in our country, which focuses on ensuring freedom of information.

If we look to the past, we will see that the right to freedom of information and speech, one of the most important hallmarks of democracy, also has its own history. In particular, in 1945 in Mexico City was held a conference of American states on strengthening the right to information at the international level, where the slogan "freedom of information" was first raised by the United States.

The first session of the UN General Assembly in 1946 adopted Resolution 59 (1), entitled "Convening an International Conference on Freedom of

Information", which stated that "the right to information consists of the right of a person to collect, transmit and publish information without hindrance", was pushed.

It should be noted that in a number of European countries, the idea of freedom of the press and speech has developed a long time ago. In particular, in Sweden in 1766 the Law "On freedom of the press and speech" (in the new edition of April 5, 1949) was adopted, which strengthened the right of citizens to information.

It is noteworthy that freedom of information and speech is recognized as one of the basic personal rights of citizens around the world, and every year 3rd May is celebrated as World Press Freedom Day.

The adoption of national constitutions in many countries has led to the emergence of the right of citizens to information in the system of rights and freedoms and the strengthening of this institution on the basis of constitutional provisions. In particular, Article 29 of the Constitution of Uzbekistan contains a provision guaranteeing the right to information, according to which "Everyone has the right to freedom of thought, speech and religion. Everyone has the right to seek, receive and impart information of his choice, except for information directed against the existing constitutional order and other restrictions established by law.

In accordance with this constitutional principle, a number of laws and programs aimed at ensuring public awareness of the necessary information have been adopted. These include the Law on Informatization, the Law on Principles and Guarantees of Freedom of Information, and the Law on Mass Media.

In this regard, it is necessary to provide information on the mechanism for exercising the right to information. This process consists of three stages:

- the first is the existence of a regulatory framework that serves to ensure the emergence, provision and guarantee of the rights and obligations of citizens related to access to information;
- the second is the relationship between information subjects;

¹History of world journalism. Textbook-T.: Publishing House of the National Society of Philosophers of Uzbekistan. 2006 (p. 9)

- the third is to prevent violations of citizens' rights to information and, if so, to restore their legitimate interests and rights.²

In all countries of the world, the media play an important role in the socio-political life of society. In the world experience, there are laws regulating the organization, conduct, termination of media activities, as well as all actions in the system as a whole. In particular, these laws play a key role in the policy of media management in Uzbekistan. The Law on Mass Media, which was revised on January 15, 2007 and contains a total of 40 articles, contains a number of articles regulating the activities of the media, organizing the editorial office, and conducting management policy in accordance with the laws of economic management.

The law strictly defines the management policy of the media. In particular, Article 8 states that the right to establish mass media is vested in legal entities and individuals. Articles 9-10-11 provide a general description of the founding document and the memorandum of association between the founder and the editorial board, as well as the charter of the editorial office.

Articles 12-13-14 specify the agreement between the founder and the editorial board, the rights and obligations of the founder. For example, Article 15 defines the activities of an editorial office as follows: "An editorial office is a structural unit of a legal entity or an individual who publishes a media outlet. The editorial office can be organized in any form provided by the legislation. The editorial office is independent in its professional activities. It consists of the editor-in-chief and the editorial staff. The editorial office can start its work after the registration of the mass media." Distribution of mass media can be carried out directly by the editorial staff, individuals and legal entities on a contractual basis. Distribution of printed media products is carried out through the organization of subscriptions to them, as well as through the retail network. The number of registered periodicals through the retail network, including manual sales, is carried out by state distributors of publications or by legal entities that own the network, individual entrepreneurs in the manner prescribed by law.

Laws "On Protection of Journalism", "On Advertising", "On Principles and Guarantees of Freedom of Information", "On Informatization" and a number of other legal acts regulate the activities in the field.

These legal documents define the legal boundaries that must be followed in the organization and conduct of editorial activities. The team, from the editorial manager to the youngest employee, must follow them.

Failure to comply with the norms will result in liability before the law.

The following main directions of the activity of the editorial office and the printed edition issued by it in such special laws regulating the activity of the system:

- the legal status of the editorial office and its print publication, the conditions of their establishment, their relations with government agencies and other structures of society;
- subjects of editorial activity and their interrelation;

The legal status of the journalist as a member of the editorial staff, as well as the author of articles in the newspaper and his relationship with the editorial staff;

Defines the relationship of the editorial office and its journalist with the readership of the print media.

Under current law, a media outlet can also be established by several founders.

The following may not be founders of the media:

- a person under the age of eighteen;
- a person whose criminal record has not been completed or conviction has not been expunged or who has been declared incompetent by a court for an intentional act;
- a non-governmental non-profit organization whose activities are prohibited by law.

Also, the establishment of mass media by legal entities with a share of foreign investment in the charter capital of thirty percent or more is not allowed.

The Law on Mass Media also provides for the provision of financial support to the media and the procedure for conducting it.

Thus, in accordance with the second part of Article 15, the editorial board of the media can be formed in any organizational and legal form established by law. The decision to choose the organizational and legal form of the editorial office is made by the owner of the property as a legal entity. The editorial office of a print media may be established and registered with the status of a legal entity, private enterprise, limited or additional liability company, unitary enterprise, open or closed joint stock company, as well as other organizational and legal forms.

Private enterprise. A commercial organization established and managed by a single individual owner is recognized as a private enterprise.³

Private enterprise is an organizational and legal form of business entities.

A limited liability company (LLC) is a limited liability company established by one or more person, the charter capital (authorized capital) of which is divided into shares in the amounts specified in the constituent documents. within the value of their contributions.⁴

²Collection of Legislation of the Republic of Uzbekistan, 2007, No. 3, Article 20; Legislation April 19, 2018., no03/18/476/1087/

³ Law of the Republic of Uzbekistan "On Private Enterprise". Tashkent, 2003 year, 11 december, 558-II-number — <https://lex.uz/docs/53877>

⁴ Law of the Republic of Uzbekistan "On limited and additional liability companies", Tashkent city, december 6, 2001, no. 310-II- <https://www.lex.uz/acts/22525>

Joint-stock company (JSC) - a joint-stock company (hereinafter referred to as a company) is a commercial organization divided into a certain number of shares, which confirms the rights of shareholders to the joint-stock company.⁵

Unitary enterprise. A unitary enterprise is a commercial organization that has not been granted the right of ownership by the owner of the property. The property of a unitary enterprise is indivisible and cannot be divided into shares (shares, stakes) (including among the employees of the enterprise). The property of the unitary enterprise shall belong to it on the right of economic management or operational management.

The choice of organizational and legal form of the editorial office depends on:

- type of business and its scale;
- the number of future business partners, the level of participation and responsibility of each of them;
- the amount of available funds and the statutory fund established by law;
- the amount of the share of each of the partners in the charter capital;
- characteristics of each of the listed legal forms.

In the practice of organizing print media in Uzbekistan, the most commonly used organizational and legal forms are private enterprises, limited liability companies and closed joint stock companies. Each of these forms has its own characteristics.

The right to information is also closely linked to the right of citizens to apply to public authorities.

The Law "On transparency of public administration" adopted on March 11, 2014 is expected to be a guideline for ensuring the effectiveness of activities in this area. The legal norm consists of 24 articles, which cover important aspects of the direction. In particular, Article 4 of the Law sets out the basic principles of transparency of public administration, according to which:

The main principles of transparency of public authorities are:

- * the information provided by them is accessible to all, its timeliness and reliability;
- * openness and transparency of their activities;
- * freedom to seek, receive and disseminate information on the activities of public authorities;
- * observance of the rights and legitimate interests of citizens to protect their honor and dignity from aggression, intrusion into their private lives, as well as the rights of citizens and legal entities to protect their business reputation when providing information on the activities of public authorities.

It is noteworthy that the law includes a special clause on the conduct of the media, which guarantees access to information on the activities of public authorities and administration.

In conclusion, ensuring freedom of information and speech is even more important today.

After all, the issue of ensuring the rights and freedoms of citizens in the field of information embodies the human right and freedom to receive information, disseminate information and personal opinion, which is a key factor in the formation of a democratic society in Uzbekistan.

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⁵ Collection of legislation of the Republic of Uzbekistan, 2014, no. 19.