



ABSTRACT

for the dissertation of Shteinbukh Aleksei Grigorievich, submitted for the degree of candidate of legal sciences in the specialty 5.1.2. "Public-legal (state-legal) sciences" on the topic "Administrative-legal support of the interaction of public authorities with the media"

The quality and effectiveness of the organization of interaction between the media (hereinafter referred to as the media) and public authorities is of fundamental importance for the functioning of a democratic rule of law, ensuring the openness of public authority and management and thereby creating conditions for communication between citizens and the state.

The direction of the media is diverse, and they affect the state of public opinion to varying degrees, but in order to form an information policy and promote a generally significant social agenda and national interests, public authorities are obliged to reckon with such a volume of information promotion. This requires the development of a consistent information course based, inter alia, on optimal interaction with the media.

The last few years, due to new geopolitical and informational realities (the development of network information structures and the emergence of a virtual space that can change the main geopolitical potential of the state - the national mentality, culture and morale of people, the strengthening of the role and significance of the media as one of the tools for managing information makes it necessary for the state to organize effective interaction with the media in order to properly inform the population, positively mobilize citizens to support the state's domestic and foreign policy, overcome manipulations of public consciousness, including framing, development of public control institutions, etc.), which significantly influenced security policy, were marked by a change in the legal framework for the functioning of the media towards increasing the influence of the state on their activities.

A number of official normative positions have sparked a discussion on compliance with the constitutional principles of freedom of information and media

activities in terms of the balance between freedom of expression and the need to limit actions in the interests of public order, security and protection of the rights of others. At the same time, the very right to information in the scientific literature is interpreted ambiguously, as well as ambiguous approaches to understanding the reasonable balance and harmonization of freedom of the media and social justice, freedom of the media and state regulation, especially in conditions when the state is forced to tighten its media policy, including elements of censoring media space.

At the same time, the problems of delimiting the subjects of jurisdiction and authority between the Russian Federation and its subjects in the field of media legislation remain, the solution of which does not seem obvious enough. Due to the constitutionally established distribution of subjects of jurisdiction between the federal and subfederal levels of the organization of power, media legislation is not directly related to any type of subject of jurisdiction, which creates difficulties of both a law-making and law-enforcement nature, opening, among other things, both opportunities for maneuver to the federal and regional legislator, and opportunities for abuse, as confirmed by the materials of judicial practice.

The interaction of the media with public authorities has not been fully regulated, the specifics of departmental media, the specifics of interaction between the authorities and the media in conditions of extraordinary regimes, etc. have not been determined. The task of improving the legislation on mass media as from the position of its structural organization is not removed (compliance of regulatory acts in the field of organization and activities of mass media, construction of a non-conflict model of interrelated federal and regional legislation), and from the standpoint of meaningful improvement, taking into account the development of information resources, digital technologies, as well as new challenges and threats to national security, without which it is impossible to talk about the proper organization of legal regulation of the interaction of public authorities with the media.

In addition, the information policy of public authorities and the information interests of the media do not always coincide. This is especially true of law enforcement agencies, whose activities have always aroused increased interest from

society. In this regard, it is very important to establish high-quality cooperation, allowing to form public opinion through positive information about their activities. The current situation in many cases, unfortunately, demonstrates the complication of conflict, which indicates, on the one hand, the insufficient work of individual law enforcement agencies, on the other hand, the lack of legal regulation.

At the same time, it is extremely important that the interaction of public authorities with the media is based not only on the basis of specific legal forms, but also on the basis of organizational forms that do not have a pronounced legal content, but play an equally significant role. It is the combination and close interrelation of various forms that make it possible to ensure a fragile and sensitive balance between constitutional freedoms in the field of information and media activities, their permissible restrictions, personal rights and freedoms of citizens and the ability of public authorities, especially law enforcement agencies, to exercise their powers without excessive and unreasonable interference in their current activities, but provided that the public is provided with complete, reliable and consistent information about the real state of affairs in a particular area of public administration.

The effective solution of these problems should be based on theoretical and methodological prerequisites, a comprehensive, systematic analysis of the legal regulation of the organization of the functioning of the media and their interaction with public authorities and the practice of its application.

The structure of the dissertation includes an introduction, two chapters combining six paragraphs, an opinion and a bibliographic list. The introduction substantiates the relevance of the research topic, formulates its purpose and tasks, object and subject, the degree of development of the scientific problem, the theoretical and methodological basis of the study, its scientific novelty, theoretical and practical significance, the results of testing the conclusions and results obtained. The first chapter contains an analysis of the theoretical and methodological foundations of the interaction of public authorities with the media. The concept, legal nature of the media and their functions in cooperation with public authorities are

formulated. The role of the media in the implementation of public power is shown, based on ideas about the media as an instrument of public communication between public authorities and society. The system of legal support for the interaction of public authorities with the media was analyzed.

The second chapter discusses the organizational and legal basis for the interaction of public authorities with the media. The emphasis is placed on the legal status and organization of the functioning of structural divisions of public authorities providing public relations, on the forms, methods and directions of interaction between public authorities and the media. The interaction of public authorities with the media is also being investigated as a tool for implementing information policy and ensuring information security. In conclusion, the main conclusions obtained from the study are presented.

As a result of the study:

- the author's approach to the concept and legal nature of mass media, as well as their functions in cooperation with public authorities is presented;
- based on the peculiarities of the legal nature of the interaction of the media with public authorities, the fundamental interest of the state in high-quality and effective interaction with the media based on the balance of freedom of the media and freedom of speech and the needs of the state in ensuring social security is justified;
- proposed an author's approach to the concept of the right to information, the right to produce information and its distinction with the production of information;
- the need to revise the legislation on mass media for its compliance with the legal structure of public authority is justified;
- the need for the formation of a mass media regime in terms of protecting the population from negative information is justified;
- features of the system of legal support of interaction of public authorities with the media and features of delimitation of subjects of jurisdiction and authority in the field of formation of legislation on the media were revealed;

- the specifics of interaction between public authorities and mass media are justified depending on the purpose of such interaction;
- forms, methods and directions of interaction between public authorities and mass media are revealed;
- proposed measures to improve the current legislation in the field of interaction of public authorities with the media.

The key thesis that shows the general concept of research is that the state has its own information strategy and policy of its promotion, which means the recognition of the media as an object of government and legal regulation. In this regard, the state, through regulatory legal acts and other official documents, forms a request for information of a certain quality and content and, thereby, determines the political and legal parameters of the functioning of the information space. As a result, the state needs to interact with the media on the basis of a balance of freedom of speech and mass media with its needs to ensure social security using acceptable tools to counter abuses of freedom of the media. At the same time, the Law of the Russian Federation of 27.12.1991 No. 2124-1 "On Mass Media" not so much reflects the specifics of the functioning of the media as the specifics of the reproduction and transmission of information, without establishing the actual mode of mass media.

The right to information ensures the unity of information freedom and is guaranteed and protected by the state (represented by authorized public authorities (officials) within the scope of their powers) a measure of the possible and permissible behavior of a wide range of subjects (through the legal constructions of the rights and legitimate interests of citizens and organizations, powers and the rights of authorities interrelated to them) in the field of obtaining, producing and transmitting information on the basis of constitutional recognition of information freedom. At the same time, it is necessary to distinguish between the production of information and the right to produce information as guaranteed and protected by the state (represented by authorized public authorities (officials) within the scope of their powers) a measure of the possible and permissible behavior of a wide range of subjects (through the legal constructions of the rights and legitimate interests of

citizens and organizations, powers and the rights of authorities interrelated to them) in the field of creating information with its subsequent mass distribution using the media established by law.

The media is presented as a public social institution, addressed to a wide audience, which, on the basis of corporate production and dissemination of information, ensures the transformation of information for socially significant purposes. As a social institution, the media is a complex system, in relation to which regulatory influence acts as an external factor, the potential of which is determined by the essence and functionality of this institution. At the same time, the media as a social institution can be considered through a set of means (channels) of transmitting information, activities, professions, products, works. Each of these aggregates has its own regulation (through copyright, advertising, antimonopoly, labor, electoral legislation, etc.), uniting in the subject area and goal-setting into a comprehensive array of legal support for the media, within which the media act as a form of information dissemination and object of legal regulation.

Media is central to information space to be distinguished from other sources of information dissemination, study finds (social network, news aggregator, audiovisual service), although in some cases the legislation establishes similar, related or similar legal regulation measures in terms of the importance of taking actions to disseminate this or that information, including that which the state positions as negative, having a destructive effect on the state of the individual, social groups, society as a whole.

The structure of domestic media in historical development underwent transformations due, first of all, to transformations in the form of Russian statehood and political structure: one can observe the transition from the administrative-command system of organizing media to their autonomy and independence, then supranationalization, corporatization. The accents and foundations of the functioning of the media are changing - from exclusively informing and educating to entrepreneurship and embedding in market relations. At the same time, the state preserves and concentrates a key information and mass resource.

The current legislation, including acts of strategic planning, has a significant resource that ensures the legal field of interaction between the state in the person of authorized bodies and officials with the media in the interests, first of all, of the people as the only source and bearer of power in the Russian Federation.

The system of legal support for the interaction of public authorities with the media is primarily due to constitutional provisions on the status of the people of the Russian Federation as a source and bearer of power, on the priority of the rights, freedoms and legitimate interests of a person and citizen in organizing the functioning of public authorities, as well as provisions concentrating the meanings of the right to information and information rights, political and ideological pluralism. This approach in the fundamental domestic legal act testifies to the recognition of international human rights standards. The right to information itself is structured by a complex of legal opportunities that are significant for determining the meanings and directions of interaction between public authorities and the media.

The scope of regulation seems to be very significant and covers various relations, both directly related to the activities of the media, and relations that are implemented with the participation of the media (through the media). Regulation is represented at all levels of the organization of public authority and legislation.

Despite the significant amount of regulation, its core can hardly be called formed. On the one hand, the regulation is aimed at ensuring constitutional values in the field of freedom of speech and information, protecting national security and minimizing foreign influence, achieving social well-being and preserving the spiritual, moral and psychological state of society, which is in line with current state policies. On the other hand, the core of regulation should be the harmony of freedom of the media and freedom of speech, which implies a balance of such freedom with the needs of the state to level social tension and ensure social security in its various manifestations (psychological, cognitive, worldview). Since the media is a powerful means of influencing the mass consciousness, to the extent that the viability of the state directly depends on media policy.

The interaction of public authorities and the media has various manifestations: from the formation and use of channels of communication with society through the media to the implementation of public authority in relation to the media. The interaction of public authorities and the media has legal and non-legal (organizational) forms, in relation to which the relevant methods ensure the specific nature of their interaction as participants in managerial relations. The dissertation explores various organizational and legal structures aimed at ensuring the functioning of the media and their ability to participate in the circulation of mass media and joint activities with authorities (officials).

Analysis of the set of acts providing regulatory support for the organization of media activities made it possible to identify a number of goal-setting guidelines and areas of their interaction with public authorities, including:

- Interaction of public authorities with the media is conditioned by the constitutional and legal meanings of the right to information and information rights and the recognition of international standards in the field of human rights and freedom of the media, taking into account the legally established conditions, restrictions and limits, the complex of which contributes to the harmonization of private and public interests, as well as the prevention of abuse of the right both by the state and by individuals;

- the system of legal support of interaction between public authorities and the media is structured by legal acts with different properties of legal force and of different origin within the framework of the organization of public authorities and its separation of "vertical" and "horizontal";

- the current legislation establishes specific forms and methods of state influence on the media: GIS in the field of mass media, state registration of mass media, state coercion against mass media, licensing of broadcasting and licensing control, accreditation, mandatory messages, federal state control (supervision) over compliance with the legislation of the Russian Federation on mass media, functioning of mass media in conditions of extraordinary regimes and restrictions arising from the circulation and protection of information;

- the current legislation regulates specific forms and methods of interaction between public authorities and the media in a common model of ensuring openness and transparency of the activities of public authorities, bringing official information to the attention of the general public.

The study showed that the media, in accordance with the current legislation, have the ability and tools to determine information and communication processes on a national scale.

Today, in the context of the development of a democratic state in which the principles of openness and openness of public authorities are proclaimed and implemented, such a management function as public relations provides opportunities for maintaining mutual dialogue and cooperation between state and municipal authorities and representatives of civil society. Public relations is, on the one hand, a separate structural unit of the authority, on the other, an independent political institution that has the resources to influence the adoption of public power management decisions.

The activities of public relations services are based on the coordination of communication by tracking, analyzing and sending to the relevant authorities information flows that have a semantic and meaningful meaning for representatives of public administration. In addition, in recent years, the need to involve the population in solving socially significant issues as an aspect of cooperation between the state and the population has clearly increased, which forms new goals and assigns additional functions to the services.

The process of public administration is inextricably linked with the collection, transmission and processing of information, which, in turn, must be reliable, objective and timely, often even faster. The absence of these criteria of information entails negative consequences, namely: the adoption of suboptimal, unprofitable decisions that can harm social relations. Socially significant information, which is the subject of the activities of public relations services, is a necessary resource in the development of areas of effective public administration. In the context of the

information society, the role of public relations is incommensurate and gradually increasing.