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Peculiarities of a Journalist's Legal Status in Ukraine

The article outlines the issue of a journalist's legal status in Ukraine. The emphasis is on the lack of a single document that would normalize rights and obligations of journalists. The availability of legislative documents regulating activity of particular media outlets results in numerous duplications of a journalist's rights and obligations, this way complicating not only their implementation but also protection. Referring to obtained conclusions, a few ways for eliminating mentioned legal collisions are suggested.

Keywords: legal status, journalist, rights, obligations, responsibility, mass media (media outlets).

Introduction. The most diverse connections between the state, individual and society can be most fully described through the concept of legal status reflecting main aspects of relationships between the individual, state and society. Corresponding needs and interests of every person are met exactly with the help of legal status. The latter enshrined in law is not the result of arbitrary actions of the state: it is determined eventually by objective specific historical and social factors and laws, in particular state of society and individuals' freedom. It should be noted that current legal status of entities of information relations is characterized by uncertainty, insufficient level of social and legal protection of entities, lack of real guarantees, inability and unwillingness of authorities to ensure and safeguard interests of participants in these relations, in particular journalists. Thus, undefined legal status of the Internet-mass media generates a number of issues for journalists of this mass media, is the basis for denial of accreditation, access to public information, harassment by authorities, denial of admission to high-profile events¹. Vagueness and uncertainty of legal status creates an opportunity for the emergence of mass media that destabilize work of the whole environment through its activities: since lack of legal status in practice implies to impunity.

Analysis of publications where this problem solution is initiated. A number of fundamental and applied research papers, a great number of research articles on legal, political, sociological sciences and public administration are dedicated to issues associated with the development and functioning of mass media in modern society. The theory of mass communication and its means in general aspect was developed by such researchers as T. Adorno, R. Bart, Z. Bauman, D. Bell, Dzh. Beniker, K. Bieliakov, V. Bryzhko, P. Burdie, N. Viner, Yu. Habermas, M. Horkhaimer, B. Hunter, T. Van Deik, Zh. Deloz, Zh. Derrida, Dzh. Keri, O. Kuznetso-

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Declaration of Competing Interest

The author declare that they have no conflict of interest.

¹ «Неофіційні» журналісти: як сумські онлайн-медіа працюють в умовах відсутності правового статусу. Інститут масової інформації. URL: <https://imi.org.ua/blogs/neofitsijni-zhurnalisty-yak-sumski-onlajn-media-pratsyuyut-v-umovah-vidsutnosti-pravovogo-statusu-i40528>.



М. Л. Пахнін

ОСОБЛИВОСТІ ПРАВОВОГО СТАТУСУ ЖУРНАЛІСТА В УКРАЇНІ

У статті розглядається проблема правового статусу журналіста в Україні. Акцентовано увагу на тому, що немає єдиного документу, який би унормував права та обов'язки журналістів. Зазначено, що в чинному законодавстві немає єдиного визначення поняття журналіста та його правового статусу. В українських законах та підзаконних актах передбачені різні характеристики вказаного поняття залежно від засобу масової інформації, також немає єдності у визначенні кола прав, свобод та обов'язків журналістів і гарантій їх дотримання як із боку держави, так із боку інших учасників інформаційних відносин. Наявність законодавчих документів, що регламентують діяльність окремих засобів масової інформації, призводить до численного дублювання прав та обов'язків журналістів, ускладнюючи не тільки їх реалізацію, але й захист. На підставі отриманих висновків пропонується декілька шляхів усунення зазначених правових колізій. У першому випадку рекомендується на зразок положень закону України «Про інформаційні агентства» визначити рівноправність правового статусу журналіста незалежно від засобу масової інформації, який він представляє. У другому – розробити єдиний нормативний акт, що закріпить основні права та обов'язки журналістів з урахуванням особливостей діяльності певних видів засобів масової інформації.

Ключові слова: правовий статус, журналіст, права, обов'язки, відповідальність, засоби масової інформації.

Н. Л. Пахнин

ОСОБЕННОСТИ ПРАВОВОГО СТАТУСА ЖУРНАЛИСТА В УКРАИНЕ

В статье рассматривается проблема правового статуса журналиста в Украине. Акцентировано внимание на отсутствии единого документа, нормирующего права и обязанности журналистов. Указано, что в действующем законодательстве отсутствует единое определение понятия журналиста и его правового статуса. В украинских законах и подзаконных актах предусмотрены разные

va, P. Lazarsfeld, H. Lasvell, T. Maer, D. Makkveil, T. Peterson, N. Petrova, I. Pohorielova, T. Prystupenko, T. Rozzak, F. Sybert, V. Shramm, V. Yakubenko.

Article Purpose. Development and implementation of a single set of rights and obligations of journalists regardless of mass media.

Objective. To analyze current legislation of Ukraine in the field of regulating media outlet activities for regulation of rights and obligations of media journalists.

Main Content Presentation. Despite different approaches to the definition of the *legal status* category, most scholars agree that the latter determines the nature and principles of interaction of entities of social relations with each other, as well as by determining rights, obligations and guarantees of their implementation, defines the status of the entity within the system of legal relations².

At present, in current legislation, there is no unified definition for the concept of journalist and his legal status. In Ukrainian laws and by-laws there are various characteristics of the mentioned concept depending on media outlet, as well as there is no unity in determining range of rights, freedoms and obligations of journalists and guarantees of compliance with them both by the state and other participants of information relations. In particular, the Law of Ukraine: *On Printed Mass Media (Press) in Ukraine* recognizes a journalist of a printed media as a creative professional who is professionally involved in collecting, receiving, creating and preparing information for printed media and acts under employment or other contractual relationship with its editorial office or is engaged in such activities under his\her authorization, which shall be confirmed by an editorial identity paper or other document issued to the journalist by the editorial office of the printed media (Art. 25). Professional affiliation of a journalist can be supported by a document issued by a professional association of journalists.

Unfortunately, the mentioned definition refers only to print media journalists, in which regard a logical question arises as to whether it is possible to disseminate the indicated concept to journalists of other media (broadcasting) outlets. In addition, the definition contains terms that are not disclosed neither in this law nor in others, however the issue of a journalist's legal protection depends on them. In particular, currently discussions as to determining the notion of professionalism, availability of labor or other contractual relations with the editorial office of media outlet continue. Thus, in the majority of cases, law enforcement agencies do not violate criminal proceedings under Art. 171 of the Criminal Code of Ukraine, motivating this by the fact that the journalist must confirm the fact of engagement in professional activities, meanwhile peculiarities of such activities are not provided.

Practically recreates this concept the Law of Ukraine: *On State Support for Mass Media and Social Protection of Journalists*, in particular a journalist is a creative worker, who professionally gathers, receives, generates and prepares information for media outlets, performs editorial and occupational functions in a mass medium (on staff or on freelance basis) in conformity with professional office titles (work) of the journalist, which are indicated in the state classifier of professions in Ukraine (Art. 1).

The Law of Ukraine: *On Television and Radio Broadcasting* highlights the peculiarity of collection and dissemination of information. Television and radio journalist means a regular or freelance creative employee of television and radio broadcasting organization, who professionally collects, obtains, generates and prepares information for dissemination (Art. 1);

Similar definition is contained in the Law of Ukraine: *On Information Agencies*. The journalist of information agency is a creative employee who

² Теорія держави і права / під ред. Н. М. Оніщенко, О. В. Зайчук. Київ: Юрінком, Інтер. 2008. С. 366.



collects, creates and prepares information for information agency and acts on its behalf on the basis of labor or other contractual relations with it or with its authority. Journalist belonging to information agency is confirmed by certificate of employment or another document issued by this agency (Art. 21).

Another peculiarity of a journalist's activity is mentioned in criminal legislation. In accordance with notes to Article 345-1 of the Criminal Code of Ukraine, professional activities of a journalist in Articles 171, 345-1, 347-1, 348-1 of the Criminal Code of Ukraine should be understood as systematic activities of a person related to collection, receipt, creation, dissemination, storage or other use of information to extend it to uncertain circle of people through print media outlets, television and radio organizations, information agencies, the Internet. The status of a journalist or his belonging to mass media is supported by editorial identity paper or employment certificate or any other document issued by media outlet, its editorial staff or professional or creative journalistic community.

Therefore, a journalist is recognized as a creative professional who is professionally involved in collecting, receiving, creating and preparing information for mass media (press, TV and radio companies, news agencies, the Internet) and acts under labor or other contractual relations with its editorial office or is engaged in such activities under his/her authorization, which shall be confirmed by an editorial identity paper or other document issued to the journalist by the editorial office of the print media outlet.

The Law of Ukraine: *On Printed Mass Media (Press) in Ukraine* introduces legal grounds for activities of print media outlets ensuring the mechanism of free media functioning in Ukraine. Article 2 of the Law shall proclaim freedom of speech and free expression of his or her views and beliefs in a printed form. It implies that everyone is entitled to be free and independent when searching for, receiving, recording, using and disseminating any information through print media outlets.

Print media outlets shall be free. The Law shall not allow to demand prior agreement of announcements and stories disseminated by print media outlets as well as prior agreement of announcements and stories by officials of government authorities, companies, institutions, organizations and civil associations. Establishing and funding authorities, institutions, organizations or positions to censor information in mass media shall be prohibited. The government shall guarantee economic independence and provide economic support to print media outlets and prevent monopoly abuse by publishers and distributors of print information.

This law defines a broad spectrum of the journalist's rights and obligations. A journalist shall have a right to:

- 1) to freely receive, use, distribute (publish) and store any information;
- 2) visit central and local government authorities, companies, institutions and organizations and meet their officials;
- 3) make records openly, including records with help of technical means, except as otherwise established by law;
- 4) have a free access to statistics, archives, library and museum stock;
- 7) attend natural disaster or catastrophe sites, scenes of accidents, mass riots, rallies, demonstrations as well as emergency areas;
- 8) apply to specialists when verifying the information received;
- 9) distribute statements and stories he/she prepared; such statements and stories to bear his/her name, symbolic name (nickname) or no name (anonymous);
- 10) refuse to publish a story over own signature;
- 11) to privacy of authorship and sources of information.

In cases specified by law, the journalist shall not be responsible for publication of information that does not comply with reality, humiliate honor and dignity of citizens and organizations, violate rights and legitimate interests of

характеристики указанного понятия в зависимости от средства массовой информации, также отсутствует единство в определении круга прав, свобод и обязанностей журналистов и гарантии их соблюдения как со стороны государства, так и со стороны других участников информационных отношений. Наличие законодательных документов, регламентирующих деятельность отдельных средств массовой информации, приводит к многочисленному дублированию прав и обязанностей журналистов, усложняя не только их реализацию, но и защиту. На основании полученных выводов предлагается несколько путей устранения указанных правовых коллизий. В первом случае рекомендуется по типу положений закона Украины «Об информационных агентствах» определить равноправие правового статуса журналиста независимо от представляемого им средства массовой информации. Во втором – создать единый нормативный акт, который закрепит главные права и обязанности журналистов с учетом особенностей деятельности определенных видов средств массовой информации.

Ключевые слова: правовой статус, журналист, права, обязанности, ответственность, средства массовой информации.

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BESONDERHEITEN DER RECHTSSTELLUNG EINES JOURNALISTEN IN DER UKRAINE

Der Artikel befasst sich mit dem Problem der Rechtsstellung eines Journalisten in der Ukraine. Es wird betont, dass es kein einheitliches Dokument gibt, das die Rechte und Pflichten von Journalisten regelt. Die ukrainischen Gesetze und Ausführungsbestimmungen sehen je nach Medien unterschiedliche Charakterisierungen dieses Begriffs vor, es gibt auch keine einheitliche Definition des Umfangs der Rechte, Freiheiten und Pflichten von Journalisten und keine Garantien für ihre Einhaltung sowohl durch den Staat als auch durch andere Teilnehmer an Informationsbeziehungen. Das Vorhandensein von Gesetzesdokumenten, die die Aktivitäten bestimmter Medien regeln, führt zu zahlreichen Duplikaten der Rechte und Pflichten von Journalisten, was nicht nur ihre Realisierung, sondern auch den

Schutz erschwert. Aufgrund der Ergebnisse werden verschiedene Möglichkeiten zur Lösung dieser Rechtskonflikte vorgeschlagen. Im ersten Fall wird empfohlen, die Gleichstellung der Rechtslage eines Journalisten unabhängig von Medien, die er vertritt, zu festlegen, wie es in den Bestimmungen des Gesetzes der Ukraine «Über Nachrichtenagenturen» gibt. Im zweiten Fall wird empfohlen, einen einzigen normativen Rechtsakt zu entwickeln, der die grundlegenden Rechte und Pflichten von Journalisten unter Berücksichtigung der Besonderheiten bestimmter Medienarten festlegt.

Schlüsselwörter: Rechtsstellung, Journalist, Rechte, Pflichten, Verantwortung, Medien.

Mykola Pakhnin

PECULIARITIES OF A JOURNALIST'S LEGAL STATUS IN UKRAINE

This article considers the problem of a journalist's legal status in Ukraine. Emphasis is placed on the lack of a single document that would regulate rights and obligations of journalists. It is noted that in the current legislation there is no single definition of the concept of a journalist and his legal status. Ukrainian laws and bylaws provide for different characteristics of this concept depending on mass media, and there is no unity in defining the range of rights, freedoms and obligations of journalists and guarantees of their observance by both the state and other participants in information relations. The existence of legal acts regulating activities of certain mass media leads to numerous duplications of rights and obligations of journalists complicating not only their implementation, but also protection. Based on obtained conclusions, several ways to resolve these legal conflicts are proposed. In the first case, like the provisions of the Law of Ukraine: *On News Agency* to determine equality of the journalist's legal status regardless of mass media he represents. In the second, it is proposed to develop a single normative act that will enshrine the basic rights and obligations of journalists taking into account specifics of certain types of mass media.

Keywords: legal status, journalist, rights, obligations, responsibility, mass media (media outlets).

citizens or represent misuse of freedom concerning print media outlet activities and rights of a journalist, in particular if this information is obtained from information agencies or word-for-word reproduction of public speeches or announcements of government officials, natural and legal entities³.

The same law provides for obligations of print media journalist. The journalist shall:

- adhere to the program of the print media outlet where he/she is employed or bound by other contractual arrangements as well as comply with the editorial charter;
- provide objective and reliable information for publication;
- comply with requests of information providers regarding their authorship or protection of their privacy;
- refuse the errand of an editor (editor-in-chief) or editorial office if it cannot be run without violation of the Law;
- introduce and present and editorial identity paper and other document confirming his/her professional affiliation or powers granted by the editorial office of the print mass media;
- perform duties of a participant in information relations;
- refrain from disseminating of information materials for commercial purposes that contain advertising information about the details of a product manufacturer or services (their address, contact phone number, bank account), commercial characteristics of goods or services, etc.

The journalist in his/her activities is also prohibited from:

- calling for seizure of power, forcible charge of the constitutional order or territorial integrity of Ukraine;
- propagating war, violence and cruelty;
- inciting ethnic, national and religious hatred;
- distributing pornography, as well as materials for the purpose of committing acts of terror and other criminal acts;
- propagating communist and/or National Socialist (Nazi) totalitarian regimes and their symbols;
- promoting the aggressor state and its authorities, representatives of the aggressor state authorities and their actions that create positive image of the aggressor state, justify or recognize the lawful occupation of the territory of Ukraine;
- interfering in the personal and family life of a person, except as provided by law;
- doing harm the honor and dignity of a person;
- disclosing any information that may lead to the identification of a juvenile offender without his consent and his legal representative's consent.

An important role in ensuring the freedom of journalistic activity is played by the ban on censorship provided by law (Article 1 of the Law of Ukraine: *On Printed Mass Media (Press) in Ukraine* and Article 24 of the Law of Ukraine: *On Information*). According to the law, censorship means any requirement for the journalist, mass media, its founder (co-founder), publisher, manager, distributor to coordinate information before its dissemination or prohibition or obstruction in any other form of reproduction or dissemination of information.

In this regard. The law forbids:

- interference in the professional activities of journalists, control over the content of disseminated information, in particular to disseminate or nondisseminate certain information, withholding socially important information, imposing a ban on coverage of certain topics, showing individuals or disseminating information about them, bans on criticizing government officials, ex-

³ Колодій А. М., Олійник А. Ю. Права, свободи і обов'язки громадянина в Україні. Київ: *Правова єдність*. 2008. 350 с.



cept in cases established by law, the agreement between the founder (owner) and staff, editorial charter;

- intentional obstruction of the lawful professional activity of journalists, influence or harassment of a journalist in connection with his lawful professional activity entails criminal liability in accordance with the Criminal Code of Ukraine ⁴.

The prohibition of censorship does not apply to cases where prior coordination of information is carried out on the basis of law, as well as on the basis of a court decision on such a ban.

Article 17 of the Law of Ukraine: *On State Support of Mass Media and Social Protection of Journalists* equates liability for committing a crime against a journalist in connection with the performance of his/her professional duties or obstruction of his/her official activities with liability for committing similar acts against a law enforcement officer. The provision is reflected in regulations of criminal law, in particular Articles 345-1, 347-1, 348-1, 349-1 of the Criminal Code of Ukraine.

A journalist's professional activity cannot be a ground for his/her arrest, detention, as well as confiscation of collected, processed, prepared materials and technical means that he uses in his/her work. In case of compensation, in accordance with the Civil Code of Ukraine, the journalist and the mass media shall impose joint and several liabilities for the moral (non-pecuniary) damage caused by them, taking into account the degree of guilt of each ⁵.

Article 30 of the Law of Ukraine: *On Information* also provides additional grounds for releasing journalists and editorial office of mass media from liability:

- for expression of evaluative judgments;
- for disclosing information with limited access, if the court finds that this information is socially necessary.

The subject of public interest is information that indicates a threat to state sovereignty, territorial integrity of Ukraine; ensures the realization of constitutional rights, freedoms and obligations; indicates the possibility of human rights violations, misleading the public, harmful environmental and other negative consequences of activities (inaction) of individuals or legal entities, etc.

There are also grounds for exempting mass media and journalists from other laws on press freedom including: *On Television and Radio Broadcasting*, *On News Agency*.

To ensure the freedom of journalistic activity, the Law: *On Access to Public Information* was adopted in 2011 ⁶, which aims to achieve transparency and openness of government officials and create mechanisms for exercising the right of everyone to access public information. This law defines types of public information with limited access in compliance with the triad that confirm legality of such restriction:

1) solely in the interests of national security, territorial integrity or public order with the aim to prevent riots or crimes, protect public health, reputation of rights of others, avoid the disclosure of confidential information or to maintain the authority and impartiality of justice;

2) disclosure of information may cause significant harm to these interests;

3) damage from disclosure of such information outweighs the public interest in obtaining it.

Mykola Pakhnin

STATUT JURIDIQUE DE JOURNALISTE EN UKRAINE

L'article examine le problème du statut juridique de journaliste en Ukraine. L'accent est mis sur le manque du document unique qui réglementerait les droits et devoirs des journalistes. Il est à noter que dans la législation actuelle, il n'y a pas de définition unique de la notion de journaliste et de son statut juridique. Les lois et réglementations ukrainiennes prévoient des caractéristiques différentes de ce concept selon les médias, et il n'y a pas d'unité dans la définition de l'éventail des droits, libertés et responsabilités des journalistes et des garanties de leur respect par l'État et les autres participants aux relations d'information. L'existence de textes législatifs réglementant les activités de certains médias conduit à de nombreuses duplications des droits et devoirs des journalistes, compliquant non seulement leur mise en œuvre mais aussi leur protection. Sur la base des résultats, plusieurs moyens de résoudre ces conflits juridiques sont proposés. Dans le premier cas, comme les dispositions de la loi ukrainienne : *Au sujet des agences de presse* pour déterminer l'égalité de statut juridique du journaliste quel que soit le média qu'il représente. Deuxièmement, il est proposé d'élaborer un acte normatif unique qui consacrerait les droits et responsabilités fondamentaux des journalistes en tenant compte des spécificités de certains types de médias.

Mots-clés : statut juridique, journaliste, droits, devoirs, responsabilités, médias.

⁴ Кримінальний кодекс України: Закон України від 05.04.2001 року № 2341-III. URL:<http://zakon3.rada.gov.ua/laws/show/2341-14>

⁵ Закон України «Про державну підтримку засобів масової інформації та соціальний захист журналістів» від 23.09.1997 р. ідентифікаційний номер Верховної Ради України (ВВР). 1997. № 50. Ст. 302.

⁶ Закон України «Про доступ до публічної інформації» від 13.01.2011 р. *Відомості Верховної Ради України (ВВР)*. 2011. № 32. Ст. 314.

Partially named types of information that cannot be considered restricted in access. This includes, in particular, information on the disposal of budget funds, possession, use or disposal of state and municipal property including copies of relevant documents, conditions of receipt of these funds or property, surnames, names, patronymics of individuals and names of legal entities who received these funds or property.

The Law of Ukraine: On Television and Radio Broadcasting ⁷ in accordance with the Constitution of Ukraine and the Law of Ukraine: On Information regulates relations arising in the field of television and radio broadcasting in Ukraine. As mentioned above, the law contains a definition of TV and radio journalist which in general reproduces the concept contained in the Law of Ukraine: On Printed Mass Media (Press) in Ukraine. Unfortunately, Art. 58 of the mentioned law does not disclose the content of the TV and radio journalist rights, focusing on his/her job functions and disregarding professional powers. The law only states that the creative staff of a television and radio organization has the right to defend interests of television and radio journalists and monitor their rights, requirements for the prohibition of censorship and interference in creative activities of the television and radio organization. The question remains as to what extent rights of the TV and radio journalist are and how it corresponds to the scope of rights of journalists of print mass media. At the same time, Article 60 of the law lists a fairly extensive list of obligations of the television and radio journalist. In particular, a creative employee of television and radio organization is obliged to: adhere to the program concept of the television and radio organization, be guided by its Statute; check the accuracy of information received by him; prevent dissemination of information that threatens national security and public peace, avoid disclosure of information in television and radio programs that violates rights and legitimate interests of citizens, degrades their honor and dignity, comply with other requirements arising from the Law and charter of television and radio organization and the employment contract concluded by him / her with the television and radio organization.

Article 67 of the Law sets out conditions for releasing the journalist from liability for disseminating inaccurate information on the following grounds and is almost identical to Art. 42 of the Law of Ukraine: On Printed Mass Media (Press) in Ukraine. The TV and radio journalist is released from liability for dissemination of inaccurate information:

- if this information was contained in official communication or received from public authorities, local governments in writing;
- if this information is a verbatim citation of statements and speeches (oral or printed) of officials and local governments;
- if this information was disseminated without prior recording and contained in the speeches of persons who are not employees of the television and radio organization;
- if it is a verbatim reproduction of materials disseminated by another mass media or news agency with reference to it;

In contrast to this Law, Art. 21 of the Law of Ukraine: On News Agency ⁸ directly indicates the fact that the journalist of the news agency has rights and performs the duties specified by the current legislation of Ukraine on the press, television and radio. In this case, the Law eliminates the ambiguity of the interpretation of the concept of a news agency journalist and his legal status.

Similar to the above laws, with some peculiarities, there is the rule on the release of news agencies from liability. According to Art. 35 of the Law of

⁷ Закон України «Про телебачення і радіомовлення» від 21.12.1993 р. *Відомості Верховної Ради (ВВР)*. 1994. № 10. Ст. 43.

⁸ Закон України «Про інформаційні агентства» від 28.02.1995 р. *Відомості Верховної Ради (ВВР)*. 1995. № 13. Ст. 83.



Ukraine: On News Agency, the entities of news agencies are not responsible for disseminating information that is not true, degrades the honor and dignity of citizens and organizations, violates their rights and legitimate interests or is an abuse of freedom of information agencies and rights of the journalist if this information:

- received from other news agencies or mass media and is a literal reproduction of materials published by these agencies or mass media, and if they have been refuted in accordance with Article 33 of this Law;
- is contained in response to a request for information submitted in accordance with the Law of Ukraine: On Access to Public Information, or in response to a request submitted in accordance with the Law of Ukraine: On Citizens' Appeals;
- is a literal reproduction of public speeches or messages of government officials, individuals and legal entities;
- is the result of changes, reductions or edits in the products of news agencies, made without their knowledge by the distributor or consumer of information;
- the law provides for dismissal or non-prosecution for such actions.

These provisions in the editorial office in 2014 almost completely repeat the provisions of Art. 42 of the Law of Ukraine: On Printed Mass Media (Press) in Ukraine in accordance with requirements of the Law of Ukraine: On Amendments to Certain Legislative Acts of Ukraine in Connection with the Adoption of the Law of Ukraine "On Information" and the Law of Ukraine "On Access to Public Information" from 2014⁹.

Conclusions. Thus, the feature of national legislation is carelessness of rights and obligations of journalists in various legal acts, the content of which in many cases depends on specific type of mass media. The identified differences negatively affect both the ability of journalists to exercise their rights and effectiveness of their legal protection.

There are several ways to solve this problem. In the first case, like the provisions of the Law of Ukraine: On News Agency to determine equality of the journalist's legal status regardless of the mass media he represents.

In the second, it is proposed to develop a single normative act that will enshrine basic rights and obligations of journalists taking into account specifics of certain types of mass media.

References:

- Kolodiy A. M., Oliynyk A. Yu. 2008. Prava, svobody i obovyazky hromadyanyna v Ukrayini [Rights, freedoms and responsibilities of a citizen in Ukraine]. Kyiv: Pravova yednist. 350 s [in Ukrainian].
- Kryminalnyy kodeks Ukrayiny [Criminal Code of Ukraine]: Zakon Ukrayiny vid 05.04.2001 roku № 2341-III. URL: <http://zakon3.rada.gov.ua/laws/show/2341-14> [in Ukrainian].
- «Neofitsiyni» zhurnalisty: yak sumski onlayn-media pratsyuyut v umovakh vidsutnosti pravovoho statusu [«Unofficial» journalists: how Sumy online media work in the absence of legal status]. Instytut masovoyi informatsiyi. URL: <https://imi.org.ua/blogs/neofitsijni-zhurnalisty-yak-sumski-onlajn-media-pratsyuyut-v-umovah-vidsutnosti-pravovogo-statusu-i40528> [in Ukrainian].
- Teoriya derzhavy i prava [Theory of State and Law] / pid red. N. M. Onishchenko, O. V. Zaychuk. Kyiv: Yurinkom, Inter. 2008. s. 366; 3, s. 129 (688 s.) [in Ukrainian].
- Zakon Ukrayiny «Pro derzhavnu pidtrymku zasobiv masovoyi informatsiyi ta sotsialnyy zakhyst zhurnalistiv» [Law of Ukraine «On State Support of Mass

⁹ Закон України № 1170-VII від 27 березня 2014 року «Про внесення змін до деяких законодавчих актів України у зв'язку з прийняттям Закону України «Про інформацію» та Закону України «Про доступ до публічної інформації». URL: <https://zakon.rada.gov.ua/laws/show/1170-18#n80>

- Media and Social Protection of Journalists» vid 23.09.1997 r. *Vidomosti Verkhovnoyi Rady Ukrayiny* (VVR). 1997. № 50. St. 302 [in Ukrainian].
- Zakon Ukrayiny «Pro dostup do publichnoyi informatsiyi» [Law of Ukraine «On Access to Public Information»] vid 13.01.2011 r. *Vidomosti Verkhovnoyi Rady Ukrayiny* (VVR). 2011. № 32. St. 314 [in Ukrainian].
- Zakon Ukrayiny «Pro telebachennya i radiomovlennya» [Law of Ukraine «On Television and Radio Broadcasting»] vid 21.12.1993 r. *Vidomosti Verkhovnoyi Rady Ukrayiny* (VVR). 1994. № 10. St. 43 [in Ukrainian].
- Zakon Ukrayiny «Pro informatsiyi ahent-stva» [Law of Ukraine «On News Agencies»] vid 28.02.1995 r. *Vidomosti Verkhovnoyi Rady Ukrayiny* (VVR). 1995. № 13. St. 83 [in Ukrainian].
- Zakon Ukrayiny № 1170-VII vid 27 bereznya 2014 roku «Pro vnesennya zmin do deyakykh zakonodavchykh aktiv Ukrayiny u zvyazku z pryynyattam Zakonu Ukrayiny «Pro informatsiyu» ta Zakonu Ukrayiny «Pro dostup do publichnoyi informatsiyi» [Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine in Connection with the Adoption of the Law of Ukraine «On Information» and the Law of Ukraine» On Access to Public Information»]. URL: <https://zakon.rada.gov.ua/laws/show/1170-18#n80> [in Ukrainian].

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