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**INTERACTION OF INTERNAL AFFAIRS BODIES WITH THE MEDIA:  
ADVANTAGES AND SHORTCOMINGS  
OF THE CURRENT NORMATIVE LEGAL ACTS**

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The article is devoted to the analysis of some Federal laws and departmental normative legal acts regulating the interaction of police officers with the media. Legal determinants of weak efficiency of interaction between internal affairs bodies and the media are identified and studied in the article. The author summarizes that the departmental legal regulation of the interaction of internal affairs bodies and the media does not reflect the real needs of crime prevention practice.

**Keywords:** the media, the police, internal affairs bodies, interaction between internal affairs bodies and the media, crime prevention, normative legal act.

Interaction of internal affairs bodies (hereinafter – IAB) with numerous media is a complex set of public relations that affect such priority values as security, rights and freedoms of individuals involved in such a relations, as well as the powers, i.e., rights, duties and responsibilities of entities representing not only public associations or organizations of various forms of ownership, but also the state. Diversity and internal imperfections, disunity, and sometimes even contradictions of sources governing relations in this area, have a negative impact on the end result of their application – prevention of offenses and crimes.

The process of interaction implies joint mutually beneficial activity of various entities within their powers, which are united by an ultimate goal, or at least by intermediate tasks. In this connection the legal mechanisms for regulation of this

joint activity must simultaneously correspond to two (or more) entities involved in the interaction – to their status, competencies, goals, tools, etc., what a priori determines practical complexity of such a regulation.

With the variety of normative legal acts regulating the considered social sphere, first of all, the Constitution of the Russian Federation [1], as the basic Law of the state, is the legal foundation for further rulemaking, defines the principles, norms and boundaries, which cannot be went beyond by Federal Laws and subordinate legal acts. It declares inalienable rights and freedoms of man and citizen (including freedom of speech and the right of access to information), the basic principles of the legislative, executive and judicial power, which must be respected in the process of independent and joint activities of IAB and the MEDIA. Also part 3 article 17 of the Constitution states: “Exercising the rights and freedoms of man and citizen shall not violate the rights and freedoms of others”. In view of the fact that there is a big possibility of purposeful or accidental intrusion into the sphere of individual rights and freedoms of man and citizen in the activities of both IAB and the MEDIA, we consider this constitutional principle as fundamental for the whole subsequent process of legal regulation of their interaction.

It should be noted that there is no separate special Federal Law governing public and private cooperation issues between IAB and the MEDIA in the modern Russian legislation. Regulation of the mentioned interaction is based on a totality of laws that are directly or indirectly related to the activities of considered structures. Our research has shown that taking into account the diverse types, forms and levels of prevention activities, directions and forms of interaction, all Federal Laws and Codes can be divided into three main groups:

1. Federal Laws and Codes directly regulating the powers of internal affairs bodies in general, as well as different types and directions of their activities (including preventive one).

The most significant of these include: the Federal Law “On the Police” No. 3-FL from February 7, 2011, the Federal Law “On Operational Investigative Activity” No. 144-FL from August 12, 1995, the Criminal Code of the Russian Federation No. 63-FL from June 13, 1996, the Criminal Procedure Code of the Russian Federation No. 174-FL from December 18, 2001, the Criminal Executive Code of the Russian Federation No. 1-FL from January 8, 1997, the Code on Administrative Offences No.195-FL from December 30, 2001, the Federal Law “On Private Detective and Security Activities in the Russian Federation” No.2487-1 from March 11, 1992, the Federal Law “On the Principles of Prevention of Child Neglect Juvenile Delinquency” No.120-FL from 24 June 1999, the Federal Law “On safety”

No. 390-FL from December 28, 2010, the Federal Law "On Combating Terrorism" No. 35-FL from March 6, 2006, the Federal Law "On Weapons" No. 150-FL from December 13, 1996, the Federal Law "On Narcotic Drugs and Psychotropic Substances" No. 3-FL from January 8, 1998, etc.

Due to the large number of normative legal acts in this category and the limited volume of work, it seems impossible to give an extended analysis of all the Laws mentioned. At the same time we consider it necessary to summarize their most significant features. These laws and codes, as well as a number of other normative legal acts have several functions of applied preventive nature, namely:

- directly define the list and powers of subjects (in this case, internal affairs bodies) in the prevention of offences;
- officially proclaim and thereby legitimize the very ability of IAB to interact with the MEDIA (article 8 of the Federal Law "On the Police»);
- define strict legal framework of permissible or obligatory conduct of a wide range of subjects representing certain categories of potential offenders – citizens, officials, members of certain professions, including direct law-enforcers – police officers, etc., thereby rendering preventive effect on them;
- determine disciplinary, administrative or criminal responsibility for violation of or non-compliance with established norms of allowable or compulsory conduct, i.e. render a direct preventive impact;
- provide a complete list of material objects, restricted or completely prohibited to free turnover, as well as a list of activities requiring licensing;
- define the grounds and procedure for the authorization (licensing) for engagement in certain activities, access to goods, the turnover of which is prohibited or restricted.

Should be pointed out that certain provisions of these laws have so-called double prevention, i.e., designed not only for the direct prevention of a specific offense, but also thereby for prevention of the negative consequences associated with it. For example, illicit weapon trafficking and, as a consequence, causing injury or murder by this weapon.

## 2. Federal Laws that pertain directly to the MEDIA.

The enumerated below laws also have a different purpose, but are aimed at priority of ensuring the direct activity of the MEDIA, and only some of their norms may be regarded as ones providing an ultimate preventive effect. They perform the following functions:

- provide a formal notion of the MEDIA, its rights, obligations, responsibility, i.e., competence;

- define the powers – rights, duties and responsibilities of a journalist or advertiser;
- enumerate specific prohibitions on the distribution of certain information relating to law enforcement activity;
- define the possibility and terms for the use of hidden audiovisual recording, filming and photography, technical means;
- proclaim the inadmissibility of the methods of psycho-physiological and neuro-linguistic impact on recipient;
- define the responsibility of the MEDIA and the procedure of redress for violation of the established norms of permissible or obligatory conduct.

These laws include:

The Law of the Russian Federation “On the Media” No. 2124-1 from December 27, 1991 [5].

It sets forth the basic conceptual provisions on the freedom of the media, search activity, receiving, production and distribution of the media; on the possibility and procedure of institution the media, possession, use and disposal of it, as well as the manufacture, acquisition and operation of technical devices designed for production and distribution of the media products. The law provides legal interpretations of the basic concepts and terminology used in this field, which ultimately minimize subjectivity of their interpretations.

Article 3 “Prohibition of Censorship” of the law expressly prohibits the requirement from the editorial of the media of advance approval or the imposition of prohibitions on the dissemination of reports and materials. However, in light of the above provisions of part 3 article 17 of the Constitution and other Federal Laws pertaining to the collection, storage and dissemination of information (which will be discussed below), this legal prohibition cannot be regarded as complete permissiveness and absence of control over the media.

Furthermore, the totality of provisions of article 41 “Ensuring the Confidentiality of Information”, article 43 “The right to Rebuttal”, article 49 “Duties of a Journalist”, article 51 “Prohibition of Abuse of Journalist Rights” of the Law concretizes responsibility of a journalist or editorial office of the media for the accuracy and authenticity of information and the legitimacy of its dissemination. In our opinion, these norms are ambiguous and, firstly, regulate the issues of interaction of IAB and the MEDIA employees, excluding the use of informal and unverified data. Secondly, are aimed at protecting of the protected interests of citizens and organizations, at prevention undue compromising of the persons involved, their reputation and good name, and unwanted premature dissemination of procedurally and

operationally significant information. And thirdly, presuming responsibility, i.e., some negative effects, provide a preventive impact on possible professional abuses or violations of members of the media.

Federal Law "On Advertising" No. 38-FL from March 13, 2006 [9] defines advertising and legal entities in this area. It provides a meaningful in the context of this work concept of "social advertising - information addressed to an unlimited range of persons, aimed at achieving the charitable and other socially useful goals...", forms the main advertising requirements, gives a legal interpretation of the terms and concepts of "authenticity", "fidelity" and "ethics" in advertising. The Law defines the features of particular ways of distribution of advertising, forms and methods of its control, prohibitions and restrictions, as well as responsibility for violations.

Bearing in mind that exactly the media are the primary distributor of advertising, that is "able to make available to IAB the widest audience, as well as has specific means, forms and methods influencing on the feelings and emotions of people at the subconscious level" [20, 22], we should recognize the fundamental importance of this act as for the functioning of the media in general and for the preventive impact on the causes and conditions of committing offences in particular. For example, restrictions on advertising of tobacco, alcohol, weapons, or vice versa, promotion of healthy lifestyle, education or profession, etc.

At the same time, we should recognize the obvious shortcomings of certain provisions of the Federal Law "On Advertising" contributing to the abilities of producers of both advertising and the media, as its repeater, to "bypass" incorrectly formulated legal prohibitions and restrictions, to use so-called hidden advertising and etc. contrary to the public interest and social programs of generally humanistic and educational nature. Negative examples of social irresponsibility and impunity of the media, which have been admitted in the Russian society and state power in our recent past, were advertising companies of pyramid schemes such as "MMM", "Russkii dom Selenga", "Hopper-Invest" and others, which for a long time were being broadcasted on central Television and, as a result, led to cheating millions of investors, devastation of private enterprises, a series of depressions and suicides. Except them, there were many other organizations involved in financial fraud using inappropriate advertisements [22, 71]. Specific abilities to provide rapid psychological and emotional impact on a huge audience of respondents, as well as the status of the repeater of "alien" information, necessarily determine the highest responsibility of the media to the consumers of information - readers of periodicals, radio listeners,

viewers of television programs and Internet users for promptness, quality, and most important for its authenticity.

Federal Law No. 7-FL from 13 January 1995 “On Coverage of the Activities of State Government Bodies in the Mass Media” [7] provides for a procedure for obtaining and using information about the activities of government departments, and also defines the categories of socially significant information that should be announced by appropriate State media. These include the addresses and statements made by the President of the Russian Federation, the Council of the Federation, State Duma and the Russian Government, etc. There is no doubt that the relevant information about the activities of law enforcement agencies, state policy in the sphere of combating crime, etc. falls within the purview of this law.

Federal Law “On Communications” No. 126-FL from July 7, 2003 [8] establishes the legal framework for the activities in the field of communications, gives public authorities the powers to regulate such activity, determines the competence of subjects involved in the provision of telecommunication services or receivers of such services. Due to the fact that it is the media are the main users and consumers of services for information transmission by means of communication, we find undisputed the functional significance of this law. In addition, it provides that “public authorities have the right of the priority use of any networks and communication means regardless of departmental affiliation and form of ownership”, what should be interpreted as an opportunity of their use by internal affairs bodies in resolving tasks of combating crime.

Also the media activities are regulated by the provisions of Criminal, Criminal Procedure Code and a number of Federal Laws and codes in the field of civil-law, financial, arbitration, tax and similar to them relationships [3, 2, 4].

3. Federal Laws, the provisions of which provide the legality and safety of use of information in IAB and the MEDIA.

Study of the legal framework of interaction of IAB and the MEDIA allows us to highlight a number of specific laws, whose rules do not directly affect the activities of subjects, but often are of secondary, securing nature, although often in the form of binding norms during daily activities. We believe these laws perform the following functions:

- list the categories of data that are personal data or constitute State secrets, give their notions;
- define the grounds, conditions, procedure for obtaining, processing, storage and use of information and personal data;

- define categories and competence of agents authorized to conduct certain operations with the information or its storage medium;
- define responsibility for stipulated violations.

Such laws, in our opinion, include:

Russian Federation Law "On State Secrets" No. 5485-1 from July 21, 1993 [6], which primarily provides legal interpretation of terms such as "state secret", "carriers of information constituting a state secret", "secrecy label", etc., defines the powers of a variety of entities, gives an exhaustive list of information constituting a state secret, and much more.

Federal law "On Personal Data" No. 152-FL from July 27, 2006 [11] defines the concepts and categories of personal data, the principles and conditions of their processing, storage and use.

Federal law "On Information, Information Technologies and Information Security" No. 149-FL from July 27, 2006 [10] defines a large number of the concepts and tasks associated with information. It describes the issues of rights to information, there are also provisions on access to information.

Commenting on these laws, we must recognize that in the light of modern terminological chaos in the Russian legislation the proposed in them list of legitimate terms provides a clear and correct understanding of the considered and other federal laws, what corresponds to fully shared by us point of view of A. S. Pigolkin about the unity of rule-making terminology [23, 133].

Also it is necessary to proceed from the thesis that IAB and the MEDIA in their daily activities work solely with information and its carriers – material and ideal.

It is the specificity of information, its legal status, content, significance for security of society and an individual, as well as a certain features of its media storage or subject, establish, and in some cases severely restrict the abilities of IAB and the MEDIA to obtain and further use certain data. And though "the MEDIA are quite active and autonomous in the informational sphere" [21, 14] and are designed to implement citizens' rights to information, it should be noted that the above mentioned Federal Laws significantly reduce and limit this sphere, thereby protect the rights and freedoms of other persons, political, economic, military and other security of society and the State.

Thus, the provisions of the above laws must be interpreted and applied only in the implementation by each of the subjects of its core competencies, while solving tasks in context and in the light of other laws and codes.

Considering further the issues of legal regulation and interaction of IAB and the MEDIA you cannot stick just to its "narrow" interpretation, which involves

only the legislative base, and thus abstract from such a bulk and a significant part of the legal framework as subordinate normative acts of departmental level. Separation of the legal regulation of interaction between IAB and the MEDIA into legal and departmental one is an objective process, it is determined by the levels of preventive impact and accordingly by legal nature (level) of normative legal acts used in this.

At the same time departmental normative legal acts are based on provisions of Federal Law, and, in fact, are the instructions for use of the latter, as a rule, in applied issues with taking into account the specific of activity and objectives of each of the interacting entities.

The study of subordinate normative legal acts in this field allowed the identification of just several ones regulating the interaction of IAB and the MEDIA:

- RF Presidential Decree No. 1060 from August 10, 2011 "On Approval the List of Information about the Activities of the Ministry of Internal Affairs of the Russian Federation Placed on the Internet" [12];

- Order of the Ministry of Internal Affairs of Russia No. 19 from January 17, 2006 "On the Activities of Internal Affairs Bodies for the Prevention of Crime" with numerous subsequent additions and amendments;

- Order of the Ministry of Internal Affairs of the Russian Federation No. 1 from January 01, 2009 "On Approving the Concept of Improving the Cooperation between Subdivisions of the Ministry of Internal Affairs of the Russian Federation and the Media and Public Associations for 2009-2014" [13];

- Order of the Ministry of Internal Affairs of the Russian Federation No. 984 from August 31, 2011 "On the All-Russian Competition of the RF MIA "Shield and Quill" [14];

- Order of the Ministry of Internal Affairs of the Russian Federation No. 995 from September 06, 2011 "On Improvement the Activity of Subdivisions on Information and Public Relations, Public Affairs Office of Internal Affairs Bodies of the RF and Internal Troops of the RF MIA" [15];

- Order of the Ministry of Internal Affairs of the Russian Federation No. 1136 from November 12, 2011 "On the Procedure of Placing Information on the Activities of the Ministry of Internal Affairs of the Russian Federation on the Internet" [16];

- Order of the Ministry of Internal Affairs of the Russian Federation No. 791 from August 15, 2012 "On the Placing of Information on the Activities of the Ministry of Internal Affairs of the Russian Federation on the State Information System "Law-enforcement Portal of the Russian Federation" [17];

- Order of the Ministry of Internal Affairs of the Russian Federation No. 795 from August 15, 2012 "On the Procedure of Apology to the Citizen the Rights and Freedoms of whom have been Violated by a Police Officer" [18];
- Order of the Ministry of Internal Affairs of the Russian Federation No. 900 from October 02, 2012 "The Issues of Organization the Protection of Honor and Dignity, as well as Business Reputation in the MIA of Russia" [19].

Forestalling further reasoning we specify that Presidential Decree No. 1060 from August 10, 2011 and Order of the RF Interior Ministry No. 1136 from November 12, 2011 are not directly related to the organization of interaction of IAB and the MEDIA, and relate only to the narrow issues of the nature of information about the activities of the Ministry of Internal Affairs and procedures of their placement on the Internet. Based on the above we consider their separate analysis optional.

Study of the provisions of the Instruction approved by the Order of the Ministry of Internal Affairs of Russia No. 19 from January 17, 2006 "On the Activities of Internal Affairs Bodies for the Prevention of Crime" clearly indicates its generalized nature, target orientation exclusively on the various categories of police officers, and its attempt to regulate the activities exactly to prevent crime rather than to organize interaction with the media, which is certainly wider of only prevention activity and has other destinations.

It should be recognized that the considered document, referring to the issues of interaction, that is, mutual activity of subjects, illogically has exclusively intra-departmental nature, does not account for the specifics of inter-departmental cooperation, corporate interests and peculiarities in the activities of the second entity of interaction - the media, and thus a priori does not have legal values for persons, who are not representatives of IAB. As the main functional shortcomings of the Instruction should recognize only an indirect reference on the necessity of criminal investigation officers, police commissioner, staff of patrol-guard and road-patrol services to interact with the media, as well as very limited description of the powers of the personnel of departments for information and public relations (hereinafter - DIPR, OIOS in Russian), that is, precisely those members of IAB, whose competence includes organization of interaction with the MEDIA. In General, their responsibilities are formulated in the following vague phrases: "Organize the dissemination of information on prevention of crime in the media. Prepare and hold meetings for journalists, press conferences, briefings, round tables with the participation of leadership of the internal affairs concerning the issues of prevention of crimes". Such departmental approach to the regulation of interaction obviously

does not correspond to the existing theoretical views about the forms of interaction and prevailing practice.

Moreover, the study of the above mentioned “Concept of Improving the Cooperation between Subdivisions of the Ministry of Internal Affairs of the Russian Federation and the Media and Public Associations for 2009-2014” clearly indicates the presence in it of a directly opposite approach – systematic evaluation of the prevailing situation, development of forms and directions of cooperation, identification of promising goals and objectives of interaction, specific means and ways to achieve them.

However, the Concept as a document of strategic and political nature reflects exactly basic rather than applied issues of interaction that, in our opinion, have mainly found their practical reflection in the Order of the Ministry of Internal Affairs of the Russian Federation No. 995 from September 06, 2011 “On Improvement the Activity of Subdivisions on Information and Public Relations, Public Affairs Office of Internal Affairs Bodies of the RF and Internal Troops of the RF MIA. The Order, taking into account the provisions of the Concept, lists the tasks and directions of cooperation, functional duties of the employees of departments on information and public relations department, reflects the specificity of work with information of restricted access and much more.

To date this Order is fundamental departmental normative legal act regulating the main issues of interaction IAB with the MEDIA, although not without some of the typical drawbacks that are peculiar to such documents. For example, some declarative nature, general nature, “static” lighting of the issues of activity organization – the selection and placement of staff, competencies, tasks, etc. However, we believe it is fairly innovative compared with previous to it documents.

The following normative legal acts of the Ministry of Internal Affairs of Russia do not directly regulate cooperation with the MEDIA, but, nevertheless, have an indirect relation to the individual aspects of interaction.

Order of the Ministry of Internal Affairs of the Russian Federation No. 984 from August 31, 2011 “On the All-Russian Competition of the RF MIA “Shield and Quill” is focused on the close cooperation of IAB with the MEDIA for purposes of “... further improvement and strengthening interaction with the MEDIA, institutes of civil society, ensuring public confidence in police and internal troops of the Russian Interior Ministry, objective informing the public about the activities of internal affairs bodies and internal troops of the Russian Interior Ministry, as well as the propaganda of advanced forms and methods of work of departments on information and public relations of the Interior Ministry of Russia”. The document lists

tasks that are relevant to cooperation of IAB and the MEDIA. However, like most intradepartmental documents, does not have any influence on the mentioned in it representatives (copyright collectives) of the media and other social structures, while theoretically involves the formation of their professional or creative interest. The solution to this problem we see in the development of interdepartmental agreement taking into account mutual interests and specificities.

Order of the Ministry of Internal Affairs of the Russian Federation No. 791 from August 15, 2012 "On the Placing of Information on the Activities of the Ministry of Internal Affairs of the Russian Federation on the State Information System "Law-enforcement Portal of the Russian Federation" regulates the types (categories) of information, the order, periodicity and form of its posting, as well as responsible actors. The analysis of this document shows that the mentioned in it categories of information correspond to the main directions of cooperation of IAB with the MAEDIA: informing the public about the activities of IAB; the state of the crime situation; cultural and patriotic activities in the Interior Ministry; legal education of citizens; the formation of police officers' image; orienteering about the circumstances of specific incidents etc. Undoubted advantage of the document, in our opinion, is an offered by it relative independence and initiative of executor in the formation of the information array, what is directly specified in separate provisions: "The information is placed in this section of the Portal selectively, according to the decision of the initiator of investigation agreed with the concerned bodies of preliminary investigation and inquiry".

Order of the Ministry of Internal Affairs of the Russian Federation No. 795 from August 15, 2012 "On the Procedure of Apology to the Citizen the Rights and Freedoms of whom have been Violated by a Police Officer" has no direct reference to the interaction with the MEDIA. However, we believe that it also regulates this aspect of cooperation, since a formal apology may be brought either directly to the person – the victim of misconduct, or through publication (broadcasting) it in the media, what is also declared in the law "On the Media". However, the disadvantage of the Order is the lack of developed form of such an apology (statement) that equally takes into account the position of both parties, reflects the remorse of intruder (applicant) for what had happened, but at the same time does not involve self-abasement of IAB. Otherwise, this situation allows subjectivity both of the statement and its evaluation.

Order of the Ministry of Internal Affairs of the Russian Federation No. 900 from October 02, 2012 "The Issues of Organization the Protection of Honor and Dignity, as well as Business Reputation in the MIA of Russia" also is not directly

related to the organization of interaction with the Media, but is aimed at protecting the legitimate interests of IAB and their staff, which have been adversely affected or biased in the media. In our view the order is purely of declarative nature and has no applicable provisions.

Summarizing the above, we can conclude that the departmental legal regulation of the interaction of internal affairs bodies (IAB) and the MEDIA does not reflect the real needs of crime prevention practice and requires adjustment in accordance with the provisions of “the Concept of Improving the Cooperation between Subdivisions of the Ministry of Internal Affairs of the Russian Federation and the Media and Public Associations for 2009-2014”.

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