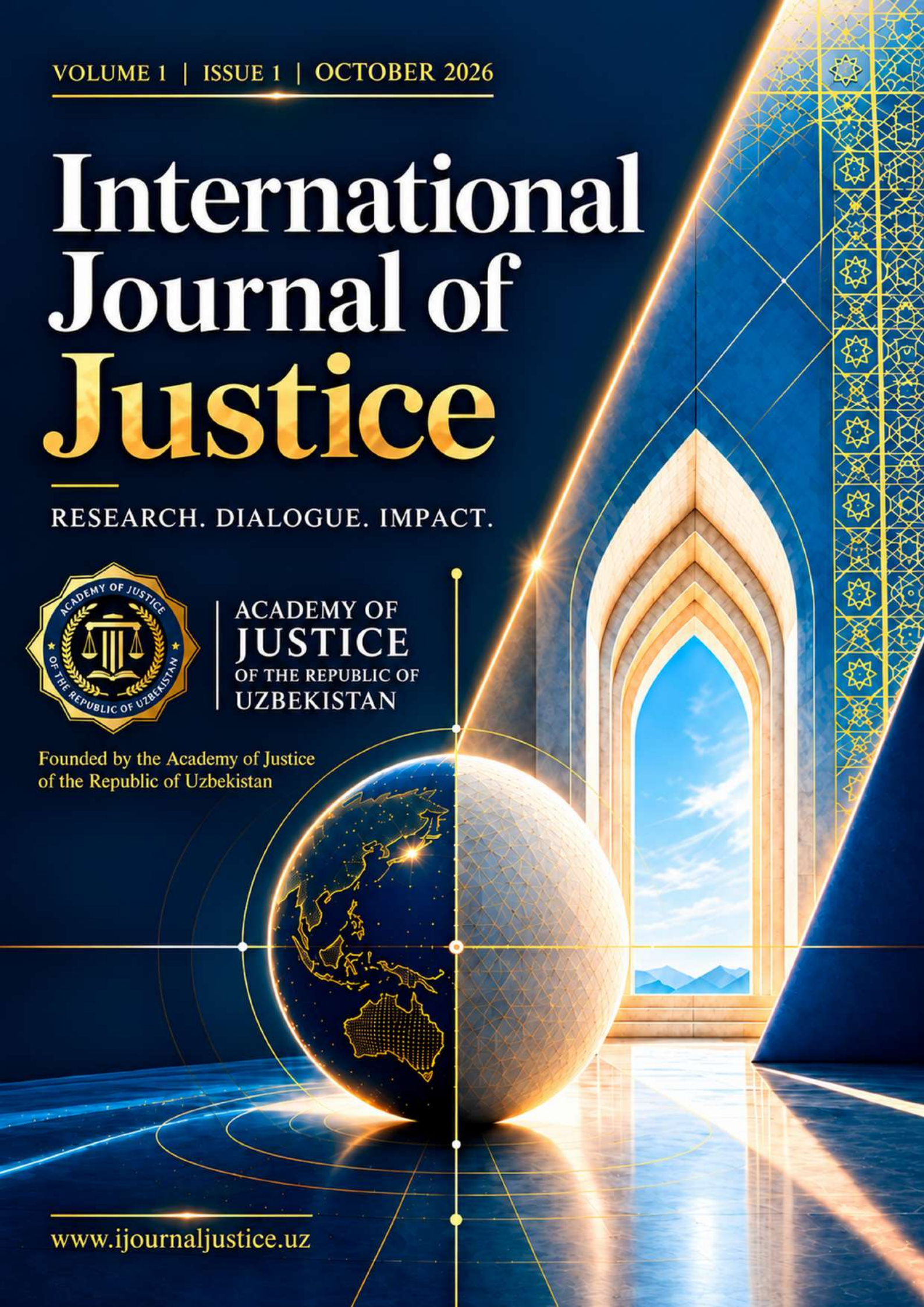
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LEGAL ASPECTS OF INVESTIGATIVE JOURNALISM

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Abstract. *This article examines investigative journalism as a distinct and socially significant form of journalistic activity, with particular emphasis on its theoretical foundations, historical development, and contemporary role. Drawing upon relevant academic literature and practical examples, the study explores the conceptual essence, social functions, and defining features of investigative journalism. Particular consideration is given to the legal and ethical standards governing the collection, verification, and dissemination of information, as well as to the rights, responsibilities, and professional obligations of journalists. The article also analyzes the contribution of investigative journalism to public oversight, institutional transparency, and accountability within civil society. It demonstrates that investigative journalism serves as an important mechanism for exposing socially significant problems, scrutinizing the activities of public authorities, detecting and preventing corruption, and advancing principles of social justice. Furthermore, the study provides a conceptual distinction between "investigative journalism" and "journalistic inquiry" by examining differences in their objectives, methodological approaches, and areas of application from both national and international scholarly perspectives. The findings highlight the enduring importance of investigative journalism in contemporary media theory and its growing role in shaping an informed, transparent, and accountable information environment.*

Keywords**:** *public oversight, journalist, journalistic investigation, inquiry, monitoring, Information*

Introduction

In the contemporary process of building and strengthening civil society, public oversight constitutes one of the fundamental institutions of democratic governance. It provides citizens and civil society institutions with mechanisms to monitor the activities of public authorities, promote transparency, and contribute to accountability in the exercise of public functions. In the Republic of Uzbekistan, the legal framework for public oversight is established by the Law "On Public Oversight," which defines the principal forms through which such oversight may be exercised. At the same time, Article 6, paragraph 2 of the Law provides that public oversight may also be carried out in other forms established by legislation [5; 8; 15].

Within this broader framework, journalistic investigation and public cadastral oversight may be considered as examples of additional mechanisms through which socially significant activities and decisions may be subjected to public scrutiny. Although journalistic investigation is not expressly identified as an independent form of public oversight in the Law "On Public Oversight," its substantive characteristics and practical functions allow it to be viewed as an important mechanism of public control exercised through the mass media [1; 5; 8; 15].

The significance of investigative journalism in this context is also recognized in academic literature. For example, A. Yuldashev, examining the forms of public oversight, emphasizes that the provision

allowing public oversight to be exercised in other forms creates the legal basis for recognizing such mechanisms as journalistic investigation, community environmental inspectors, public environmental expertise, and other forms of socially oriented oversight [15]. This position demonstrates that the scope of public oversight is not necessarily limited to the expressly enumerated forms and may encompass other legally permissible mechanisms aimed at protecting public interests and ensuring accountability [5; 15].

From this perspective, journalistic investigation occupies a distinctive position at the intersection of freedom of expression, access to information, public oversight, and professional journalistic activity. Through the systematic collection, verification, analysis, and dissemination of information concerning matters of public interest, investigative journalism can contribute to the identification of violations, the exposure of corruption, the monitoring of public institutions, and the strengthening of transparency within society [1; 3; 6; 12; 14]. Accordingly, the legal status and practical mechanisms of journalistic investigation require comprehensive examination from both legal and institutional perspectives.

Methods

The purpose of this study is to provide a comprehensive and systematic analysis of the legal foundations of journalistic investigation, with particular emphasis on its role, legal position, and functions within the contemporary system of legislation and public oversight. The research also seeks to examine the practical implementation of investigative journalism in light of applicable legal requirements, professional responsibilities, and relevant ethical standards [3; 6; 7; 12].

To achieve these objectives, the study employs an integrated methodological framework combining historical-legal, comparative-legal, analytical, and conceptual methods.

The historical-legal method is used to examine the emergence and evolution of journalistic investigation and public oversight within the legal system. This approach makes it possible to identify major stages in the development of relevant legal norms and to determine how the legal regulation of investigative journalism has evolved in response to changes in the media environment and democratic institutions [1; 5; 6; 12].

The comparative-legal method is applied to compare national approaches with relevant international practices concerning investigative journalism, freedom of information, public oversight, and the legal responsibilities of journalists. Such comparison makes it possible to identify common regulatory approaches as well as distinctive features of different legal systems and journalistic traditions [3; 6; 12; 14].

The analytical method is employed to examine the content of existing legal provisions, scholarly approaches, and their practical implications for investigative journalism. Particular attention is given to the relationship between journalists' professional rights and obligations, access to socially significant information, protection of legitimate interests, and the requirements governing the dissemination of information [7; 12; 14].

The conceptual method is used to clarify the theoretical and legal meaning of key concepts associated with investigative journalism and public oversight. It also facilitates the differentiation between related

categories, including journalistic investigation and other forms of journalistic inquiry [3; 6; 11; 12].

The combination of these methodological approaches enables a comprehensive examination of journalistic investigation as a multidimensional legal and social phenomenon. This methodological framework allows the study to assess not only the formal legal basis of investigative journalism but also its practical significance in promoting transparency, strengthening institutional accountability, protecting public interests, and ensuring effective mechanisms of public oversight [1; 5; 8; 15].

Results

Journalistic investigation may be regarded as one of the most effective mechanisms through which the mass media contributes to public oversight. Within the framework of this study, it is examined as a distinct instrument of public scrutiny capable of identifying socially significant problems, exposing abuses, and drawing public attention to matters that may otherwise remain outside effective public control [1; 3; 6; 14]. Before assessing its role as a mechanism of public oversight, however, it is necessary to clarify the legal and conceptual meaning of journalistic investigation.

Under Article 9 of the Law of the Republic of Uzbekistan "On the Protection of Journalistic Activity," journalists have the right to collect information and conduct journalistic investigations. They are also entitled to disseminate the results of their investigations through the mass media and, at their discretion, submit relevant materials to state authorities, self-governing bodies of citizens (mahallas), public associations, and other organizations. An important legal safeguard is that materials and documents obtained by a journalist in the course of an investigation may not be confiscated or inspected by state authorities, except in cases and according to procedures established by law.

At the same time, the existing legislative framework does not provide a sufficiently detailed regulation of the procedure, substantive scope, permissible methods, or legal boundaries of journalistic investigation. Nor does it establish a comprehensive mechanism governing the conduct and publication of investigative materials. This regulatory uncertainty is accompanied by conceptual ambiguity in academic literature. Despite the widespread use of the term "journalistic investigation," there is still no universally accepted definition that comprehensively establishes its objectives, functions, methodological characteristics, and legal boundaries [3; 6; 11; 12; 14].

A further conceptual issue concerns the relationship between the terms "journalistic investigation" and "journalistic inquiry." These expressions are sometimes used as synonyms, although they may convey different methodological and functional meanings. The concept of investigative journalism developed particularly within the Anglo-American journalistic tradition and is generally associated with the term "investigation." In subsequent academic and professional discourse, the concept was incorporated into other linguistic and legal traditions, including Russian and Uzbek scholarship [3; 6; 12; 14]. In Uzbek terminology, related concepts may be expressed through such terms as tekshiruv and surishtiruv. The coexistence of these terms has contributed to a certain degree of terminological inconsistency in both academic and professional discourse.

From a conceptual perspective, "investigation" more accurately reflects the systematic and proactive nature of this form of journalism. Unlike an ordinary inquiry, which may primarily involve obtaining clarification or describing an observable phenomenon, investigative journalism generally presupposes the independent identification of relevant facts, verification of information, analysis of interconnected circumstances, and disclosure of matters of public interest [3; 6; 12; 14]. Accordingly, the methodological and functional scope of journalistic investigation is broader than that of routine journalistic inquiry.

Discussion

In contemporary media practice, journalistic investigation is primarily associated with the systematic search for, verification, analysis, and publication of information concerning facts or circumstances that are not readily accessible to the public. Although "journalistic investigation" and "journalistic inquiry" continue to be used interchangeably in some scholarly works, the former appears conceptually more appropriate for describing a professional activity aimed at uncovering information of substantial public significance [3; 6; 11; 12; 14].

The distinction is important because the term "inquiry" may suggest a relatively limited activity of asking questions, collecting explanations, or examining an observable phenomenon. By contrast, investigation implies a more proactive and structured process involving the identification of concealed or insufficiently examined facts, verification through multiple sources, analytical assessment, and presentation of the findings to the public [3; 6; 12]. Consequently, the term "journalistic investigation" more fully reflects both the methodological complexity and the public-interest orientation of the activity.

The diversity of scholarly approaches further demonstrates the absence of a single universally accepted definition. A. Konstantinov (2010), for example, characterizes journalistic investigation as an activity involving the search for, examination, and publication of facts that remain outside public attention [6]. This interpretation emphasizes the journalist's role in identifying information that is socially significant but insufficiently visible in the public sphere.

A somewhat different approach is associated with Robert Green, who describes investigative work as addressing significant subjects in circumstances where individuals or organizations may prefer information to remain confidential (Wilman, 1998) [14]. Although this approach draws attention to the potentially concealed nature of the information being investigated, it requires careful qualification from a legal perspective. The existence of a public interest in particular information does not, in itself, authorize a journalist to obtain protected personal or confidential information through unlawful means. Journalistic investigation must therefore remain within the boundaries established by legislation concerning privacy, personal data, confidentiality, and lawful access to information [7; 12; 14].

A.A. Tertichniy (2002) identifies certain similarities between journalistic investigation and investigative activities in law enforcement, particularly with regard to information gathering, logical analysis, verification, and attention to detail [12]. Such a comparison may be useful from a methodological perspective; however, the two activities should not be

legally equated. Law-enforcement investigators operate within formally established procedural frameworks and may possess legally defined coercive powers. Journalists, by contrast, generally rely on publicly available information, interviews, documentary evidence, independent verification, expert opinions, and analytical techniques [3; 4; 12; 14]. Their principal objective is not to establish criminal guilt or impose legal responsibility but to disclose matters of public interest and facilitate informed public discussion.

Tertichniy also identifies political, economic, environmental, and socially oriented investigations among the principal categories of investigative journalism [12]. This classification remains relevant, although contemporary developments in digital media suggest the need for further expansion. In particular, investigative journalism increasingly encompasses data-driven investigations, cross-border collaborative investigations, investigations based on digital records, and investigations concerning the activities of online platforms and technology companies.

N.V. Berger (2006) approaches investigative journalism primarily as a method rather than merely as a journalistic genre [3]. This interpretation emphasizes its interdisciplinary and procedural nature. A.I. Stanko (1997), in contrast, views investigative journalism as a genre in which the journalist examines negative social phenomena and provides an objective assessment of the identified circumstances [11]. Although this definition captures the substantive purpose of investigative journalism, it does not fully encompass the methodological processes through which information is identified, verified, analyzed, and transformed into a publicly accessible journalistic product.

Some Western scholars, including D. Rendall, have approached investigative journalism primarily as a method for achieving a high standard of journalistic practice. Such an interpretation highlights professional quality but may underestimate the broader legal, ethical, social, and methodological dimensions of investigative journalism. In reality, investigative journalism represents a multidimensional phenomenon combining information-gathering techniques, analytical procedures, professional ethics, legal safeguards, and a public-interest function [3; 6; 12; 14].

This position is consistent with the approach attributed to Jon Willman, who distinguishes investigative journalism from law-enforcement activity by emphasizing that the journalist's task is to examine facts that are insufficiently visible to the public and prepare them for dissemination [14]. This distinction is particularly important because it preserves the independent nature of journalism while recognizing its contribution to public accountability.

Michael Berlin (2000) further emphasizes the importance of initiative and originality in investigative journalism [4]. Investigative work may involve situations in which officials or organizations are reluctant to disclose information, but it does not necessarily depend upon confrontation or secrecy. Information may also be obtained voluntarily through interviews, documentary sources, whistleblowers, experts, and institutional cooperation. Therefore, the investigative process should be understood as flexible and adaptive rather than confined to a single method of information acquisition [4; 14].

J. Qudratullaev and J. Ilkhombekov (2023) define journalistic investigation as the collection, examination, and analysis of information [7]. Although concise, this approach captures several essential methodological elements. Nevertheless, the definition could be further developed by explicitly incorporating the public-interest dimension of investigative journalism and its contribution to social accountability [5; 7; 8].

The reviewed scholarly approaches demonstrate that journalistic investigation cannot be reduced to a simple process of information gathering or to a conventional journalistic genre. It constitutes a complex professional activity in which information is purposefully identified, obtained, verified, analyzed, interpreted, and ultimately presented to society [3; 6; 11; 12; 14]. At the same time, its exercise must remain subject to legal and ethical limitations, particularly where the rights to privacy, personal data protection, confidentiality, reputation, and other legitimate interests are concerned [7; 12; 14].

Conclusion

The comparative analysis of scholarly approaches demonstrates that journalistic investigation remains a conceptually complex and insufficiently standardized category. Existing definitions differ in their emphasis: some focus on the discovery of hidden facts, others on methodological procedures, while some emphasize the genre's social function or its relationship with public accountability [3; 6; 11; 12; 14]. Nevertheless, several common elements can be identified, including purposeful information gathering, verification, analytical examination, public-interest orientation, and dissemination of socially significant findings.

On the basis of these findings, the following authorial definition is proposed: journalistic investigation is a professional activity through which a journalist identifies, obtains, verifies, collects, examines, and analyzes information that is not sufficiently known or accessible to the public, with the purpose of revealing abuses, violations, misconduct, or other matters of significant public interest through lawful dissemination.

This definition emphasizes several essential characteristics. First, journalistic investigation is a professional activity rather than merely a journalistic technique. Second, it involves a sequence of interconnected methodological operations, including identification, collection, verification, examination, and analysis of information. Third, its defining feature is a clear orientation toward matters of public interest. Fourth, the ultimate objective is not the exercise of law-enforcement powers but the disclosure and dissemination of socially significant information [3; 4; 6; 7; 12; 14].

In light of this approach, it is proposed that Article 9 of the Law of the Republic of Uzbekistan No. 402-I of April 24, 1997, "On the Protection of Journalistic Activity," be supplemented with a legal definition of journalistic investigation in the following wording:

"Journalistic investigation is a professional activity of a journalist aimed at identifying, obtaining, verifying, collecting, examining and analyzing information that is not sufficiently known or accessible to the public, and at lawfully disclosing information concerning abuses, violations, misconduct or other matters of significant public interest through dissemination to the public."

The proposed definition may contribute to greater legal certainty in the regulation of investigative journalism. In particular, it establishes the principal characteristics of the activity, identifies its legitimate objectives, and clarifies its relationship with the professional rights and responsibilities of journalists [7; 12; 14]. At the same time, the proposed formulation does not equate journalistic investigation with investigative activities carried out by law-enforcement authorities. Its primary function remains informational, analytical, and socially oriented.

The practical implementation of such a provision should be considered in conjunction with legislation governing freedom of expression, freedom of the mass media, access to information, personal data protection, privacy, confidentiality, and professional journalistic ethics. Such systemic coordination is essential because the recognition of journalistic investigation as a legally defined activity should not be interpreted as granting journalists unlimited access to protected information or authorizing methods that infringe upon the legitimate rights of other persons [7; 12; 14].

Accordingly, the incorporation of a clear legal definition of journalistic investigation into national legislation could strengthen the principle of legal certainty, provide additional protection for legitimate investigative activities, and establish clearer boundaries between lawful investigative journalism and unlawful interference with private or protected spheres. More broadly, such regulation could enhance the role of investigative journalism as an instrument of transparency, institutional accountability, public participation, and effective public oversight in a democratic society [1; 5; 8; 15].

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