

MASS MEDIA SPHERE: CONCEPT AND KEY LEGAL ASPECTS

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Abstract

This article provides an overview of the mass media sphere, examining its concept and essential legal aspects. It discusses the role of mass media in contemporary society and its influence on shaping public opinion while delving into the fundamental principles governing this sphere. The article covers the regulatory specifics of various media types such as television, radio, press, internet, and social networks, considering their unique features and societal impact. Emphasis is placed on the balance between freedom of expression and societal responsibility, as well as the need for legislation to adapt to new technologies and challenges in the realm of mass media.

Keywords: *mass media sphere, mass media, media resources, legal regulation, freedom of expression, public opinion, access to information, content regulation.*

I. Introduction

The mass media sphere is a dynamic field encompassing diverse media resources designed for information transmission, playing a crucial role in shaping public opinion, exchanging knowledge, and ensuring free access to information in today's information society. The mass media sphere constitutes a variety of means and channels of communication aimed at reaching society at large. It includes television, radio, print publications, internet resources, social media, and other platforms through which information is disseminated to a wide audience.

Upon closer examination of the role of the mass media sphere in modern information societies, specific criteria can be highlighted. One important criterion is the provision of information. Mass media serve as channels for distributing news, analysis, educational, and entertainment content, playing a significant role in maintaining society's informational awareness. Thus, mass media play a role in shaping public opinion, influencing the perception of events, and molding societal viewpoints and beliefs [7].

It's also crucial to highlight the provision of freedom of speech and expression. Mass media contribute to the free exchange of opinions and ideas by providing platforms for diverse viewpoints. They also play a key role in preserving and disseminating cultural values, art, language, and customs, thereby exerting substantial cultural influence. The economic role of the mass media sphere is quite significant and diverse. Spanning across multiple sectors, its economic role constitutes a substantial part of the modern economy. It's an important factor in socio-economic development, job creation, innovation, and the formation of service and commodity markets.

The sphere of mass media plays a crucial role in providing access to information for a wide audience. Media resources, including television, radio, newspapers, the internet, and social networks, offer various platforms for information transmission. This allows people to choose the suitable way of obtaining information based on their preferences and access to technology [1]. The mass media sphere provides a wide spectrum of content – news, educational programs, entertainment shows, sports broadcasts, and other forms of information. This diversity caters to various informational needs of the audience.

The internet and international media resources enable access to information from any part of the world. This permits a broad audience to stay updated on global events and share different cultural and informational contexts. Additionally, the mass media sphere provides access to socially significant information such as political events, public initiatives, education, scientific discoveries, and other crucial aspects of societal life. Another important means of ensuring access to information is supporting the free exchange of information. Freedom of speech and access to information,

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safeguarded in developed democratic societies, allow the mass media sphere to disseminate information freely without censorship or political propaganda.

II. Access and protection issues

Ensuring access to information is one of the most essential functions of the mass media sphere in modern information societies. It not only provides information but also contributes to shaping educated and informed societies, supporting the foundations of democracy and development [6]. The mass media sphere is a significant element of modern society, shaping the communication environment, influencing the formation and development of societal processes, and participating in shaping the cultural and informational landscape.

In a legal context, the concept of "mass media sphere" pertains to the realm regulated by legislation to ensure the legal status and functioning of media resources disseminating information to a wide audience. This term has varied interpretations in the legal documents of different countries and international agreements [2]. For instance, within the directives and regulations of the European Union (EU), the concept of the "mass media sphere" often aligns with regulating mass media in the context of freedom of expression, access to information, and consumer rights protection. Key EU documents such as the Audiovisual Services Directive or the E-Commerce Directives set frameworks for the media industry and the internet in EU member countries, ensuring regulation and harmonization of rules within the media sphere across all EU member states.

In legal documents in the United States, the term "mass media sphere" is typically not used as an independent term. However, the fundamental principles associated with this concept are reflected in the US Constitution and legislation. In the US, the sphere of mass media is often understood as "freedom of the press", a right protected by the Constitution that ensures freedom of expression, guaranteeing that the state does not restrict the free and independent operation of the press and other communication means. In Russian legislation, the mass media sphere is defined as "public relations related to the creation, dissemination, and receipt of information intended for public knowledge". Meanwhile, numerous international agreements, such as the Universal Declaration of Human Rights, fundamental UN documents, the Convention for the Protection of Human Rights and Fundamental Freedoms, among others, underscore the importance of freedom of speech and access to information, often associated with the concept of the mass media sphere [5].

In Azerbaijan, the concept of the "mass media sphere" or "media sphere" is regulated by legislation that includes regulatory acts and provisions defining the legal status and activities of media resources in the country. The term "mass media sphere" in Azerbaijan's legislative documents is usually linked to the regulation and control of media resources, covering aspects such as ensuring freedom of speech and information, legislative regulation of media resource activities, control and supervision of mass media activities, and protecting the rights and interests of society and citizens.

The definitions and interpretations of the concept of the "mass media sphere" in legal documents may vary depending on specific contexts, legislative characteristics, and the political priorities of each country or international organization. However, these definitions are fundamentally rooted in the principles of freedom of information, access to information, and protection of information consumer rights [3].

The sphere of mass media is regulated by a set of legal principles that ensure a balance between freedom of expression, protection of consumer rights regarding information, and responsibility to society. Here are the key principles and foundations regulating this sphere:

1. Freedom of speech and freedom of the press: One of the fundamental principles is the freedom to express opinions and the freedom of the press. This principle guarantees that journalists and mass media have the right to publish information without censorship or state intervention, provided this information does not violate the law.

2. Protection of personal data: This is an important principle governing the collection, storage, and use of personal information. Mass media entities must adhere to confidentiality rules and protect the personal data of their users.

3. Principles of responsibility and accuracy of information: Mass media outlets are responsible for the accuracy and truthfulness of the information they provide. This includes the obligation to fact-check before publication and to refrain from disseminating false or defamatory information.

4. Protection of information consumers' rights: Principles ensuring the protection of users' interests and rights regarding media resources, including protection against inappropriate information, regulation of advertising (especially concerning children), and ensuring information accessibility for all.

5. Self-regulation and codes of ethics: Many mass media outlets adhere to codes of ethics that define professional standards for journalists and editors, promoting ethical and responsible information coverage.

6. Government regulation: In several cases, the government regulates the activities of mass media through laws, regulatory acts, and licensing to ensure compliance with laws and regulations.

These principles and foundations serve as the basis for regulating the sphere of mass media, ensuring a balance between information freedom, protection of citizens' rights and interests, and underscore the importance of ethical and professional standards in this field.

As mentioned earlier, mass media comprises diverse channels and platforms used for disseminating information, news, entertainment, and communication to a wide audience. They play a crucial role in shaping public opinion, knowledge sharing, informing, and entertaining people. Each medium of mass media has its specificities, hence subject to varying legal regulations [4]. For instance, the internet and social media are subject to different aspects of regulation, such as personal data protection and combating misinformation, while television and radio might be subject to specific content rules and licensing.

1. Television: Television companies typically face stringent regulation in most countries. Television laws govern licensing, content, time frames, broadcasting rules, and other aspects. TV companies usually require a license for broadcasting from a governmental or regulatory body. Particular attention is paid to children's rights protection and banning certain content during specific hours, a process regulated by television laws.

2. Radio: Radio broadcasting also adheres to legal norms but might have less stringent regulation compared to television in some cases. Radio laws usually regulate broadcasting frequencies, ensure protection against discrimination, and prevent the spread of improper information [8]. Similar to television, there are laws controlling the content of broadcasts, including obligations to comply with norms and restrictions for specific audience categories.

3. Press: Newspapers and magazines are also regulated in various aspects, including publication rules, protection of privacy rights, and accountability for publishing defamation or false information. However, press freedom generally plays a significant role in the legal status of print media. The press is also obliged to comply with copyright laws, especially when citing materials from other publications.

4. Internet and Social Media: Regulation of the internet and social media can be more complex due to their international nature and global accessibility. Issues like personal information, content censorship, copyright, and content responsibility are primary aspects governed by legislation. Personal data protection laws require ensuring user information confidentiality. Social media platforms are often pressured to control content, such as hate speech, false news, or materials violating copyrights. In some jurisdictions, social media platforms might be held responsible for the content posted on their platforms.

5. Other Mass Media: This includes the film industry, online video streaming platforms (streaming), audio platforms (podcasts), and other communication mediums. Their legal status may vary based on their activities and the technologies used.

Each mass media medium has its peculiarities and is subject to specialized regulation while adhering to common principles of information freedom, consumer rights protection, and accountability to society. However, considering the rapid technological advancements and changes in information dissemination methods, legislation is continually evolving to adapt to new challenges and requirements of the digital era.

The balance between freedom of expression and responsibility to society is crucial to ensure a healthy information environment. Freedom of expression is a cornerstone of democracy, granting people the right to freely express their opinions, ideas, and beliefs. However, it's not devoid of limitations in the legal context. Examining the balance between freedom of speech and constraints like

defamation, discrimination, hate, and others is an important aspect of jurisprudence in the realm of mass media. Responsibility to society demands that information disseminated through media outlets is accurate, ethical, and doesn't harm the interests of others or society as a whole. Striking a balance between these aspects enables the free exchange of ideas and information while maintaining respect for the rights and interests of others.

One of the primary issues in this field is where to draw the line between freedom of expression and the right of individuals to be protected from defamation, discrimination, or hatred. Legal systems seek to establish a balance between safeguarding rights and freedom of speech. For instance, some forms of expression, such as defamation – spreading knowingly false information to cause harm-may fall under legal restrictions.

The legal aspect of this balance involves defining standards, criteria, and frameworks that limit specific forms of expression in the interest of public safety, order, and the protection of others' rights. Courts and lawmakers endeavor to find an optimal balance between safeguarding individual and societal rights and freedom of speech, taking into account the context and circumstances of each case. This is a complex process, and its interpretation can vary depending on jurisdiction and regulatory foundations.

Laws and legal norms regulating this balance differ across countries, varying due to cultural, political, and legal peculiarities. It's important to consider that limitations on freedom of speech must be justified, proportionate, and necessary in a democratic society. Examining this subject from a jurisprudential standpoint involves analyzing various legal norms, precedents, and court decisions regarding the balance between freedom of speech and constraints in the realm of mass media. Such analysis helps understand the evolution of legislation and the application of laws in this field and assess the implications for society and individuals.

Researching the influence of international human rights standards on the formation of national laws related to the sphere of mass media represents a significant field of study within the legal framework of various countries. Speaking specifically about studying the impact of international human rights standards on the formation of national laws in Azerbaijan in the context of mass media could encompass the following aspects:

1. Comparative analysis of international norms and national legislation: Investigating international human rights standards, such as the right to freedom of expression, access to information, and the press, and their alignment with Azerbaijan's national laws in the field of mass media.

2. Application of international standards in judicial practice: Analyzing precedents and court decisions where international human rights standards influenced the interpretation of national laws on mass media.

3. Assessing legislative consistency with international standards: Determining the extent to which Azerbaijani legislation aligns with international human rights norms in the field of mass media and identifying gaps or discrepancies.

4. Role of international organizations and treaties: Examining the impact of international organizations such as the UN, Council of Europe, or OSCE and their recommendations on the development and amendment of Azerbaijan's national laws related to mass media.

5. Interaction between international standards and cultural/political peculiarities: Analyzing how Azerbaijan's cultural and political characteristics might influence the recognition and implementation of international standards in the field of mass media.

6. Recommendations for legislative improvement: Conclusions and recommendations on how to enhance Azerbaijan's national legislation concerning mass media to better comply with international human rights standards.

This research will help evaluate how Azerbaijan's national legislation aligns with international human rights standards regarding freedom of speech, access to information, and other aspects of mass media.

III. Conclusion

The sphere of mass media represents a diverse environment that significantly influences the formation of public opinion, communication, and information exchange in the modern world.

Throughout our analysis, we have examined the key legal aspects of this sphere, identifying pivotal points that exert a substantial impact on its functioning and regulation.

One of the chief principles defining the realm of mass media is the balance between freedom of expression and societal responsibility. Freedom of speech and access to information play a crucial role in fostering democratic processes, yet they must be accompanied by proper control and regulation mechanisms to ensure protection from undesirable content and safeguard the rights of information consumers.

It's important to emphasize that various mass media outlets – television, radio, press, internet, social networks, among others – are subject to diverse legal regulations, considering their unique characteristics and impact on public life. Flexibility in legislation and its ability to adapt to new technologies and challenges are essential elements in maintaining a balance between innovation and safeguarding the rights and interests of society.

The sphere of mass media continues to play a crucial role in shaping information culture and social exchange. Regulation within this sphere should strive to create a balanced environment that fosters the free exchange of ideas and information while protecting society's interests and upholding ethical standards in the media field.

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KÜTLƏVİ İNFORMASIYA SAHƏSİ: ANLAYIŞ VƏ ƏSAS HÜQUQİ ASPEKTLƏR

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Annotasiya

Bu məqalədə kütləvi informasiya sahəsinə ümumi baxış, onun anlayışı və mühüm hüquqi aspektləri araşdırılır. O, müasir cəmiyyətdə medianın rolundan və ictimai rəyin formalaşmasına təsirindən bəhs edir, həmçinin bu sahənin tənzimlənməsinin əsas prinsiplərini ətraflı təhlil edir. Məqalədə televiziya, radio, mətbuat, internet və sosial şəbəkələr kimi müxtəlif növ kütləvi informasiya vasitələrinin özünəməxsus xüsusiyyətləri və ictimai həyata təsiri nəzərə alınmaqla onların tənzimlənməsi xüsusiyyətləri təqdim olunur. Diqqət ifadə azadlığı ilə cəmiyyət qarşısında məsuliyyət arasındakı balansına, habelə qanunvericiliyin kütləvi informasiya vasitələri sahəsində yeni texnologiyalara və çağırışlara uyğunlaşdırılmasının zəruriliyinə yönəlib.

Açar sözlər: kütləvi informasiya sahəsi, kütləvi informasiya vasitələri, media resursları, hüquqi tənzimləmə, ifadə azadlığı, ictimai rəy, məlumat əldə etmək, məzmunun tənzimlənməsi.

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СФЕРА МАССОВОЙ ИНФОРМАЦИИ: ПОНЯТИЕ И ОСНОВНЫЕ ЮРИДИЧЕСКИЕ АСПЕКТЫ

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Резюме

Эта статья представляет обзор сферы массовой информации, рассматривая ее понятие и важные юридические аспекты. Она обсуждает роль средств массовой информации в современном обществе и их влияние на формирование общественного мнения, а также подробно анализирует ключевые принципы регулирования этой сферы. В статье представлены особенности регулирования различных видов медиа, таких как телевидение, радио, пресса, интернет и социальные сети, учитывая их уникальные особенности и влияние на общественную жизнь. Основное внимание уделяется балансу между свободой выражения и ответственностью перед обществом, а также необходимости адаптации законодательства к новым технологиям и вызовам в сфере массовой информации.

Ключевые слова: *сфера массовой информации, средства массовой информации, медиа ресурсы, правовое регулирование, свобода выражения, общественное мнение, доступ к информации, регулирование контента.*

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