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## LEGAL ANALYSIS OF JOURNALISTIC INVESTIGATION

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**Abstract.** This article provides a comprehensive analysis of journalistic investigation, examining its theoretical foundations, developmental stages, and position within contemporary journalism. By synthesizing scholarly sources and practical examples, the study clarifies the essence, social functions, and distinct characteristics of the investigative branch. It further explores the legal framework and ethical principles governing information collection and dissemination, emphasizing the journalist's rights and obligations. Special attention is directed toward the role of investigative journalism in facilitating public oversight and strengthening the transparency and accountability of civil society institutions. The research scientifically substantiates the genre's potential for identifying societal problems, monitoring state bodies, combating corruption, and promoting social justice. Additionally, the study distinguishes between "journalistic investigation" and "journalistic inquiry," comparing national and international scholarly perspectives on their objectives and scope. The article concludes by defining the significance of the investigative genre within modern journalism theory and the global information landscape.

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

### Introduction

Today, in the process of building a civil society, there exist several forms of public oversight, which is considered one of the key institutions of democratic governance. In addition to the forms defined in the Law "On Public Oversight," Article 6, Paragraph 2 of this law stipulates that public oversight may also be exercised in other forms. The

following can serve as examples of such forms:

- journalistic investigation;
- public cadastral oversight.

Although journalistic investigation is not directly listed as a form of public oversight in the Law "On Public Oversight," many scholars recognize it as one of the most essential mechanisms of public control



carried out by mass media. For instance, A. Yuldashev, in his research on the forms of public oversight, notes the following:

*“... the second paragraph of this article stipulates that public oversight may also be carried out in other forms in accordance with the law. Such forms may include: journalistic investigation, community environmental inspectors, public environmental expertise, and others.”* (Yuldashev, 2023).

From this, it becomes clear that A. Yuldashev includes community environmental inspectors and public environmental expertise among the forms of public oversight.

### Methods

The purpose of this article is to provide a comprehensive and systematic analysis of the legal foundations of journalistic investigation while examining its role, place, and functions within current legislation. Beyond clarifying theoretical underpinnings, the study assesses the practical implementation of investigative journalism in accordance with legal norms and ethical standards.

To achieve this, a multifaceted research approach was employed. The primary methodological framework integrates historical-legal, comparative, analytical, and conceptual methods. Specifically, the historical-legal method traces the evolution of journalistic investigation and public oversight within legislative frameworks, highlighting the development of governing norms over time. Complementing this, the comparative method allows for a contrast between national and international practices, drawing insights from diverse legal systems and journalistic traditions.

Analytical methods further facilitate a detailed examination of existing legal provisions and their practical application in monitoring public accountability. Finally, the conceptual method provides the necessary clarity for defining key terms and theoretical approaches. By combining these methodologies, the study ensures a holistic

understanding of journalistic investigation as both a legal and social institution, ultimately highlighting its significance in promoting transparency, accountability, and the principles of public oversight.

### Results

Journalistic investigation is considered one of the most effective forms of public oversight conducted by the mass media. Within the scope of this study, it is examined as a specific instrument of public oversight; however, it is first essential to analyze what a journalistic investigation entails.

According to Article 9 of the Law “On the Protection of Journalistic Activity,” a journalist has the statutory right to collect information and conduct investigations. Furthermore, journalists are entitled to disseminate their findings through the media and may voluntarily present them to state bodies, self-governing community institutions (mahallas), public associations, and other organizations. Crucially, during an investigation, materials and documents obtained by a journalist cannot be confiscated or inspected by authorities.

Despite these protections, current legislation does not clearly regulate the procedures, scope, or limits of journalistic investigations, nor does it define the mechanisms for their implementation. Researchers emphasize that the concept of “journalistic investigation” remains under-defined. At present, there is no universally agreed-upon definition, nor are there standardized objectives, functions, or methodologies for the genre.

Additionally, the terms “journalistic investigation” and “journalistic inquiry” are often used interchangeably, despite nuanced differences. The concept originated with American journalists, corresponding to the English term investigation. While the term was later adopted into Russian and subsequently Uzbek, linguistic variations persist. In Uzbek, the term is commonly rendered as *tekshiruv* (investigation) or *surishtiruv*

(inquiry/study). Currently, the term “journalistic inquiry” is frequently employed in both academic and practical contexts, further blurring the conceptual boundaries.

This analysis highlights that, despite its widespread use, the methodological approaches and practical implementation of journalistic investigation remain underdeveloped and require rigorous scholarly attention.

### Discussion

At present, the concept of journalistic investigation is primarily applied to the search, study, and publication of facts that remain shielded from public attention. Although the terms “journalistic investigation” and “journalistic inquiry” are often used interchangeably in academic discourse, international practice predominantly employs the former. The term “inquiry” may implicitly narrow the functional scope of journalistic activity by associating it with descriptive observation rather than proactive fact-finding. Therefore, from both theoretical and practical perspectives, the term journalistic investigation is conceptually more comprehensive.

Nevertheless, contemporary scholarly discussions still frequently treat “journalistic inquiry” as a study of social phenomena synonymous with investigation. To clarify the essence of the field, it is necessary to compare the interpretations proposed by key researchers.

A. Konstantinov (2010) defines journalistic investigation as “the activity of searching for, researching, and publishing facts that remain outside public attention,” emphasizing the journalist’s role in uncovering socially relevant data. In contrast, Robert Green suggests it involves “working on significant topics where individuals and organizations prefer confidentiality” (Wilman, 1998). A comparative analysis indicates that Konstantinov’s approach aligns more closely with legal frameworks, whereas Green’s formulation is conceptually

problematic; it could be interpreted as legitimizing intrusion into private data – an act for which journalists lack legal authority and which may carry civil or criminal liability.

A.A. Tertichniy (2002) draws parallels between journalistic investigation and law enforcement, noting similarities in information gathering, logical analysis, and meticulous attention to detail. While this comparison is partially justified, it requires clarification. Equating journalists with investigators risks obscuring fundamental differences in legal competencies. Investigators operate within a formal procedural framework with coercive powers, whereas journalists rely on open sources, interviews, and independent reasoning. The journalist’s task is not to establish legal guilt or apprehend offenders, but to disclose unethical practices and stimulate public debate.

Tertichniy further classifies investigations into categories such as political, economic, environmental, and social crimes. While valuable, this classification could be refined by accounting for the evolving nature of digital media, transnational collaborations, and data-driven journalism.

N.V. Berger (2006) argues that journalistic investigation should be understood as a method rather than merely a genre, an approach that underscores its interdisciplinary character. Similarly, A.I. Stanko (1997) defines it as a genre where the author examines negative social phenomena to provide an impartial legal assessment. However, Stanko’s definition focuses on the output’s purpose and does not fully reveal (*reveal/replaced раскрываем*) its methodological dimensions.

While some Western scholars, such as D. Rendall, regard investigative journalism merely as a method for achieving “journalistic excellence,” we argue that this underestimates its complexity. It is a multifaceted concept integrating

methodological, functional, ethical, and legal components. This is supported by Jon Willman, who delineates the boundaries between journalism and law enforcement by stating that a journalist's task is to study facts hidden from view and prepare them for public dissemination.

Furthermore, Michael Berlin (2000) stresses that investigative journalism requires initiative and original ideas, noting that while officials may prefer concealment, information is sometimes provided voluntarily. This suggests that investigation does not always rely on confrontation but can involve strategic cooperation. Finally, legal scholars J. Qudratullaev and J. Ilkhombekov (2023) define it as "collecting, studying, and analyzing information." While accurate, this definition could be strengthened by explicitly emphasizing public interest orientation and social accountability.

In summary, the analysis demonstrates that while scholarly approaches vary, there is a clear need for a balanced definition. A comprehensive definition must distinguish journalistic investigation from law enforcement while recognizing its analytical depth and social responsibility.

### Conclusion

Based on the analysis of definitions proposed by scholars across various jurisdictions, an original authorial definition of journalistic investigation has been formulated. This definition emerges logically from the research findings and is developed systematically upon established scholarly approaches. In essence, journalistic investigation is defined as a professional activity through which a journalist identifies, obtains, verifies, collects, examines, and interprets information that is largely unknown to the public, with the primary objective of disclosing abuses, violations, or other forms of misconduct to a broad audience.

On this basis, an amendment to Article 9 of the Law of the Republic of Uzbekistan No. 402-I (April 24, 1997), "On

the Protection of Journalistic Activity," is proposed with the following wording:

*"Journalistic investigation is the activity of a journalist aimed at identifying, obtaining, verifying, collecting, studying, and analyzing information that is largely unknown to the public, and revealing various abuses and misconducts to the broad public through appropriate dissemination."*

This proposed legal definition is precise, substantively justified, and holds significant practical value. It aligns with international academic interpretations while clearly delineating the scope, objectives, and professional responsibilities of journalists engaged in investigative work. Importantly, the definition avoids equating journalistic investigation with the activities of law enforcement bodies; instead, it emphasizes its informational, analytical, and public-interest-oriented nature.

From a practical perspective, the implementation of this norm would be ensured through its systematic application in conjunction with related legislative acts regulating freedom of expression, access to information, and journalistic ethics. In particular, the proposed amendment is compatible with constitutional guarantees of freedom of speech and mass media, as well as legislation governing personal data protection and the lawful limits of information dissemination. Such normative coordination would allow investigative journalists to operate within a clear legal framework while avoiding unlawful interference in private life or the abuse of professional rights.

Overall, incorporating this definition into current legislation would enhance the functional effectiveness of legal regulation in the field of investigative journalism. It would strengthen legal certainty, contribute to the protection of journalists' professional activities, and promote transparency, accountability, and public oversight within society.

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## THE ROLE AND POWERS OF LOCAL COUNCILS IN THE FIELD OF LOCAL BUDGET MANAGEMENT IN UZBEKISTAN

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**Abstract.** This article examines the evolving role of local councils (Kengashes) in Uzbekistan's budget formation and execution processes within the framework of ongoing decentralization and public financial management reforms. Drawing on the Constitution, the Budget Code, and the Law "On Local State Authority," it identifies the constitutional and legal foundations of council authority in fiscal governance. The study employs a qualitative legal-document analysis method combined with international assessments. Findings show that recent reforms have significantly enhanced transparency, citizen participation, and local fiscal oversight. The article highlights that while Uzbekistan's legal architecture provides robust powers for local councils in budget approval and monitoring, practical challenges remain in ensuring effective autonomy, data transparency, and fiscal discipline at subnational levels. Strengthening institutional capacity, ensuring consistent oversight by councils, and aligning with international governance standards are emphasized as prerequisites for sustainable fiscal decentralization. Overall, the research concludes that empowering local councils through legal and procedural reforms can transform them into key drivers of accountable, inclusive, and development-oriented local governance.

**Keywords:** local councils, budget process, fiscal decentralization, budget transparency, participatory budgeting, public financial management

### Introduction

Local governance in Uzbekistan serves as a crucial mechanism for implementing state policy at the grassroots level and for ensuring stable regional socio-economic development to meet the daily needs of the population. Within this system, the

processes of forming and executing local budgets hold a special place, as these financial resources constitute the primary source of funding for local state authorities to carry out their functions. However, maintaining balanced local budgets has become an urgent issue in Uzbekistan,



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