

MSC 2020**International Scientific and Practical Conference «MAN. SOCIETY.
COMMUNICATION»****PUBLIC RELATIONS IN THE JUDICIAL SYSTEM:
THEORETICAL AND LEGAL ASPECTS**

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Abstract

The article deals with the theoretical, legal and social aspects of the activities of the Russian Federation courts and the problems of their interaction with the mass media during the formation and development of public relations in public authorities. There is the examination of the theoretical and methodological approaches; criteria, which establish the relationship between these state and social institutions; the analysis, focused on applied information technology. We study the structure and development of press services in the judiciary, which defines the objectives, tasks and functions of their activities, experimenting with forms and methods of work. The analysis of previously published scientific and educational works of foreign and Russian authors on this issue is given. As a result of the research, the authors come to the conclusion that in order to effectively implement the information work of a state institution, it is necessary to study the target audience and to know the classification of mass media, Internet resources and other information channels, as well as ways and techniques of their use in the implementation of the tasks of the organization (institution). It should be noted that the historical and legal framework has been accumulated to date, which has led to the dynamic development of interaction between courts and media. The theoretical basis of this interaction is the Federal constitutional rules of law and bylaws, which formulate the basic principles, goals and forms of communication of organizations (institutions), on the one hand, and printed and electronic mass media, on the other.

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1. Introduction

Courts occupy a special place in the legal system of Russian society. The basis for the development of the legal system is the right to judicial protection, which is exercised due to the principles of accessibility, openness, transparency in the process of justice. Implementation of judicial reform in the beginning of the 21 century significantly increased the role of the court as an independent institution, which operates on the basis of the law. The use of new information and communication technologies, the new level of interaction between courts and media involve the search for a new theoretical and legal, organizational and practical justification, the creation of effective algorithms for the development of public relations.

2. Problem Statement

The results of scientific and technological progress are being actively introduced into the Russian judicial system. They are innovative and information technologies, the use of which can reduce the costs of performing the organizational and technical functions of courts. For this purpose, amendments and additions have recently been made to federal legislation and bylaws. However, a number of substantive aspects of the administration of justice remain unresolved, so the work of law enforcements is subject to improvement at a conceptual level. The principles of informational openness and the transparency of justice require theoretical justification, the development of effective instruments that take into account information threats and risks in order to ensure legal guarantees of an individual for privacy, security of society and the state (Pastukhov & Losavio, 2017). It is quite natural to conclude that in the modern conditions of declaring the openness of the courts completely different approaches are required, as well as new development strategies.

3. Research Questions

The formula “openness and transparency of justice” is the constitutional principle of legal proceedings. The informational state policy in the field of ensuring access to the activities of the courts should be a key instrument that provides public confidence in the judiciary; builds credibility of the court and judges; eliminates legal nihilism and illiteracy. Ensuring information openness and transparency as a tool of building credibility of the judicial system becomes one of the main and most urgent tasks of the state. This approach is similar to international and Russian recommendations about the judiciary: to expand systematically and periodically the amount of accessible information on the activities of the courts, as well as on their decisions (Komarova, 2017).

The main questions about interaction between courts and media focus on:

- summarizing the gained experience of legal proceedings only using electronic means of communication and developing proposals for ensuring transparency and openness of such proceedings;
- the use of a set of techniques, methods and means of identifying the positive and negative consequences of interaction (comparative legal, analytical, sociological and other research methods);
- the integrated use of PR-technologies in the communication activities of the courts in interaction with media;

- the possibility of developing optimal models of PR-activity for the formation and protection of the image of the courts, judges and court staff from negative information in media;
- developing proposals (initiatives) of a legislative nature to improve federal legislation in the field of procedural legislation and legislation on the mass media.

4. Purpose of the Study

The purpose of the research is to develop the optimal functioning of such independent systems as law, court and mass media and their effective interaction through information and public relations and the media technologies.

The research tasks are:

- to study the Russian practice of the interaction between courts and media in the historical and legal context;
- to analyze the system and organizational basis of the press offices of different kinds of courts;
- to study the structure, goals and principles of the courts' press offices and offices of the Judicial Department at the Supreme Court of the Russian Federation in order to identify their optimality and effectiveness;
- to develop optimal models for interaction between courts and media by a wide range of instruments and technologies that provide positive dynamics for cooperation;
- to create the guidelines for legal support of court websites in order to optimize the interaction between courts and media, to ensure their effective functioning and to increase the information density of sites;
- to develop guidelines for managing the reputation of the courts in social networks.

5. Research Methods

When conducting research, we used such methods as:

- 1) formal-legal method (it is used in the analysis of existing rules of law and legal practice of studied systems functioning);
- 2) comparative legal method (it contributes to the development of an optimal model for the interaction between courts and media on the basis of rules of law, taking into account foreign and Russian experience);
- 3) descriptive method (it allows studying the doctrinal sources of Russian and foreign authors – philosophers, philologists, political scientists, sociologists, lawyers, involved in justifying the theory of public relations and the practice of administering justice);
- 4) statistical method (it allows establishing trends in the development of public relations using quantitative indicators, which characterize the causes of media conflicts and the ways to resolve them in the trial and pre-trial stages);
- 5) monitoring (it is used when studying the content of media materials on judicial topics, as well as on the official websites of courts);

6) legal modeling method (it is used to formulate proposals for improving the activities of courts in the field of public relations and media);

7) methods of legal hermeneutics make it possible to assess the impact of court decisions on the formation of a “routine image of justice” in everyday legal consciousness and translation of this image in the media and social networks.

6. Findings

In the early 90s of the 20th century, information and public relations departments, press centers, new departmental (mainly digital) media and official Internet sites took place in the structure of the authority bodies. The peculiarity of the courts activity in accordance with this topic is represented by considerable practical experience, so as a result, the creation of a scientific concept has an important and urgent problem, the solution of which will improve the information policy in the activities of courts. Now all interested departments and officials should take the next step in the development of openness of justice, including the conditions of a fully digital legal proceedings, excluding face-to-face court hearings.

We should agree with the opinion of Mayboroda (2018) that “in the legal doctrine of the Russian state there is an identical approach to understanding the content of civil society institutions as a certain set of forms for activities of various groups of people united by common goals and interests” (p. 352). However, it is not possible to refer to civil society institutions every community united by common goals and tasks, but only those, whose basic markers are reliance on the legal values of civil society itself.

If we look at the facts of Soviet history, we will find many examples of active and regular “communication” of the press with the people, public organizations at the stage of developing and taking radical decisions in the field of reforming state and judicial authorities, changing legislation. Thus, after the overthrow of monarchy, the freest press in the world at that time regularly published materials on decisions of the government and revolutionary authorities to change the judicial system in the country and the army, informed about the work of the Legal Conference in this sphere. After the difficult period of the civil war, the 1920s were extremely saturated with decisions of the Bolsheviks in the field of judicial policy. This was regularly reported in the articles and official publications of the “Weekly of Soviet Justice”, which also included a regular column “From readers' letters”. In the magazine “Work Court” the reader constantly found information on the creation and functions of new judicial institutions, the results of their work, the results of verification of the people's courts, the content and success of the personnel policy and the expansion of people’s representation in state institutions.

In a number of Russian studies on the problems of the activities of the courts and media, they say about an imbalance of ensuring the interests of the effectiveness of legal proceedings, its openness and transparency (Mayboroda & Potapov, 2020). People expect timely, objective reporting of the activities of the courts from information units and authorized officials. If this approach is not taken, one of the guarantees of a fair trial may be lost – its openness. The fear of loss of public control over the functioning of the courts also seems reasonable. Overall, the diminution of the principle of trial openness can lead to discrediting public confidence in the court.

According to Nisnevich (2019), one of the tasks of reforming the courts in the early 90s of the 20th century is to minimize the consequences of the credibility crisis, discord between society, the judicial

system and all law enforcement agencies that are not trustworthy and not authoritative for society. This point of view is also presented by other Russian authors, for example, Satarov (2017). In particular, he points to “the two most important social groups interacting in the legal sphere – agents and clients”.

The development of doctrinal legal views on the problem of openness and transparency of justice, legislative problems of ensuring fair justice and countering corruption occupy a special place in the system of social sciences. Conceptualized provisions on this topic can be found in research of Verin et al. (2016), Zhilin (2013), Epihin et al. (2019), Klyukovskaya et al. (2016), Maleshin (2016), Momotov et al. (2019), Popov (2018), Reshetnikova (2019), Kurakin and Sukhareenko (2018) and other authors. In these works, the legislatively established law on the openness and transparency of legal proceedings, which is a priority and mandatory for all levels of the judicial system, as well as the observance of the principles of fair justice and countering corruption, are investigated.

The study of the state legal policy in the field of ensuring access to the information on the activities of courts and information accessibility of courts on the Internet was carried out by such scientists as R. Amelin et al. (2018), Afanas'ev et al. (2018), Borisova and Afanasiev (2019), Valeev et al. (2019), Nesmeyanova et al. (2018) and others.

The interaction between courts and media was studied by such researchers and practitioners as Kasina (2016), Prokopovich (2016), Tretyakova (2018), Momotov et al. (2019) and others. The works of these authors analyze the main provisions of the legal regulation of relations between the courts and media.

Of particular importance is the consideration of legal regulation of the procedure for the courts, judicial departments and media interaction, the goals and forms of their cooperation, as well as problems that arise in the Russian media when publishing information about the activities of the courts.

Soboleva (2016) notes in her research that “the Russian and international societies in the field of law are of the following opinion: it is information openness and transparency that play a key role in building and strengthening court credibility. Only by this democratic way, it is possible to restore public confidence in the judicial system. In this case, undoubtedly, the task of educating people in the sphere of law, eliminating legal nihilism will be realized.

It should be noted that, as before, the mass media publishes materials of mainly accusatory nature, there is a tendency to highlight the negative aspects of life, and at the same time, institutions seem to be a convenient and the only one object of criticism. Indeed, important changes are often left without attention, not translated to the people, the meaning of reforms and their consequences for ordinary citizens is not explained. Of course, in this situation, completely different approaches are required, as well as new development strategies.

At present, information and public relations departments, press centers and new (mainly digital) media took pace in the structure of authority bodies. Currently, the systems studied in the article – the court and the media – are in an unequal position, the use of applied methods of information interaction without a worthy introduction of new technologies negatively affects the functioning of the certain subjects.

7. Conclusion

Social and legal information, circulating through various channels, interacts with state and public institutions. Since information on the activities of courts affects applied issues, it is necessary to justify the substantive characteristics of socio-legal information.

Information interaction should be considered as a scientific and applied problem. To date, both the historical and legal base has been accumulated, which determined the dynamic development of the interaction of the judicial and law enforcement agencies with media, and modern information technologies (not only technically, but also substantively).

The effective use of modern information technologies in the judicial process provides access to information on the activities of the courts and contributes to the formation of the telecommunication and information infrastructure of the integrated information space of federal courts of law and magistrates. Currently, legal databases, Internet sites, court press offices and specialized publications are the mechanisms for obtaining and distributing judicial information. Prompt posting of information on the court's working procedure, adjudicated cases and court decisions, the introduction of the fifth part of the judicial act in the form of an announcement, a hearing, will allow the press to better navigate in the vast array of existing legal proceedings.

In our opinion, the instruments proposed for use in practice will make it possible to significantly improve public relations technologies in the activities of courts in the Russian Federation and to provide opportunities for understanding the balance of public interest in open and transparent proceedings.

Having conducted a comparative study on the two most important systems of the state and society – the court and the media, we can conclude that at present there is a need for a comprehensive study of the principles, mechanisms and methods of interaction between the courts, the media and civil society institutions. In this regard, multiple tasks arise in structuring the information work of the courts, including the training of qualified personnel with the necessary competencies, as well as the development of effective models and technologies for the operation of press offices, updating existing studies taking into account legislative regulation and the practice of public relations, forming doctrinal ideas about the possibility of ensuring openness and transparency of legal proceedings using electronic means of communication.

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