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**LEGAL ASPECT OF PROFESSIONAL AND CIVIL IDENTITY OF
A MODERN RUSSIAN JOURNALIST**

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Abstract

The paper considers the influence that globalization and new media practices have onto formation of professional and civil identity of contemporary Russian journalists. The authors highlight the legal aspect as one of the most relevant for the social practice. The objective of this paper, grounded in empirical data from surveys conducted by the authors, was to identify and describe the challenges characteristic of the digital era and determined by both personal and professional characteristics of the subjects representing them. A proof based on concrete examples taken from media practice is given that these challenges broadly speaking impede establishment and development of the Russian society as information-oriented and truly law-governed society, and in a strict sense they create obstacles to formation of professional culture of journalists.

The authors come to a conclusion that according to structural analysis of civil and professional identity of journalists, criteria used for assessing efficiency of methods of their formation shall specify several components: a cognitive component (awareness of assignment to a social institution that largely determines status characteristics of the country, its history, governmental, political and legal structures); an affective-estimative component (a characteristic of a professional group with which the subject not just identifies, but where attitudes to their membership is also a significant factor); and a pragmatic component (actual participation in group and social activities determined by both social and technological transformations of the Russian society as a whole and that of the media sector in particular)..

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Keywords: Journalist, mass media, professional and civil identity, convergence.



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1. Introduction

Understanding the influence of globalization processes and new media practices onto representatives of various Russian communities is impossible without identification and description of the components and challenges that characterize the media landscape of Russia as a whole or that of its regions. At that, we hold, that it may serve to further the scientific knowledge on the one hand, and to facilitate development and effective implementation of professional standards in media which became mandatory from 2016, on the other hand. Even before there were a discussion about introduction of such amendments into the Labor Code of Russia, scholars actively called for this approach, typical for most of the western world (Gatov, 2016; Castells, Parks, & Haak, 2016; Oleshko, 2012). It had been proven conclusively that this approach would allow identifying journalism as a profession with certain indicators and qualitative characteristics of effective action upon the democratization processes in the society and refine it free of everything that is not journalism. Were we successful in the practical implementation of this approach after two years? This is a rhetorical question. In this paper we identify the legal aspect of professional and civil identity of journalists as the most relevant for the current social practice. Methodological foundation for analysis of this topic was formed by the idea of a humanistic role of mass media in the modern relationships under condition of total digitalization of content that had formed in the global theory (Athique, 2013; Kiriya, Novikova, 2017; Lindgren, 2017; Mosco, 2017) and by the idea of ethical and legal foundations of activities of professional journalists (Frolova, 2014; Pankeyev, & Timofeyev, 2018). Typical judgments and statements produced on this subject by various media communities, including those obtained by the authors during the survey they conducted, served as a foundation for arguing the systemic conclusions from examples of practice.

Table 01. Components of the legal culture of a journalist (as reported by the respondents)

Values	Frequency	% of responses
Strict adherence to legislation and regulation related to professional activities	80	30.65
A level of legal awareness than provides a capability to safeguard oneself during the job	64	24.5
Awareness of journalist's rights and responsibilities	32	12.3
A right to a systemic media activity not limited to one's media	21	8.05
It is related to the general culture of a person	18	6.88
«Today, a journalist is dependent and has only responsibilities»	46	17.62
Total responses:	261	100

2. Problem Statement

The field of activities of the modern mass media is unique if only for the fact that in the digital era, on the one hand, the number of its subjects (not only professionals, but bloggers, citizen journalists, active actors in the social media) is extending paralleling the growth in technologies and methods of content formatting and broadcasting; on the other hand, under such conditions the traditional media shall compete for attention and recognition of the public not only among themselves, but with these new actors as well. As creative developments and technologies used to produce quality texts are often not enough for this

purpose, the practice shows that methods and ways are sometimes used that go beyond the legal framework of journalism. Thus, the legal aspect of journalist identity allows identifying and describing negative trends that were determined, among other things, by recent social and technological changes, as well as outlining the ways for overcoming them.

3. Research Questions

A priori, journalism as a social institution is simultaneously object and subject of the legal culture in the Russian society. That is, the legal discourse of mass media is being formed on the foundation of the legal culture as subjects of media activity and as representatives of regular public that perceives the legal reality as already interpreted by them. As the basic foundation of any culture is the worldview and moral principles of its bearers, then, it is appropriate to talk about the legal aspect being determined by direct mutual influence between the legal culture of the society and professional culture of its journalists. G.V. Lazutina, while writing about the value-based attitude being one of the essential manifestations of the intersubject link between the society and its environment (in other words, genuine dialog-based relation), highlights that the connection between the members of the society is based on their value-based preferences and thus differentiates the society accordingly (Lazutina, 2016).

Having identified and systematized the principal dominants of the real informational agenda of the Russian media and the media of the Ural region specifically for six years (Oleshko, 2016), the authors have got an opportunity to make an important theoretical conclusion defining the principal directions of subsequent research: Products of information activity presented to the public in various formats and on various carriers (text, sound, visual images or multimedia data), ensure their perception and interiorization not only in the functional space, but also within the context of self-reflection of the social system as a whole. At that, taking into account prognostic characteristics, it was important to determine: what factors influence not only current formation and development of the legal environment of the globally convergent journalism, but also the forming of a professional and civil identity of a journalist, different from that in the pre-digital era?

4. Purpose of the Study

The purpose of the study is to systematize challenges that inevitably arise in development of convergent possibilities in the modern journalism within the concrete legal and informational space. These challenges are determined by political and legal aspects of activity on the one hand and personal and professional characteristics of the subjects that represent the mass media, on the other hand. Another task is to look for overcoming those of them that broadly speaking impede establishment and development of the Russian society as informational and truly law-governed society, and narrowly speaking impede formation of the professional culture of journalists that the authors understand as a synthesis of mental and instrumental components facilitating media activity that is efficient with respect to various parameters.

5. Research Methods

The empiric foundation of the research was formed by the results of surveys conducted by the authors or by working groups under their management. Russian experience in media activity for two

periods, 2011-2013 and 2014 – 2016, served a source of data, together with the results of constant mass media monitoring in the Bigger Ural macroregion up to and including 2018. In total, 24 printed media (newspapers of various typology, including their web-sites) and 12 net-only publications were the objects of analysis. The foundation for subsequent comparative analysis were formed by the results of the *Convergent Journalism As Imagined by Employees of Regional Media* survey, which stated its goal as studying the attitude of media employees to convergent journalism as a form of creative and professional self-fulfillment. The task was to explore how the canons of professional culture change during the development of the convergent journalism. Semi-formal interview served as a data collection method, that is, an interview with a guide where conversation topics were stated and for some topic closed and open questions were given. At that, respondents could suggest their own variants and thematic directions for commenting on changes in their region due to the convergent journalism development. 261 respondents were surveyed.

6. Findings

The following trends were revealed by the study: Transformation of economic foundations of media had a crucial significance for changes in many components that characterize the legal environment of journalism as a whole and the convergent journalism in particular. Instability of the previously formed domestic media system has been promoted by a number of circumstances: direct or indirect political and commercial pressure, prevailing over the professional norms; lack of clear ethical standards shared by the majority of media industry representatives; immature nature of reputational components in evaluation of media activity as a whole, which are typical of western journalism; active advancement of consumerist media values by entertainment media and advertisement market that extend its influence over the whole range of social relations.

The survey (see Table 01.) is indicative that strict adherence to legislation and regulation related to professional activities and the level of legal consciousness, reliance on a body of concrete rights and professional responsibilities are important components of a day-to-day work for the majority of respondents. At the same time, almost one in five said something to the tune of: “Today, a journalist is totally dependent and has only responsibilities”. At that, only a small number of individuals stated that legal consciousness as an indispensable component for formation of deliberate professional identity correlates with the general level of culture of an individual.

What caused these trends? First, it should be noted, that the Russian Law on Media, adopted more than two decades ago, does not take into account many modern political and economic realities and technological developments in media. Second, under conditions of intensive development of the media industry, the government attempted to regulate this sector by means of, among others, licensing the activities. This and other trends were primarily expressed in the Federal Law no.142-FZ (Federal Law, 2014), adopted in June of 2011. The law introduced significant changes into the Law on Media. Among them there should be noted that the very definition of media was extended to include net publication, TV channel, radio channel, providing them with legal definitions. However, at the same time, the Law strengthened the legal conditions for serious limitation on broadcasting freedom. For example, if irregularities are found in the activities of a licensee, the licensing body may suspend the license for a period

of up to three months, and if the irregularities are not rectified, the license may be revoked by a court decision. A possibility to cancel a license by a court decision in case of repeated offense of any license conditions or legal requirements (after receipt of an official written order) on behalf of the licensee in less than one year (from the moment of the previous offense) was also written into law.

This and other legislation initiatives were, undoubtedly necessary for improvement of legal relations in the media industry, as proven by systemic surveys of the Russian media industry (Vartanova, Vyrkovsky, Makeenko, & Smirnov, 2017; Lukina, 2011). The very full-scale implementation of the convergent possibilities was often to lead to conflicts between the registered mass media and those calling themselves free subjects of the media activity. Especially numerous such conflicts were during the pre-election periods. Sometimes they led to lawsuits. At that, representatives of many mass media had concerns, that, for example, revoking of a license of any undesirable media with an Internet forum is possible due to Roskomnadzor's officials finding extremism not in the journalist's materials, but in the comments to the articles on the web site. Lots of controversies and public discussions were caused by the legislative initiative of some of the State Duma deputies to equate the media with foreign financing to foreign agents. However, later, capitalizing on the wave of this and similar discussions about determining loyalty to governmental structures and division of media subjects into Us and Them, so-called Law on Bloggers was adopted, that included the norms that have changed the public perceptions of free information in the global network. At that, nowadays, the registered media are the primary group that has troubled relations with bloggers. If 5 or 10 years ago the controversies arising on the grounds of copyright claims (in conditions of unambiguous public support for any forms of creativity of citizen journalists) were largely decided in their favor, the new legal practice shows a more balanced approach. It is a proof that adherence to legal culture as a component of media relations is demanded of everybody without exceptions.

The authors see the fact that precedents of the media practice pertaining to the so-called Streisand Effect (when some covered-up facts become a part of the public domain due to the very fact them being covered-up) have not been studied from the legal point of view as a legal alogism. For example, soon after an active discussion in mass media the problem of availability of erotic, pornographic and other asocial content on the Internet, it became clear: most of the Russian citizens became aware of the specific sites due to their owners demanding refutation of such claims through courts and media covering such trials with diligence. Any facts of blocking the information in the age of social networking sites being among the principal source of information lead to instant increase of rating of the socially censured ones.

The authors established another contradiction that is becoming more and more prominent in the Russian regions: the process of media commercialization hurts the quality media first. For example, the Ministry of Finance of the Russian Federation planned 8.5% less of expenses under the Media item than in the previous year; in 2018-2019 budget cuts in this area will continue as it is evident from the draft budget published on the federal web site for draft legislation. For instance, in 2018, media expenses were planned to the extent of 67.968 billion rubles; in 2019, there is only 66.317 billion rubles planned under the same item (Seliverstova, 2016).

Reduction in ads revenue of traditional media and orientation of the majority of their owners to instant economic return undermine a decade-long system of not just informing, but educational and culture-disseminating function of branded media that operate in a clearly delineated legal environment (Dugin,

2017). During the analyzed period, the regional youth-oriented newspapers have ceased to exist as a typological group in the Ural Federal Region, as it happened to several publications with over a century of publication history, such as Uralsky Rabochii and Chelyabinky Rabochii. In Saint Petersburg, newspapers that for several decades were being created and shaped by thousands of local journalists were closed in an instant, among them are Smena, Vecherny Peterburg (previously Vecherny Leningrad), Nevskoye Vremya. The authors are convinced, that a media policy as a set of political measures and information rights guaranteed by the Constitution shall find its expression primarily in equal representation of media pertaining to different typological groups.

Uncertain prospects of professional development together with a significantly increased work loads caused by movement to the convergence were also among the critical causes for leaving the profession. Convergence not only forces journalists to create materials for different platforms, but also to do it virtually 24 hours a day, as staffing of editorial offices is brought to minimum values. At that, legal nihilism on behalf of the media management was another critical argument for making this decision. The economic crisis causes an increased load onto journalists leading to professional burnout. However, low self-esteem is only one of assessment criteria of maturity of the journalist professional identity. As civil identity is realized also by obtaining civil competence, maturity of moral self-evaluation and moral feelings (including being proud of one's profession), it may reduce the reputation of the journalism as a profession in Russia.

7. Conclusion

The authors come to a conclusion that according to the structural analysis of civil and professional identity of journalists, criteria used for assessing efficiency of methods of their formation shall specify several components: a cognitive component (awareness of assignment to a social institution that largely determines status characteristics of the country, its history, governmental, political and legal structures); an affective-estimative component (a characteristic of a professional group with which the subject not just identifies, but where attitudes to their membership is also a significant factor); and a pragmatic component (actual participation in group and social activities determined by both social and technological transformations of the Russian society as a whole and that of the media sector in particular). However, the legal status of these subjects of professional and civil identity will be a dominant of effective creative activity of employees in the digital era only when it is closely linked to economic and financial control levers of the media, as well as those that characterize the topics of improving techniques and methods of information security when using electronic computer technologies while systematizing, formatting and distributing the information products. This, however, is a topic for a separate article.

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