



LEGAL FOUNDATIONS OF INVESTIGATIVE JOURNALISM

G'aniyeva Mehrangiz Vohidovna,

Shomirzayeva Qizlargul

O'zDJTU Xalqaro jurnalistika fakulteti o'qituvchilari,

ganiyevamehrangiz@gmail.com

shomirzayevaqizlargul@gmail.com

+998990934680

+998991919192

Annotation

This article explores the legal foundations of conducting investigative journalism. It analyzes the key principles that define journalists' freedom and responsibility, including freedom of the press, freedom of speech, the right to access information, and protection of sources. The paper emphasizes that public interest should prevail over government interest, which serves as a fundamental basis for investigative journalism. The study also discusses legal mechanisms ensuring information transparency, citing examples from the United States and Singapore, such as the Freedom of Information Act (FOIA) and the Official Secrets Act (OSA). Furthermore, it highlights the role of journalists in strengthening civic participation within a democratic system, as well as their professional responsibility and freedom in disseminating information.

Keywords. Investigative journalism, freedom of the press, freedom of speech, right to access information, protection of sources, public interest.



Conducting an investigative journalistic inquiry is a complex process, and for a journalist to freely carry out such an investigation, the following legal foundations must exist within society.

Freedom of the Press. The role of mass media is invaluable in ensuring a country's economic and political strength. If we look at journalism in highly developed nations, we can see that there is no censorship. For example, the First Amendment to the U.S.¹ Constitution concerns mass media and guarantees the freedoms of speech, press, peaceful assembly, and the right to petition the government for a redress of grievances. These rights are essential for protecting the independence and integrity of the media in the United States. Such laws grant journalists the right to protect the public interest and to disseminate information without government interference.

Public Interest Above Government Interest. Journalists have the right to investigate any matters related to state interests. These may include government corruption, budget embezzlement, corporate or human rights violations, and similar issues. Such circumstances can serve as a legal basis for conducting investigative journalism.

Right to Access Information. In many countries, journalists can obtain any information about state-owned enterprises and institutions. There are laws that guarantee journalists the right to access information necessary for their investigations. According to these laws, journalists are entitled to request documents and other data from any government agency.

¹ The Constitution of the United States of America (First Amendment). Guarantees freedom of speech, press, assembly, and petition. Accessible via: <https://constitution.congress.gov/constitution/amendment->



Although the U.S. Constitution does not have a specific clause that explicitly guarantees the right to information, the revised version of the Constitution separately emphasizes “Guarantees and Freedom of Information.” This, in turn, supports journalists in obtaining, processing, and disseminating information. In addition, various federal and state-level laws—such as the Freedom of Information Act (FOIA)—provide journalists with mechanisms to access government records and databases.²

In Singapore, one of the developed countries, the main laws governing access to information include the Official Secrets Act (OSA) and the Public Sector (Governance) Act. These laws regulate the disclosure of information by government officials and agencies and emphasize the protection of classified state information. However, in recent years, the Singaporean government has taken measures to increase transparency and accountability. For instance, government agencies are encouraged to actively disseminate information to the public through official websites and publications.³

Moreover, the Freedom of Information Act allows citizens to review public records and documents. According to this law, ordinary citizens have the right to access information about government budget expenditures, tax payments, and the property of government leaders and officials.

² Freedom of Information Act (FOIA), 5 U.S.C. § 552 (United States). Provides the public and journalists the right to access federal government records. Source: <https://www.foia.gov/>

³ Official Secrets Act (OSA), Singapore. Regulates disclosure of official information and protects classified state data. Source: Singapore Statutes Online — <https://sso.agc.gov.sg/Act/OSA1935>



Journalists often rely on confidential sources to obtain information for their investigations. In many countries, laws exist to protect the confidentiality of these sources, allowing journalists to preserve their anonymity if necessary.⁴

Indeed, journalists must deeply understand the social significance of their profession—their responsibility to uphold the democratic system of society, to ensure that the state is built upon the will and opinion of its citizens, and to serve their interests. At the same time, citizens' active participation in social, political, and public life within democratic processes is primarily determined by freedom of speech, freedom of information, and the ability to freely express their opinions and ideas in the mass media regarding current events and issues.

LIST OF REFERANCE

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⁴ OSCE (Organization for Security and Co-operation in Europe). (2020). Safety of Journalists and Access to Information: Guidelines.Emphasizes legal frameworks protecting investigative journalists and their sources.



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