

## Retrospective Analysis of Formation and Development of Legal Journalism in Kazakhstan

Shurentayev, Amangeldy; Yesdauletov, Itmukhanbet; Tolegen, Mujkhtar; Turseynbayeva, Aigul

Veröffentlichungsversion / Published Version  
Zeitschriftenartikel / journal article

### Empfohlene Zitierung / Suggested Citation:

Shurentayev, A., Yesdauletov, I., Tolegen, M., & Turseynbayeva, A. (2018). Retrospective Analysis of Formation and Development of Legal Journalism in Kazakhstan. *Media Watch*, 09(3), 329-346. <https://doi.org/10.15655/mw/2018/v9i3/49495>

### Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:  
<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.de>

### Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:  
<https://creativecommons.org/licenses/by-nc-nd/4.0>

## Retrospective Analysis of Formation and Development of Legal Journalism in Kazakhstan

AMANGELDY SHURENTAYEV<sup>1</sup>, AITMUKHANBET YESDAULETOV<sup>2</sup>, MUKHTAR TOLEGEN<sup>3</sup>, & AIGUL TURSUNBAYEVA<sup>4</sup>

<sup>1,2,4</sup> L.N. Gumilyov Eurasian National University, Kazakhstan

<sup>3</sup> S. Amanzholov East Kazakhstan State University, Kazakhstan

The article proves the need to search and argue modern approaches to promote the effectiveness of legal journalism as a factor in civic legal culture based on retrospective analysis of its development in the period when the Republic of Kazakhstan was being formed as an independent democratic state. Content analysis clarifies the content of legal journalism definition from the standpoint of its object, the scope of functioning and the functional use. By means of retrospective analysis, the main stages of formation and development of legal journalism have been singled out in the context of media evolution in Kazakhstan. Features of each stage of the legal journalism formation with identification of destructive and complementary development factors have been reasoned. The key feature of legal journalism functioning throughout its entire development period has been substantiated. A system of practical measures has been developed to improve the competitiveness of legal journalism in the national and international information market, to expand the geographical boundaries of its functioning and to increase the competence of journalist human capacity.

**Keywords:** Legal journalism, freedom of speech, journalists, information market, system of legal relations

Legal journalism in the full sense of the word is a manifestation of democracy and a catalyst for democratic development in society. Implementation of the rule of law concept in terms of ensuring civil rights and liberties is possible only if democracy is secured. Priority, perception and legal awareness of individual rights and freedoms are possible only under the conditions of a well-formed legal culture in society. The legal culture of society is characterized by the state and specificity of public legal consciousness, the system of mass legal information, the level of legislative development, the rule of law and the state of law in the country (Tretyakova, 2012). It is journalism as a source of reliable legal information that shapes and influences public consciousness and worldview as a material and spiritual basis of the state's legal culture (Velitchenko, 2012).

Modern development of the mass media has led to the fact that legal journalism has begun to play a key role in the legal and political life of society in Kazakhstan, thus, fulfilling a reproductive function (covering the performance of the legal system of the state through the Internet, radio, press, etc.) and a productive function (is in charge of what is happening in the life of society to the same extent as state officials). Any information in the

---

Correspondence to: Shurentayev, A.M., the Department of Print Media and Publishing, Faculty of Journalism and Political Science, L.N. Gumilyov Eurasian National University, 6 Yanushkevich str., Astana, Kazakhstan 0100008.

media is stereotyped and contains a lot of repeated legally oriented value paradigms ingrained in the minds of citizens. Moreover, in the context of a transformation period in society, people become especially sensitive to propaganda and various new stimuli. In this regard, the system of legal journalism should be guided only by public and national interests in the process of its functioning (Yershov, 2015; Velitchenko, 2012). But in the context of a high level of control over legal journalism (Baituova, Atoyanz-Larina, & IWPR Central Asia, 2016; Savchenko, 2016) and violations of freedom of speech in the Republic of Kazakhstan throughout the period of the media formation and development (International Foundation for Protection of Freedom of Speech “AdilSoz”, 2015), there is a threat to information security of the country. In this regard, it is necessary to find and argue modern approaches to enhancing the effectiveness of legal journalism as a factor in civic legal culture on the basis of retrospective analysis of its development in the period when the Republic was being formed as an independent democratic state.

Within the framework of the research, the following scientific inquiry objectives were formulated: (i) to clarify the scope of the legal journalism concept based on content analysis, to identify features of the legal journalism development in Kazakhstan retrospectively; (ii) to substantiate destructive factors of the legal journalism functioning; and (iii) to elaborate a range of measures to promote the effectiveness of legal journalism in the process of interaction with public authorities and as an information resource of society.

## Materials and Methods

The methodological basis of the research is the following scientific methods of enquiry.

Content analysis is a method for quantitative study of text data based on text data disintegration into composite elements, automatic detection of keywords in documents, and definition of frequencies of their mentions. This method dominates the studies of concepts essence, the content of media reports, and answers to questions of sociological surveys (Graneheim, Lindgren, & Lundman, 2017).

Content analysis of the “legal journalism” concept has been carried out in TextAnalyst – a software package designed to systematize and analyze text data arrays. The results of the concept content analysis are presented in the form of a semantic network—a graph consisting of keywords of the “legal journalism” term and the frequencies of their mentions.

The method of chronology is a method aimed at structuring events and phenomena in their time sequence by identifying unitary, specific, and common features for each stage of development (Martyushov, 2016). The method of chronology is used in the research to conduct a retrospective analysis of journalism formation as the basis of legal culture in the state and to highlight the historical periods of its development.

## Results

### Determination of the Content of Legal Journalism

Legal journalism operates on the basis of UNESCO Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War (United Nations Educational, Scientific and Cultural Organization, 1978), Declaration of Principles on the Conduct of Journalists of the International



The use of the concept of law as the main structure-forming element of the 'legal journalism' category is associated with argumentation of the journalist focus area in the process of collecting, processing and publishing information in the legal sphere of society (Berezina, 2015; Sheudzhen, 2003; Tretyakova, 2012; Shestakov, 2012; Bulusson, 2015, Kaushik, 2013; Velitchenko, 2012; Bachina, 2011; Grinyova, 2008; "On legal journalism", 2012). These wordings of the concept under study by the scholars focus on the fact that the journalist activity is aimed at generating an information realm in the framework of legal topics (Berezina, 2015; Shestakov, 2012; Velitchenko, 2012). According to the authors, this category of concept wordings somewhat limits the functionality of legal journalism and contradicts the accuracy of determining the scope of its functioning. The topic is characterized by consideration of a set of specific subjects and involves a projection of a researcher's personal ideology (Yershov, 2015).

Legal journalism is aimed at argumentation, coverage, criticism and justification of a certain event in the sphere of legal relations from the standpoint of legal provisions (norms, laws, and codes). The object of legal journalism is information in the field of legal public relations (Berezina, 2015; Melnik, 2014; Orlov, 2006; Tretyakova, 2012; Bulusson, 2015; Bachina, 2011; Grinyova, 2008). Events, in turn, reflect the substance of law functioning as an aggregate of social relations (Alekseyev, 2008; Kozhevnikov, 2016; Tarakanov, 2013). That is, journalist activities are aimed at coverage from the standpoint of legal (Shestakov, 2012) and moral (Díaz-Campo & Segado-Boj, 2015) standards, taking into account the safety of civil rights and liberties in significant areas of legal public relations. In addition, it should be noted that the scope of journalist activity should also be directed to high-profile events in the field of legal relations. In other words, it should touch upon the most relevant facts of the legal sphere of society reflecting the modern, current life activities of society. Also, they should be covered by the media taking into account the latest, amended legislation and regulations that meet the requirements of modern democratization trends in society.

The next discussion point in the analyzed wordings of the 'legal journalism' concept is substantiation of the journalist activity nature (the word 'activity' is used in 97 per cent of the wordings), which is not in the picture. The journalist activity in the field of legal journalism is:

Collection of factual information on a high-profile event in the system of legal relations (constitutes 90 per cent of an expert's work; the methods to obtain information vary, being mainly surveillance over the object of research, interviews and work with necessary documents) (Chaudhry & Al-Sagheer, 2011; Kolesnichenko, 2013);

Comprehension and processing of information based on knowledge of legal and moral standards, professional experience and education (includes analysis of the information obtained, verification of facts, clarification of the issues raised, as well as final compilation of the material and its revision) (Liao, Chang, Liang, & Liang, 2016; Kolesnichenko, 2013);

Communicative feedback from the target audience (to follow the audience's opinion, and if any legal disputes arise, to be prepared to seek legal redress to defend one's point of view) (Tandoc & Ferrucci, 2017; Kokhanova, 2017). For journalism, mass communication is the main field of its performance. A greater or lesser spatiotemporal remoteness of an author from the readership, listenership or viewership is a distinctive feature of journalist communication with the audience, which, however, does not deprive the profession of its human-centered meaning.

Thus, the functional activity of a journalist in the field of legal journalism is information and communication activity. In addition, the information generated by journalists in the legal sphere of society should, above all, be reliable and timely (Landert & Miscione, 2017). These criteria are basic requirements for the information field in legal journalism, which is determined by the scope of their activities. Untimely information (for example, premature) may serve as a disclosure source in an investigation process, which in turn discredits its evidence and exacerbates the issues preventing the crime from being solved by authorized state agencies (NTV, 2018).

In the media, it is common to find cases where journalists publish information 'prior to trial,' calling the perpetrator a person not yet convicted. Thus, the presumption of innocence is violated. It is also no secret that some domestic print sources and Internet media outlets abuse their powers publishing materials 'on order' deliberately shaping a wrong public opinion, which often serves as the basis for unlawful journalistic investigations. Generally, many facts fail to be confirmed, and the media go unpunished.

Unreliable information published by the media can serve as manipulation factors to discredit the position of public authorities; it is committed intentionally in order to worsen the image of the duly constituted authorities in public eye and is aimed at reducing voter confidence and support (Borissova, 2010; Medovkina, 2016). The list goes on and on.

It is also necessary to emphasize that one of the basic requirements for a concept wording is its sufficiency (Yackinous, 2015). In accordance with the morphological components, a concept should include two components: information (the functioning scope and modalities) and functional (functional purpose). The definition should indicate all the features that make it possible to uniquely identify the objects of the defined concept. If this requirement is violated, not only objects of the defined concept, but other objects can also be included in the definition.

Terminological analysis of the 'legal journalism' conception academic literature indicates violation of the succinctness principle in determining this definition, which consists in no indication of the functional use of the object of legal journalism. This is necessitated by the fact that the functional purpose of journalism in the context of its classification by fields of information and communication journalist activities is reduced to informing the society. At the same time, the essential purpose of legal journalism is an ideological function. The ideological function of legal journalism is manifested as a comprehensive legal orientation of the readership. Orientation is a mobile information model of reality that an individual constructs in their minds to justify their behavior. Each person strives to be properly oriented, to understand themselves and their position in the social framework, to be able to understand the world around, to take a correct view of social phenomena and, in this regard, to determine their goals, directions, and nature of activities. It is legal journalism as a universal field of human legal activity that shapes their consciousness at the rational-conceptual and figurative-emotional levels, which best suits the syncretism of social and individual consciousness. In this respect, the news media themselves are the subject of legal relations; they form a certain system of ideological, social and legal values, disseminate socially valuable experience, innovative undertakings, and a competent initiative.

The important role of legal journalism involves formation of legal consciousness and serves the public interest. Modern social consciousness depends on legal consciousness, with all the consequences of requiredness and effectiveness. Each state has its own legal concepts operating in the framework of their ideological doctrines. Legal awareness of citizens is a source for modern incentives, for formation of modern legal thought (Kuzmin, 2017; Ayubova, Aliyeva, & Karimulaeva, 2016). Solution of economic,

political and social national problems is impossible without development of legal culture in society and engraving a profound respect for the law in every citizen; it is impossible in the absence of legal awareness developed in citizens and formation of a willingness to participate directly and actively in putting its provisions into everyday practice. Thus, the functional purpose of legal journalism is to form legal culture in citizens as a catalyst for democratic development of society.

Based on the foregoing in the framework of this study and taking into account the implementation of scholars' preliminary studies in the field of legal journalism and terminological analysis, what should be understood by legal journalism is information and communication activities of journalists in accumulating reliable and up-to-date information in the field of legal public relations aiming to form legal culture among citizens.

The presented wording of the definition of legal journalism is characterized by accuracy, unambiguity within one terminological system, the absence of ideographic synonyms, definitiveness (the term meaning is formulated in the form of a logical definition), and systematicity (it reflects all the morphological components of the concept).

### Retrospective Analysis of the Formation of Journalism as the Basis for Legal Culture of the State

To trace down all the elements of historical time recording rules preserved in sources in the process of formation and development of legal journalism in the Republic of Kazakhstan, to establish systemic relationship between them, to restore the history of origination and use of these systems modified at present time is the overriding goal and the primary objective of retrospective analysis. It reflects a sequential list of events based on the dates of underlying events in the phenomenon under study.

Development of legal journalism in the Republic of Kazakhstan dates back to the moment of independence and becoming a democratic state. Formation of a law-governed state is closely related to formation of legal culture among its citizens.

Formation of legal journalism and information market in Kazakhstan began in 1991; it was conditioned by a deliberate state policy in the field of information and based on general principles of democratic modernization of government- and nongovernment-owned media to ensure information security of the Republic and forming legal culture in citizens of an independent democratic state. This stage of legal journalism development originates from the adoption in 1991 of the independent Republic's first legislative acts of the law 'On Press and Other Mass Media', which became a corroborant of Kazakhstan's commitment to the democratic development path (The Law of the Kazakh Soviet Socialist Republic "On the press and other mass media", 1991). It should also be noted that the adopted law 'On Press' provided for a significant expansion of the rights of journalists in the process of forming an information field. This legislative act vested the right to establish media in political parties, non-governmental associations and individuals, which became an impetus to the formation of democratic principles for the media functioning.

In 1991, the first commercial television channels TAN (ТАҢ) and KTK (КТК) appeared. In addition, in May 1991, daily program *Unofficial Television News* became the first independent information program covering journalists' take on the sphere of legal relations in the state.

In 1992, on the basis of a Presidential Decree, national broadcasting company 'Kazakhstan' was set up aiming to increase the creative level and meaningfulness of programs. The following printed publications appeared: *Kazakhstanskaya Pravda*

(*Kazakhstani Truth*); *Express K*; *Karavan*; *Izvestiya-Kazakhstan (Kazakhstani News)*, and others expanding information support for the Republic's population, including in the legal sphere.

Since 1994, development of legal journalism has been promoted by highly specialized field-specific media in Kazakhstan. On November 3, 1994, the first issue of *Zan gazet*i (Legal Newspaper) was published. This day can be considered the birthday of specialized legal press in Kazakhstan. Also, the first issue of *Yuridicheskaya Gazeta* (Legal Newspaper) appeared based on the Russian experience of the newspaper of the same name.

In that period of legal journalism formation, standards were set and enshrined at the statutory level for the first time to ensure the following: prevention of censorship; prohibition against interference of government and non-government officials in the activities of editorial offices and against obstruction of professional journalist activities in the field of legal relations (Sviridov, 1998; Isabayev, 2011).

In the context of an acute economic crisis in the Republic of Kazakhstan associated with the formation of an independent state, a high level of inflation limited the media activity under the conditions of high priced typographic services and stylographic paper. In this regard, a strategy for financial support for the media was developed at the domestic level (Isabayev, 2011). Against the backdrop of virtually total absence of economic freedom of media, legal journalism became a tool for covering only those opinions that political figures and the judiciary needed.

It should be noted that the period of legal journalism formation was mainly characterized by a complete government monopoly over the mass media. Yet, that was a revival period of the era of 'glasnost' when journalists covered a critical outlook on certain aspects of the state legal system and reported it to the public. Monopolization of legal journalism in that period contributed to the fact that the media basically expressed only those values set and imposed by the authorities managing the media, which later could provoke formation of a legal value vacuum with a poor public reaction to public information. In addition, in the context of limited media independence and limited access to information, the risk of latent conflicts in the society of the Republic of Kazakhstan was being formed.

In general, it can be noted that in 1991-1994 the development of legal economy was characterized by establishing basis for transformation of media ownership, abolition of censorship and granting the freedom of speech.

In the face of the threat of public latent conflicts since 1994, television and radio broadcasting in Kazakhstan entered a period of thoroughgoing reforms in the information market. With adoption of the National Program of Denationalization and Privatization, a program for privatization and corporatization of state-sponsored media was developed (The Decree of the President, 1993). An active process of forming independent media in Kazakhstan began, including in the field of legal journalism. That stage was characterized by the state losing control over the media activities; party-funded political print media in the field of legal relations were formed, free media and republican media developed, with the share of state-sponsored media in their total number being reduced.

The following legislative instruments contributed to modernization and independence of legal journalism: amendments to the Law of the Republic of Kazakhstan 'On the Press and Other Mass Media' (1991), 'On Licensing' (1995), 'On Copyright and Related Rights' (1996), 'Regulations on the Accreditation of Foreign Journalists' (1997), 'Concept for the Formation of the Commonwealth of Independent States Information Zone' (Richter, 1995). Adoption of the Criminal Code of the Republic of Kazakhstan in 1997 was an essential consignee in ensuring the accessibility of information in the field of legal journalism that laid down the framework providing for responsibility of officials for denial of information to citizens, for obstructing implementation of lawful professional journalist



activities in the form of a fine or deprivation of the right to hold certain positions or imprisonment.

In 1996, republican magazine *TuraBi* was established, later renamed as *Adil sot* (The Court of Justice), *Femida* (Themis), and *Legislation and Practice of the Mass Media in Kazakhstan*, that was published in collaboration with the editorial board of bulletin *Legislation and Practice of the Mass Media* (Moscow) and the International Fund for Technical Support of NGOs in Central Asia. In 1998, the first issue of republican research and practice journal *Kazakhstan zandary* (Laws of Kazakhstan) was published in the national language, later renamed as *Zan (Law)*, socio-political and popular scientific journal *Zan zhane zaman* (Law and Times) founded by General Prosecutor's Office of the Republic of Kazakhstan, and others.

This period in legal journalism development is characterized by its liberalization, which resulted in: the mass media market growth in volumes and quality; enhancement of the role of legal journalism in the country's socio-political space, transition from state funding and subsidizing the mass media to a government order for operating the public information policy; emergence of media holdings. Journalistic works began to be increasingly based on facts and events of legal reality. This became the foundation for increased level of legal journalism independence in the process of public information coverage and the media credibility level among the citizens of the Republic of Kazakhstan.

Nevertheless, trends of the media politicizing, promoted influence of political and economic leaders on major mass media in the legal sphere, and the mass media acquiring the status of a separate functional resource were observed concurrently even with such positive trends in the development of legal journalism.

Adoption of the new Law on Mass Media in 1999 can be considered a new stage in the development of legal journalism that liquidated the state monopoly in the media field. According to this Law, the state could influence the mass media only by means of administrative leverage (in case the current law is violated) and through the system of government orders in the form of tenders for the media.

This stage of legal journalism development was characterized by: segmenting the media field subjects into state-run, opposition and neutral ones; strengthened government control over media activities; emergence of non-government organizations that protected the media rights; a significant gain in the media influence during election campaigns; involvement of the media in competition process of the elites.

An important qualitative leap in the development of legal journalism in that period was the Internet mainstreaming in the everyday routine of Kazakhstan citizens, which allowed the media to shift the emphasis from performing its traditional informing function towards communication with the ultimate consumer. At that point, legal journalism began to directly influence the formation of legal values and legal culture in the citizens of Kazakhstan. In other words, the mass media became rather a means of mass communication than a mass medium in that period.

In general, this stage can be characterized by a stable growth of mass media in the sphere of legal relations; besides, adoption of a number of amendments to the relevant legislation in 2001 (Isabayev, 2011) was a significant driver laying the foundation for the state's protectionist policy in the media terms. The legislation set standards on a stage-wise limitation of the amount of foreign television content retransmitted by Kazakhstan media in the Republic. The purpose of this amendment was to protect the national information market that was undergoing considerable difficulties against the backdrop of competition with better developed and more powerful foreign TV channels. However, that step invited a high level of the information market concentration in Kazakhstan conditioned

by the increased media role in the system of political, legal and economic relations. In the context of improved information technology efficiency, political elites invested financial resources in the media market, thus, forming their own major media projects. Subsequently, the information market in the country was distributed among large media groups headed by the political right-wing and economic elites, which resulted in a loss of independence not only by legal journalism, but by the entire national information market in Kazakhstan.

The year 2002 can be considered the beginning of the next stage in the development of legal journalism when Public Council on Mass Media under the President of the Republic of Kazakhstan (The Decree of the President, 2002) was set up. The functional purpose of the Council consisted in a systematic comprehensive analysis of the media activities, including those in the field of legal relations, and in elaborating recommendations for the President on formation and improvement of the public information policy. The key aspect of President Nursultan Nazarbayev's position was control over statutory compliance in the media market. This stage is characterized by qualitative transformations in legal journalism in all the spheres of its operation.

In the summer of 2006, some amendments were made to the Law on Mass Media (1999) aimed at resolving the situation in the media market: reregistration of media when its frequency was changed, the editor-in-chief was replaced or the address of the publication was changed; introduction of a fee when a media registration certificate is issued; determination of personal responsibility of the editor for the media outlet content, and so on. But the main features of this stage of legal journalism development were: forming new relationship between the media and the authorities in favor of increasing the information market independence; growing role of the media in political processes and election campaigns; and search for a mechanism to ensure the balance of media freedom and their social accountability.

The Law of the Republic of Kazakhstan 'On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Mass Media Issues' contributed to qualitative transformations in the sphere of legal journalism in 2009. Changes to legislation in the field of mass media were initiated by the Chief of State. President of Kazakhstan Nursultan Nazarbayev noted the importance of further liberalization in the media sphere and elimination of excessive red tape.

In 2009, the Internet resources were referred to the media and have been as responsible as the mass media since then. Amendments to the Law on Mass Media of 2009, according to the developers of an authorized body in the field of mass media, eliminated excessive administrative barriers for print and electronic media. In general, the period in legal journalism from 2002 to 2011 was characterized by a rapid quantitative development of new media in the field of legal relations, with strengthened position of foreign and provincial media, in addition to qualitative changes in the organizational structure.

Republican socio-political newspaper *Oko* (Eye), journals *Zhazaldy oryndau* (Execution of Punishments) and *Shygystyn Sakshylary* (Police of the East) were established in the East Kazakhstan area. New periodicals appeared: republican weekly legal newspapers *Man and the Law*, *Danger Zone*, *Legal Taldykorgan* (Taldykorgan is a regional center in Kazakhstan), *Criminal News*, private legal publications, including newspaper *Court and I*, and many others.

As part of this study, a new stage in the development of legal journalism from 2011 until today characterized by globalization processes in the media and deepening instrumental diversity of information coverage, as well as tightening control over the media activities, should be singled out.

The information and technological revolution activated introduction and development of global media in the field of legal relations; satellite and cable TV, mobile telephony have been rapidly spreading in the Republic, the number of web-based media and information multimedia resources has been growing, fiber-optic communication and paid video have been evolving. Socio-economic changes in Kazakhstan's society have determined the course of development of new information technologies and media in the Republic.

The trend towards production of national broadcasting programs that would be able to compete with international ones is becoming more and more evident; the launch of the country's own communication satellite ensures direct broadcasting throughout the country, specialized cable television services are created; digital and interactive broadcasting is gradually introduced; the Internet is rapidly developing.

It should be noted that in the modern context, television and the Internet are the most popular media tools of legal journalism in Kazakhstan (Figure 2) (Galiyev, 2018). 51 per cent of the audience falls to the share of television and 32 per cent of the audience to the Internet; however, given the accelerated modernization process, it can be argued that the Internet as media in the field of legal relations will be characterized by a stable positive trend in capturing the audience attention.

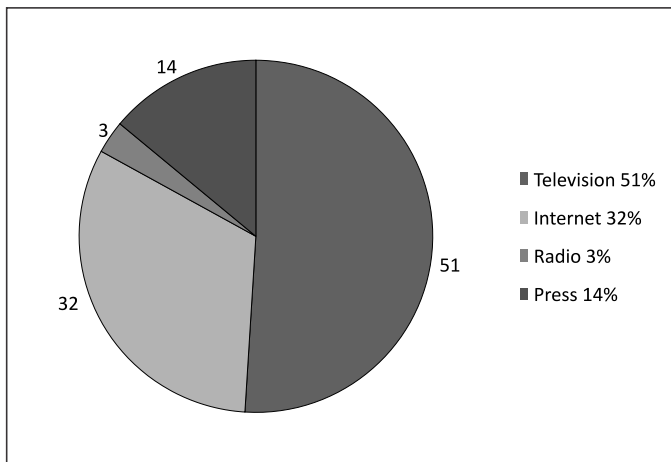


Figure 2. The population's media preferences in the Republic of Kazakhstan in 2017 (share in the average consumer time budget in Kazakhstan) (Source: PROFIT.kz., 2018)

It should be noted that introduction of blog platforms as media since 2011 in legal journalism has contributed to the Internet development, the most famous of them in the legal field are: Yvision.kz; LiveJournal and social media service Namba.net. While blogs in Kazakh and Russian languages in the first of them are equally popular, there are much fewer Kazakh-speaking users in the second website. Thus, "according to the latest website survey, out of about 100 current posts only five are in Kazakh language, with three of them being commercial" (Bolybaeva, 2013; ZERO.kz, 2018). The development of legal journalism blogging, which, in addition to media communication, serves a range of user needs (personal and group communication, emotional involvement and activism), significantly influenced the consumer time budget taking significant shares from regulated media. This fact can pose a threat to the formation of an adequate legal culture in Kazakhstan society.

One of the main values of traditional legal journalism is reliability of the information

disseminated (Gatov, 2018). Very high requirements were imposed on the reliability of information. In addition to those economic limitations, society also developed judicial, regulatory and moral restraints against dissemination of false information. At the same time, citizen legal journalism is not oriented towards the reliability of information but rather towards immediate information communication. Professional significance of this product is minimal, but it allows one to rapidly gain massive attention of the audience, which requires continuous, instant information, whereby the amount of ‘front-page’ specialized information that obstructs the media perception of the mainstream audience and often completely distorts it is growing. One should take into consideration the fact that citizen legal journalism has not yet been taken under legislative control, and its further development forms a threat to the national information security against the background of accelerated Internet development.

One more threat to information security of the Republic of Kazakhstan is the low level of the citizens’ confidence in the media, including in the field of legal journalism. 58 per cent of the respondents do not trust the media in Kazakhstan, while only 3 per cent fully trust them (Figure 3) (Karaulova, 2018). The current situation stems from the low level of freedom of speech in legal journalism where, unlike in other sectors of journalism, there is an unspoken ‘taboo’ to disseminate information on legal and political topics imposed by the state, which is tightly controlled in favor of the national interests (Legal Media Center, 2018).

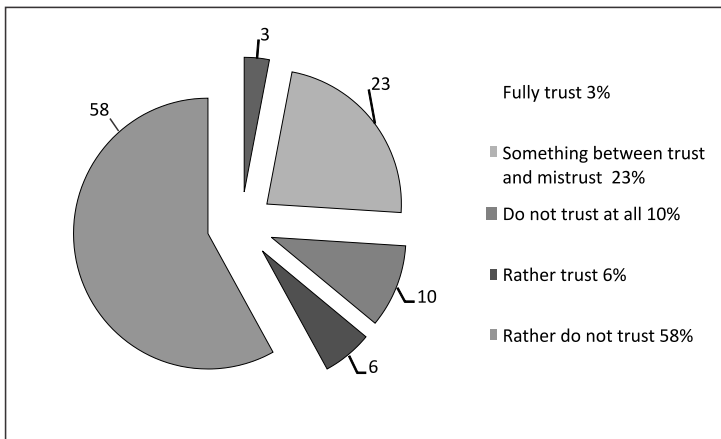


Figure 3. The degree of confidence in the media in Kazakhstan (Source: Legal Media Center, 2018)

The factor that hinders the development of freedom of speech is the lack of information transparency in society. But the principle of national interest priority continues to persist. According to the world standards of journalism, no obstacles to the implementation of professional activities must be created (International Foundation for Protection of Freedom of Speech “AdilSoz”, 2015), whereas there is strict, unregulated censorship in legal journalism in Kazakhstan.

In the international rating of freedom of speech, Kazakhstan ranks among countries with unfree press and is 158<sup>th</sup> in the world as of 2018 (Reporters without Borders, 2018). When compiling the press freedom index, the level of information abuse, the existence of pluralism, the independence of the media, external and internal censorship and the media legislation were taken into account. It should be noted that in 2012, Kazakhstan was in the

rating of countries with free press (Figure 4), but with consideration for tightened control over the media in accordance with legislation amendments, a system of judicial and extrajudicial pressure on the media has formed (Legal Media Center, 2018).

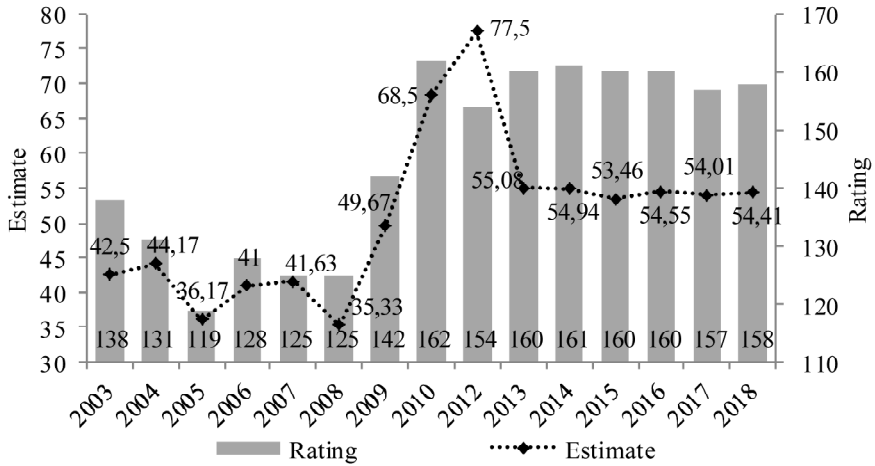


Figure 4. Position of Kazakhstan in the international press freedom rating

(Source: World Press Freedom Index, 2018)

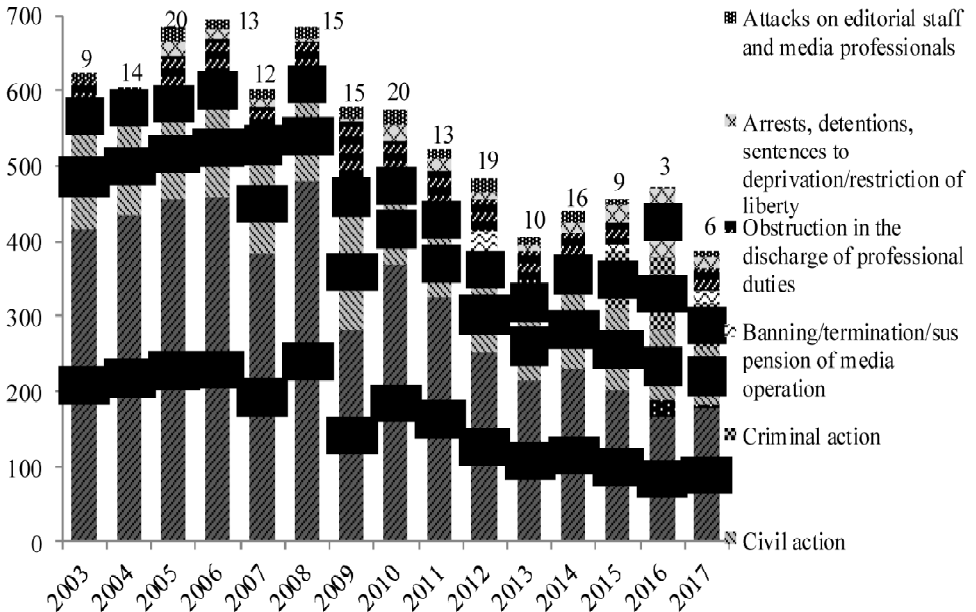


Figure 5. Violation of freedom of speech in the Republic of Kazakhstan (Source: PANA, 2018)

Despite the fact that attacks on editorial offices and media professionals in 2003-2017 fell by 33 per cent, while civil action and denial of access to socially significant information decreased by 46 per cent and 57 per cent, respectively. The overall increase in the violation of the freedom of speech remains at a fairly high level. Thus, media banning and suspension of their operation increased almost four times as much over the period under study, criminal prosecution – three times as much, arrests and restrictions of liberty – 16 times as much (Figure 5). Analyzing the current situation, experts have arrived at the conclusion that the level of freedom of speech and press in the country used to be much better (PANA, 2018).

## Discussion

Based on the foregoing, it can be said that the evolution of legal journalism in Kazakhstan has passed through four complex stages of its formation and development.

- 1991–1994: State monopolization and formation of a basis for legal journalism liberalization, a high level of credibility to the mass media on the part of population.
- 1994–2002: Media commercialization and a stable quantitative growth of legal journalism.
- 2002–2011: A qualitative growth of legal journalism and increased broadcasting independence in terms of freedom of speech.
- 2011–present: Increased government control and pressure on legal journalism and low level of citizens' confidence in the media.

One can acknowledge the fact that the formation of legal journalism in the Republic of Kazakhstan was taking course from mass media liberalization by the state and a high level of credibility to the state authoritarian policy in the information market and a rapid collapse in public confidence. In other words, as the government control over the media and the process of imposing ideological positions were on the rise, public confidence in legal journalism as an ideological factor in legal culture of society was disturbed.

Thus, the major destructive factors in the development of legal journalism are the lack of freedom of speech in the media and the lack of information transparency in society. The population neither trusts information provided by the government agencies, nor does it trust information from the media, since there always arises the question of sources of this or that information. The fact that the state does not take into account the interests of other social groups and, above all, the public interest when solving issues in the information space hampers the development of freedom of speech in the country.

Formation of critical thinking and freedom of speech contribute to a responsible attitude to information and definition of one's own behavior. In this regard, it is necessary to change the take on the principle of 'freedom of speech' from the standpoint of protecting the political elite's interests to the position of balancing the public and national interest when addressing information security issues.

In this regard, the study has proposed a system of measures of a qualitative nature aimed at improving the competitiveness of legal journalism and increasing its independence level. The competitiveness of legal journalism in the information space can be ensured through the implementation of such incentive measures:

- legal monitoring and analysis of the national information space;
- formation of a new model of interaction between the media and government bodies;
- revision of financing and incentive mechanisms of domestic media;

- development of additional tools to control the quality of information products of state-sponsored media;
- additional use of crowdsourcing tools to identify consumer preferences in terms of information products;
- further improvement of legislation in the field of mass media for legal regulation of public relations that are transformed following the development of mass communication technologies from the perspective of eliminating civil and criminal action against journalists;
- adoption of regulatory and administrative measures that would encourage public institutions and organizations to post available data on official websites;
- definition of responsibility for the information covered and its quality in terms of legislation of citizen legal journalism;
- making suggestions on the application of tax and other preferences for domestic information content development;
- continued policy of outsourcing the state-owned TV stations to develop an open content production market;
- improvement of the Internet resources owners' costs for technical maintenance of websites while providing an appropriate level of security, reliability, and access rate;
- letting of public television studios to private content producers;
- support for production studios curated based on data analysis of their potential, placement of government orders for implementation of social TV projects;
- administrative support to non-government organizations' and citizens' initiatives to counter dissemination of illegal content through telephone and Internet hotlines;
- introduction of innovative technologies in the mass media to improve the quality of national information content;
- modernization of the Kazakhstan mass media system through the use of unique sources of information within the framework of a new format for generation and transmission of content – fast media (Internet and social media).

To expand the range of domestic media distribution in the field of legal journalism, the following measures can prove useful in the Republic:

- promotion of the national satellite television network;
- expansion of electronic media interaction with satellite operators to ensure presence of national channels in remote populations of the country;
- providing online presence of state-run television and print media on the Internet, pursuing an information campaign to promote their web versions.

Since legal journalism is of great importance for legal culture and democratization of society, it seems instructive to focus on the qualification component of journalists in this field. In order to improve the staff quality, it is necessary to meet the following conditions:

- activated process of involving foreign specialists in the media training of students, with student exchange programs finding wide application;
- ensuring the work of foreign specialists within the framework of Kazakhstan projects must in all cases be accompanied by transfer of best practices to national specialists of all categories;
- active participation in international competitions;
- information support to public initiatives to hold competitions among schoolchildren, students, bloggers, and professional content producers.

The presented set of measures will serve as a basis for improving the competitiveness of a legal journalist both domestically and overseas. It will also lay the groundwork for formation of new relationships between the media and government bodies based on freedom of speech, transparency and reliability of information, and communication with the public.

## Conclusion

The results of scientific research of legal journalism formation and development in the Republic of Kazakhstan have allowed for the following conclusions:

The presence of ambiguities in the wording of the 'legal journalism' concept in specialized literature and in legislative and regulatory legal acts has allowed one by means of content analysis and logical inferences to formulate the content of legal journalism as information and communication activities of journalists in accumulating reliable and up-to-date information in the field of legal public relations aiming to form legal culture in citizens. This concept has been formulated taking into account clarification of the scope of legal journalism, its object and functional purpose. The concept is characterized by sufficiency, accuracy, and uniqueness.

In the process of retrospective analysis, four stages of formation and development of legal journalism in the Republic of Kazakhstan were singled out:

- (i) 1991–1994 – state monopolization and laying the foundations of legal journalism liberalization, a high level of confidence in the mass media on the part of population.
- (ii) 1994–2002 – commercialization of the media and a stable quantitative growth of legal journalism.
- (iii) 2002–2011 – a qualitative growth of legal journalism and increasing broadcasting independence in terms of freedom of speech.
- (iv) 2011 –present– increased government control and pressure on legal journalism and a lack of citizens' trust in the media.

The main law of legal journalism development in the Republic of Kazakhstan based on chronological analysis has been substantiated: with the increasing government control over the media and the process of imposing ideological positions, the population's confidence in legal journalism has been respectively decreasing, which shakes its foundation as an ideological factor in legal culture of society.

A set of practical measures aimed at enhancing the freedom of speech in Kazakhstan has been proposed based on development of three media components: improving the competitiveness of legal journalism, enlarging its functional scope and improving the proficiency enhancement for journalists. This approach is universal in nature and will contribute to building people's trust in legal journalism, will allow for mutual accommodation the interests of citizens of Kazakhstan in the process of information coverage.

## References

- Alekseyev, S. S. (2008). *General theory of law*. Moscow: TK Velbi, Prospekt Publishers.
- Ayubova, Sh. I., Aliyeva, A. I., & Karimulaeva, E. M. (2016). The role of the mass media in the formation of legal education among young people. *Eurasian Law Journal*, 3(94), 390-391.
- Bachina, L. Yu. (2011). Juridical journalism as specialization. *Actual Problems of State and Law*, 563-570.



- Berezina, E. A. (2015). *Legal journalism in the mass media system of modern Russia*. PhD Thesis. Moscow.
- Bolysbaeva, K. Zh. (2013). Actual problems of development of the Kazakh-speaking media space. *Bulletin of the Russian University of Peoples' Friendship. Series: Literary Criticism, Journalism, 3*, 101-107.
- Borissova, O. (2010). *The myth of a million hectares*. Retrieved from <https://www.caravan.kz/articles/mif-o-millione-gektarov-371973/>
- Bulussou, D. (2015). *Legal journalism*. Retrieved from <https://www.dailytrust.com.ng/news/law/legal-journalism/112777.html>
- Chaudhry, A. S., & Al-Sagheer, L. (2011). Information behavior of journalists: Analysis of critical incidents of information finding and use. *The International Information & Library Review, 43*(4), 178-183.
- Díaz-Campo, J., & Segado-Boj, F. (2015). Journalism ethics in a digital environment: How journalistic codes of ethics have been adapted to the Internet and ICTs in countries around the world. *Telematics and Informatics, 32*(4), 735-744.
- Galiyev, A. (2018). *PPV TV market in Kazakhstan: The unbearable lightness of "tele-being"*. Retrieved from <http://profit.kz/articles/13414/Rinok-platnogo-TV-v-Kazahstane-neveroyatnaya-legkost-telebitiya/>
- Gatov, V. (2018). *How new media have changed journalism*. Retrieved from <http://newmedia2016.digital-books.ru/kniga/budushhee-zhurnalistiki/>
- Graneheim, U. H., Lindgren, B.-M., & Lundman, B. (2017). Methodological challenges in qualitative content analysis: A discussion paper. *Nurse Education Today, 56*, 29-34.
- Grinyova, I. N. (2008). *Media issues: Information agenda*. Moscow: Aspect Press.
- International Federation of Journalists. (1954). *IFJ Declaration of principles on the conduct of journalists*. Retrieved from <http://www.ifj.org/about-ifj/ifj-code-of-principles/>
- International Foundation for Protection of Freedom of Speech "AdiSoz". (2015). *Violations of freedom of speech in Kazakhstan*. Retrieved from [https://online.zakon.kz/Document/?doc\\_id=34560775#pos=1;-84](https://online.zakon.kz/Document/?doc_id=34560775#pos=1;-84)
- Isabayev, B. O. (2011). Modern tendencies of political communications in the field of mass media in the Republic of Kazakhstan. *Open Education, 2*, 149-152.
- Karaulova, A. (2018). Development trends in the media market of Kazakhstan. Retrieved from <https://www.slideshare.net/KazakhstanPressClub/ss-13876247>
- Kaushik, A. (2013). Legal journalism: The Indian context. Retrieved from <https://www.legallyindia.com/views/entry/legal-journalism-the-indian-context#liprefbox>
- Kazinform. (2012). *Code of Ethics of Journalists of the Republic of Kazakhstan*. Astana. Retrieved from [https://www.inform.kz/ru/kodeks-etiki-zhurnalista-respubliki-kazakhstan-polnyy-tekst\\_a2506438](https://www.inform.kz/ru/kodeks-etiki-zhurnalista-respubliki-kazakhstan-polnyy-tekst_a2506438)
- Kokhanova, L. A. (2017). Trends of modern journalism as a factor of the profession transformation. *Bulletin of Volzhsky University named after V.N. Tatischeva, 1*(2), 1-9. Retrieved from <https://cyberleninka.ru/article/n/trendy-sovremennoy-zhurnalistiki-kak-faktor-transformatsii-professii>
- Kolesnichenko, A. V. (2013). *The journalist's desk book*. Moscow: Aspect Press.
- Kozhevnikov, V. V. (2016). The form of the legal relationships, realization and lawful behavior. *Bulletin of Omsk University. Series: Law, 3*(48), 6-10. Retrieved from <https://cyberleninka.ru/article/n/forma-pravootnosheniy-i-pravomernoepovedenie>
- Kuzmin, Yu. A. (2017). Toward the role of legal consciousness in the formation of legal ideology. *Novainfo, 60-1*. Retrieved from <https://novainfo.ru/article/11420>
- Landert, D., & Miscione, G. (2017). Narrating the stories of leaked data: The changing role of journalists after Wikileaks and Snowden. *Discourse, Context & Media, 19*, 13-21.
- Liao, K.-H., Chang, Ch.-Ch., Liang, Ch.-T., & Liang, Ch. (2016). In search of the journalistic imagination. *Thinking Skills and Creativity, 19*, 9-20.

- Martyushov, L. N. (2016). *Methods of historical research*. Yekaterinburg: Ural State Pedagogical University.
- Medovkina, L. Yu. (2016). The influence of the mass media on the global politics through information wars. *Science of Krasnoyarsk*, 6(39), 58-69.
- Melnik, M. G. (2014). Features of legal regulation of modern mass media. *Periodic scientific and methodological e-journal "Koncept"*, 20, 4681-4685. Retrieved from <https://e-koncept.ru/2014/55201.htm>
- Nazarbaev, N. (1997). *The Criminal Code of the Republic of Kazakhstan*. Almaty. Retrieved from [https://online.zakon.kz/document/?doc\\_id=1008032#pos=0;0](https://online.zakon.kz/document/?doc_id=1008032#pos=0;0)
- NTV. (2018). *Andy Coulson arrested*. NTV Broadcasting Company. Retrieved from <http://www.ntv.ru/video/251756/>
- On legal journalism. (2012, February 17). *Central Asia Monitor*. Retrieved from <https://camonitor.kz/2808-.html>
- Open Society Foundation. (2013). *Digital media map: Kazakhstan*. Retrieved from <https://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-kazakhstan-ru-20131105.pdf>
- Orlov, K. A. (2006). *Legal regulation and mass media*. PhD Thesis. Ekaterinburg.
- PANA. (2018). *Freedom of speech in Kazakhstan: a view from the outside and from the inside (AdilSoz)*. Retrieved from <http://pana-defenders.info/publications/freedomofspeech2018/>
- Reporters without Borders. (2018). *2018 World Press Freedom Index*. Retrieved from <https://rsf.org/en/ranking>
- Resolution of the Government of the Republic of Kazakhstan No. 903 "Regulations on the accreditation of foreign journalists". (1997). Retrieved from <https://www.osce.org/en/cio/19099?download=true>
- Richter, A. (1995). *Commonwealth of Independent States. Concept for the Formation of Information Zone*. Retrieved from <http://merlin.obs.coe.int/iris/1996/10/article102.en.html>
- Savchenko, I. (2016). *Kazakhstan: Persecution of journalists and bloggers*. Retrieved from <http://en.odfoundation.eu/a/7229,kazahstan-presledovaniya-zhurnalistov-i-blogerov>
- Shestakov, D.A. (2012). The shadow and light of legal journalism. *Criminology: Yesterday, Today, Tomorrow*, 4(27), 64-68. Retrieved from <https://cyberleninka.ru/article/v/teni-svet-pravovoy-zhurnalistiki>
- Sheudzen, F. Yu. (2003). *Journalistic legal text (the problem of judicial interpretation)*. PhD Thesis. Krasnodar.
- Sviridov, A. (1998). *Television and radio in the Republic of Kazakhstan (1991-1998)*. Retrieved from <https://www.neweurasia.info/archive/archives/september/Book01.htm>
- Tandoc, E. C., & Ferrucci, P. R. (2017). Giving in or giving up: What makes journalists use audience feedback in their news work? *Computers in Human Behavior*, 68, 149-156.
- Tarakanov, A. P. (2013). Concept and features of the compensation law. *Business in Law*, 1, 34-39. Retrieved from <https://cyberleninka.ru/article/v/ponyatie-i-osnovnye-osobennosti-kompensatsionnoy-funktsii-prava>
- The Decree of the President of the Republic of Kazakhstan No. 1135 "On the National Program of Denationalization and Privatization in the Republic of Kazakhstan for 1993-1995 (II stage)". (1993). Retrieved from [http://online.zakon.kz/document/?doc\\_id=1001761](http://online.zakon.kz/document/?doc_id=1001761)
- The Decree of the President of the Republic of Kazakhstan No. 993 "On the set-up of the Public Council on the mass media (information policy) under the President of the Republic of Kazakhstan". (2002). Retrieved from [https://online.zakon.kz/Document/?doc\\_id=1035106#pos=0;200](https://online.zakon.kz/Document/?doc_id=1035106#pos=0;200)

- The Law of the Kazakh Soviet Socialist Republic "On the press and other mass media". (1991). Retrieved from [https://tengrinews.kz/zakon/parlament\\_respubliki\\_kazakhstan/kultupa/id-Z910001700\\_/](https://tengrinews.kz/zakon/parlament_respubliki_kazakhstan/kultupa/id-Z910001700_/)
- The Law of the Republic of Kazakhstan No. 2200 "On Licensing". (1995). Retrieved from [https://online.zakon.kz/document/?doc\\_id=1008127](https://online.zakon.kz/document/?doc_id=1008127)
- The Law of the Republic of Kazakhstan No. 6-I "On Copyright and Related Rights". (1996). Retrieved from <http://www.wipo.int/wipolex/ru/details.jsp?id=16010>
- The Law of the Republic of Kazakhstan No. 451-I. "On Mass Media". (1999). Retrieved from [https://online.zakon.kz/document/?doc\\_id=1013966](https://online.zakon.kz/document/?doc_id=1013966)
- The Law of the Republic of Kazakhstan No. 123-IV "On introducing amendments and supplements to some legislative acts of the Republic of Kazakhstan on the mass media issues". (2009). Retrieved from [https://online.zakon.kz/Document/?doc\\_id=1013966&doc\\_id2=30381053#activate\\_doc=2&pos=54;54&pos2=1;-85](https://online.zakon.kz/Document/?doc_id=1013966&doc_id2=30381053#activate_doc=2&pos=54;54&pos2=1;-85)
- Tretyakova, O. V. (2012). *Journalism and the legal culture of society: interaction in the context of the democracy development. PhD Thesis*. St. Petersburg.
- United Nations Educational, Scientific and Cultural Organization. (1978). *Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, apartheid and incitement to war*. Retrieved from [http://portal.unesco.org/en/ev.php-URL\\_ID=13176&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13176&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- Velitchenko, S. (2012). The role of journalism in the formation of the legal culture of society. *Bulletin of KazNU*. Retrieved from <https://articlekz.com/article/7697>
- Yackinous, W. S. (2015). The major elements of the systems approach. In *Understanding complex ecosystem dynamics. A systems and engineering perspective* (1st ed., pp. 47-63). New York, NY: Academic Press.
- Yershov, Yu. M. (2015). Ideology of public service in journalism. *Bulletin of Novosibirsk State University. Series: History. Philology*, 14(6), 68-73.
- ZERO.kz. (2018). *Kazakhstan rating. The Internet statistics service*. Retrieved from <https://zero.kz/?c=11&sr=kz&pd=2592000>

Shurentayev A. M is a post-doctoral student in the Department of Print Media and Publishing, Faculty of Journalism and Political Science, L.N. Gumilyov Eurasian National University, Astana, Kazakhstan.

Yesdauletov A. O is the head of the Department of Print Media and Publishing, Faculty of Journalism and Political Science, L.N. Gumilyov Eurasian National University.

Dr. Tolegen, M. A is an associate professor and rector of S. Amanzholov East Kazakhstan State University, Ust-Kamenogorsk, Kazakhstan.

Tursynbayeva, A. O is an associated professor in the Department of Philosophy at L.N. Gumilyov Eurasian National University.