

THE IMPORTANCE OF JUDICIAL COMMUNICATIONS IN THE COURT ESTABLISHMENT

ЕФЕКТИВНІ КОМУНІКАЦІЇ У СУДАХ ЗАГАЛЬНОЇ ЮРИСДИКЦІЇ

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У статті розглядаються питання впровадження ефективних комунікацій у вітчизняних судах загальної юрисдикції. Визначено деякі проблемні аспекти, шляхи вдосконалення та розвитку взаємодії судових установ із засобами масової інформації та громадськістю.

Ключові слова: судове адміністрування, управління, ефективна комунікація, модель комунікації, прес-секретар Суду, громадськість, засоби масової інформації.

В статье рассматриваются вопросы внедрения эффективных коммуникаций в отечественных судах общей юрисдикции. Определены некоторые проблемные аспекты, пути совершенствования и развития взаимодействия судебных органов со средствами массовой информации и общественностью.

Ключевые слова: судебное администрирование, управление, эффективная коммуникация, модель коммуникации, пресс-секретарь суда, общественность, средства массовой информации.

The article deals with the implementation of effective communication in Ukrainian courts of general jurisdiction. Some problematic aspects, ways of improvement and development of interaction between the judiciary and the media, civil society are determined.

The system of judicial administration certainly includes measures to organize its work, logistical and financial support, quantitative and qualitative state of clear management workflow, while not touching the same proceedings.

Quite agree with that administration plays an important role in the proper functioning of courts and professional life of civil servants of a court. Therefore, it seems appropriate to explore some of the complex means to improve and optimize the legal and logistical support judicial institutions, as these aspects related to the normalization of the courts, rationalization of organizational structure, fair competitive recruitment, harmonious division of powers between posts civil servants and other staff functions of the court.

One of the current issues of rationalization in the administration of judicial activities necessary to note the importance of transparency of the judiciary, establishing an effective system of informing citizens, creation of communication mechanisms and channels to disseminate information about the courts and other organs of the judiciary. The main goal in this regard is to ensure public trust in the court. The main auxiliary element in the implementation of this idea can determine the widespread use of information technology or communication: television, radio, press. The media focus on certain events and the lack of adequate communication suppresses the courts and creates a negative face of the entire system, resulting in distrust, skepticism and sometimes aggression citizens. Therefore, this communication becomes important for the judicial institution.

Key words: judicial administration, management, effective communication, model of communication, Press Secretary of the Court, public, mass media.

The system of judicial administration (management) definitely includes the measures on work organization, material, technical and financial support, quantitative and qualitative staff, the work flow's strict management (not affecting the proceedings).

It is necessary to agree with the fact that the management has an important place in proper functioning of the courts and professional lives of civil servants of a court.

Therefore, it seems appropriate to explore some of the means complex on improving and optimizing the organizational, legal and material support of judicial establishment. These aspects related to the normalization of the courts, the rationalization of organizational structure, fair competitive personnel selection, harmonious distribution of authority between civil servants positions and the other staff functions.

Ones of the urgent issues of rationalization in the judiciary management are the importance of the judiciary transparency, setting up an effective informing system of citizens, creation of communication mechanisms and channels to spread information about the courts and other establishments of the judicial branch [5, c. 98]. The main purpose in this issue is ensuring the public with trust to the court. The main auxiliary element in the implementation of this idea can be defined the extensive usage of communicational or informational technologies: television, radio, press. The media focus on certain events, but the lack of adequate communication suppresses the work of courts and creates a negative face of the whole system, leads to distrust, skepticism and sometimes to aggression of citizens. Therefore, the communication acquires a great importance for the judicial establishment.

The issues of judicial communications were investigated by M. Logunov, M. Lashkina, P. Gvozdyk, A. Alekseev, I. Patramansky.

During the research of this issue it was found that the open communication between the public and the courts is really important. Citizens have the right for information about the state of affairs in the judiciary. The process of communicative interaction between public authorities and citizens is realized mainly by an intermediary – the media. For a complete interaction of these relationships is necessary to set up the system of communication between them. From the side of intermediary – the media is the right to collect and publish the data on the situation in the state and society. From the side of judicial establishment is the duty to provide citizens with objective information on the activities of the body. The scheme is quite clear, but simultaneously there are a number of unresolved issues concerning the organization and implementation of this process.

The issue of interaction between judicial authorities and civil society is currently opened for several reasons. Firstly, it is a factor of the judicial system secrecy in the media space. Many public and government official emphasize on this, particularly A. Sasevych considers that before the Revolution of dignity, despite the existence of the Concept of information and communication strategy of activity of Council of Judges of Ukraine, the judiciary was closed and conservative in the information space. The events of «Maidan» influenced not only on the head of state, parliament and government, but also on the activities of the judiciary. So on the agenda of the Council of Judicial activity Ukraine – a practical deprivation the judges' secrecy from society, while preserving of conservativeness in communicating with the media and civil society, due to the legal limits of judges' activity and the Judicial Ethics Code rules, approved by XI Congress of Judges of Ukraine

on February 22, 2013 [7]. Secondly, it's a factor of mediator's unprofessionalism – the media, to obtain impartial information by society. Third, it's a lack of constructive dialogue and concrete action plan on cooperation between the courts and the press.

Such historically formed vacuum between Ukrainian society and courts, and the inconsistency in the communication mechanism leads to the ambiguity of current information, or even to its absence. This creates a situation where Mass Media do not always spread full, objective information and not always quite affordable for an ordinary citizen. So it's often occurs that Mass Media for some reasons highlight a particular event incompletely, subjectively, that's why such info necessarily backed up by distortion from the side of society. After all among many cases public will be interested in the resonant one, by which an impression of the judicial system will be formed in general. Therefore a crucial task for the courts is to ensure the highest level of publicity in their activities. Certainly it will slightly complicate the work, but also it will discipline for the sake of a common goal – to achieve public confidence in the court.

So, based on the fact that the judiciary is an institution of social, it has to perform communications for setting of relations with nation. Because the development and wide application of political and informational technologies in the imperiously management structures perceived today as a means of increasing the efficiency of public administration and further development of democracy. As a guarantee serves the citizen's ensuring with rights on free access and the obtaining information, primarily, about activity of public authorities and all the rest of social institutions [5, c. 99].

Of course, it is difficult to formulate a common approach or method in the field of judicial communication, but we must agree that the most convenient, simple and affordable in today's world is a connection with Mass Media. That is why, the main task is to identify flaws in communication, and to eliminate the causes of improper interaction between the court and representatives of the community. It is essential to focus on eliminating the information deficit for society, which would avoid misrepresentation and distortion of events, facts and their subjective interpretation. However, it need to investigate carefully the fact what information can be shared to the public, and which are not.

Realities of modern Ukrainian society do not promote fully to establish cooperation between the courts and the media, because the task of reporters is to obtain and disclose information, while the task of the courts – is to protect the interests of the trial participants. This is the opinion of I. Patramansky, the chairman of the City Ladyzhyn Court [6, c. 4]. He also declares that there exist legal consequences of information leakage to the media, despite the frequent inadequate reaction of the media at limiting their rights in the promulgation of legal proceedings.

Representatives of the media almost always find the following situation as a limitation of speech freedom and don't think about the legality and morality of their actions.

At this time, from the side of court representatives is traced the obligation to prevent a biased attitude to the accused person; to avoid the infliction of harm to witnesses and trial participants; to prevent the leakage of information regarding national security.

Thus, quite appropriate question arises, how to define the amount and content of information to the public to be trusted. There are a number of documents, including international legislation that can help to figure out in this matter.

Primarily international legislation refers to the European Convention on Human Rights, 1950. The provisions of its articles indicate the fact that freedom of expression can be limited if it's indicated by Law, and it's a measure of necessity in democratic society, including for support of authority impartiality of the judiciary [1].

The Madrid Principles on the Relationship Between the Media and Judicial Independence in accordance with resolution 1296 (XLIV) of the Economic and Social Council of the United Nations February 11, 1994 indicate that the «as a function and the right of media are gathering and disseminating of information among the public, expressions and critical statements about justice and the publication of court cases before, after and during the trial without violating the presumption of innocence».

According to several decisions of the European Court of Human Rights (Sunday Times vs. United Kingdom, 1979 and A vs. France, 1995), it became clear that if the information about the trial is distributed in such a form, it leads to the opinion about guilt or innocence before the announcement of the judgment; it may result in contempt of court [3].

The implementation of international legislation has become an Article 62 of the Constitution of Ukraine, which affirms that the person is considered innocent of a crime and can't be subjected to criminal punishment until his guilt is proved through legal procedure and established by a court conviction. The prosecution can't be based on evidence obtained illegally, as well as on assumptions. All doubts regarding the proof of person's guilt are interpreted in his favor.

Thus, guided by all the above provisions, we come to the conclusion that all citizens, including journalists must obey the law and refrain from the publication of information which may affect the fairness of the proceedings. In the case of disclosure of information protected by law, they have to bear criminal and civil liability.

In this way, representatives of the media increasingly become victims of their own lack of knowledge in legislation that regulates the regimes of information. Not knowing about the access to information (open, restricted or completely state secrets), the media often publish any information which would attract the attention of the community. Even without thinking that ignorance of the laws does not release from responsibility.

For example, the criminal legislation of Ukraine provides an article those points to the prohibition of unauthorized illegal compilation, storage, usage or dissemination of confidential information about a person without their consent or dissemination of this information by any means, including the media. Moreover, the sanction of the article provides penalties for offenders as fine, correctional labor, arrest, or imprisonment for a term [4].

Can also be distinguished the information with closed access, or secret. Such information contains data on state secrets and other secrets provided by law, exemplified by the secret of inquiry and preliminary investigation. For disclosure of such information criminal responsibility occurs as well.

Furthermore, there is liability for intervention in the judiciary activity, what expressed in any of the ways to influence the judge, including the criticism of the media prior to a decision in the case.

From fair reasons, representatives of the media should spread only allowable information, by checking the mode access and the absence of the possible occurrence of harm to social promulgation of such information.

So, having defined the delimitation of permitted and forbidden in the nature of information it is necessary to look at the situation from the opposite side.

Total deficit of information would nullify the principle of information openness of the judiciary and undermine its credibility among the population. There arises a necessity to determine, how exactly should the communication be organized and regulated between judicial institution and the public.

According to the author, a key player in the interaction of the court and the media should be a specialist in providing of PR, speaking on the language of law – the judicial press secretary.

Some skills will be necessary for specialists in this field: the awareness of courts interaction mastery with the public;

principles of interaction between the court and the media; establishing the cooperation procedure, press secretary duties on ensuring the openness of court, the main activities of press secretaries and skills needed to provide the communications between courts and public.

It is important to know the basics of oratorical skills and public speaking training, strategic and effective crisis communications. It is useful to have the knowledge in the field of international legal standards of justice transparency and peculiarities of media cards drafting, the communication strategies development and court's actions plan.

To control the communication's situations can also be engaged the Head of a court and his deputy or the Head of Staff. Nevertheless, considering their workload, the responsibility for communications should be entrusted exactly to a spokesman.

The necessary component of quality work planning of the Press Secretary is the constant evaluation, because communication measures are not a cyclical phenomenon, they always are spontaneous and unpredictable. It is also necessary to focus on the regularity, pedantry and integrity of tracking events in the court and parallel their publication.

Under the latter is meant the regular holding of meetings such as the press conference and the round table, which must be preceded by a professionally generated event announcement, which will contain the actual text, the correct emphases, direct data and answers to interesting questions.

Very important aspect of this issue is Press Secretary's confidence of the awareness of mass media representatives in particular questions, because it is often necessary to conduct the elimination of illiteracy in certain fields for journalists. So, the press secretary has to check the quality of publications of some journalists, for productive interaction. The criteria for analysis of such measures are: comprehensiveness, objectivity, completeness of understanding, closeness to the content of material, etc. If the press secretary would cooperate with professionals, it will significantly increase the efficiency of communications.

But being confident in the competence of the media, at the same time it is important to generate the interest and to find

a way to engage them in a dialogue. Therefore, from a professional point of view it would be quite expedient to interest the media in such cases, which generate the most buzz to the public, i. e. those that cause the greatest impact in society.

It is clear that for many years an unofficial tendency of the closed information environment in the courts has been formed. That is why the society has formed an impression of the judicial system as of a corporate authority with its own commercial secret. However, taking into account all the shortcomings of communications system, it may be created a fundamentally new model of society in which the press secretary would be the lacked link.

As of today it should be recognized that the development of the court communications is one of priority directions in the work developing of this institution. It is important not get hung up on creating of the own model of communication, because within international programs foreign experts offer different ready-made templates. In this regard, special importance acquires the adoption or borrowing of informal ways to disseminate the information about judgment, such as open door days, meetings with local authorities. It is quite reasonable to conduct an active educational activity to familiarize the younger generation, including students with the organization and operation of the court.

Concerning such factor as openness and availability it can also be noted that permanent publication of press releases of each particular judgment can be a good thing. Judicial assistants could prepare the following texts with the help of judges, so it will serve as background information on results and the motivation of solutions. It can be created and distributed a full-scale network of press officers in courts and ensured the proper coordination of their activities. Besides, it could be reasonable to work out a communication strategy and establish the permanent interaction with national and regional media. In addition, it would be helpful to carry out communication arrangements in courts from time to time. Take care of the professional growth of press secretaries and involve society to an open dialogue and to resolve issues of the judiciary.

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