



**The Constitutional Right
To Protect Honor, Dignity
And Business Reputation
Of Police Officers And Its
Civil Implementation.**



**THE CONSTITUTIONAL RIGHT TO PROTECT HONOR, DIGNITY AND BUSINESS
REPUTATION OF POLICE OFFICERS AND ITS CIVIL IMPLEMENTATION**
**EL DERECHO CONSTITUCIONAL A PROTEGER EL HONOR, LA DIGNIDAD Y LA
REPUTACIÓN COMERCIAL DE LOS OFICIALES DE POLICÍA Y SU
IMPLEMENTACIÓN CIVIL**

Barbin Vyacheslav Vladimirovich,

Management Academy of the Ministry of the Interior of Russia

E-mail: barbinv@mail.ru

Gadaborshev Ruslan Tarkhanovich,

Management Academy of the Ministry of the Interior of Russia

E-mail: r.gadaborshev@gmail.com

Goncharov Igor' Vladimirovich,

Academy of the General Prosecutor of the Russian Federation

E-mail: goncharov-i@mail.ru

Matantsev Dmitry Alexandrovich,

Management Academy of the Ministry of the Interior of Russia

E-mail: matantcevda@gmail.com

Odina Natal'ya Viktorovna,

Management Academy of the Ministry of the Interior of Russia

E-mail: odina.n@mail.ru

Stepkin Evgenii YUr'evich,

Management Academy of the Ministry of the Interior of Russia

E-mail: stepkin.evgenii@mail.ru

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Abstract

The article is devoted to the research on the constitutional right to protect honor and dignity, the mechanism for its implementation in accordance with the norms of civil law. The work reveals the peculiarities of honor, dignity, and reputation of police officers. The interconnection of these categories is due to the dual nature of the status of a policeman as an individual and a representative of the authorities, a determination of his personal and professional qualities. At the same time, on the basis of a communicative approach, a distinction of these categories is proposed.

Reputation manifests itself in public relations when a police officer carries out his official duties. In this sphere, the possibilities to protect reputation are limited by the need to ensure freedom of speech, the constitutional right to apply to public authorities. Freedom



of speech in these cases has priority, provided its fair use. The protection of the reputation of a police officer is also a means of protecting the reputation of law enforcement agencies and the state as a whole.

Honor and dignity as personal non-property rights can be affected in private relationships in which the policeman participates as a private person. At the same time, in the area of private relations, which have a special one-to-one trust-building character, the possibilities to protect honor and dignity are limited.

Keywords: constitutional law, honor, dignity, business reputation, freedom of speech, defamation, police officers, law enforcement agencies, social communication.

Resumen

El artículo está dedicado a la investigación sobre el derecho constitucional a proteger el honor y la dignidad, el mecanismo para su implementación de acuerdo con las normas del derecho civil. El trabajo revela las peculiaridades del honor, la dignidad y la reputación de los agentes de policía. La interconexión de estas categorías se debe a la doble naturaleza de la condición de policía como individuo y como representante de las autoridades, una determinación de sus cualidades personales y profesionales. Al mismo tiempo, sobre la base de un enfoque comunicativo, se propone una distinción de estas categorías.

La reputación se manifiesta en las relaciones públicas cuando un oficial de policía lleva a cabo sus deberes oficiales. En este ámbito, las posibilidades de proteger la reputación están limitadas por la necesidad de garantizar la libertad de expresión, el derecho constitucional de aplicar a las autoridades públicas. La libertad de expresión en estos casos tiene prioridad, siempre que se use de manera justa. La protección de la reputación de un oficial de policía también es un medio de proteger la reputación de las agencias de aplicación de la ley y el estado en general.

El honor y la dignidad como derechos personales no relacionados con la propiedad pueden verse afectados en las relaciones privadas en las que el policía participa como persona privada. Al mismo tiempo, en el área de las relaciones privadas, que tienen un carácter especial de fomento de la confianza, las posibilidades de proteger el honor y la dignidad son limitadas.

Palabras clave: derecho constitucional, honor, dignidad, reputación comercial, libertad de expresión, difamación, oficiales de policía, agencias de aplicación de la ley, comunicación social.

Introduction



In the conditions of the development of the information society, communication between the state, its institutional elements and society acquires a qualitatively new character. The openness of the state, the presence of feedback between the authorities and the population becomes a necessary component of the existence within a modern state. These trends are clearly visible in the functioning of the law enforcement system. One of the main vectors of the police reform being implemented in the last decade is the increase in the level of trust and support of the police by the society (Article 9 of the Federal Law of 07.02.2011 No. 3-FZ "On Police"). The solution of this difficult task is provided not only by increasing public control over the police activity but also by suppressing the information dissemination discrediting the honor, dignity and business reputation of police staff and law enforcement officers.

The issue of protecting the reputation of public figures, state officials always lies in two problems. On the one hand, these individuals are always in under public attention, and their criticism is expected. On the other hand, the dissemination of known to be false information about the authorities can cause social unrest, adversely affect the provision of law enforcement. These problems are particularly important in the sphere of police. It is significant that more negative information is published in relation to the internal affairs agencies than to the Ministry of Defense, the Attorney General's Office, the Federal Security Service, the MES, the NFR Russia and other federal authorities (Avdeyko, 2012). This is understandable since police officers are daily engaged in communication with the public, their work is inevitably connected with the restriction of rights and freedoms. At the same time, it is the attitude to the police that lays the foundation for legal awareness and respect for the law as a whole.

At this point, one should not forget about the private law side, because police officers are not only representatives of power, but also holders of the same personal rights as all other citizens. The protection of these rights is also of great social importance and should not be sacrificed to other rights and freedoms.

Thus, the urgent task of legal regulation is the development of an optimal model for the correlation of private and public interests, freedom of information and personal moral rights. How to strike a balance has repeatedly been conducted in decisions of the European Court of Human Rights.

In the present paper, an attempt to determine the conditions and procedure for protecting the honor and dignity of police officers, taking into consideration the characteristics of the social relations in which they are participants, is made.

Materials and methods

This study is based on an analysis of the provisions of the Constitution of the Russian Federation, the current civil law of Russia, the Russian Federation's "Media Law", acts of the Ministry of Interior of the Russian Federation. Guidance explanations of the Full Supreme Court of the Russian Federation, legal positions are reflected in the judgments of the European Court of Human Rights: "Lingens v. Austria" (1986), "Oberschlick v. Austria" (1991), "Dabrowski v. Poland" (2006) and others.

The methodology of the scientific research is based on the principles of dialectics, provides for the use of both general scientific methods of analysis (analysis, synthesis, induction and deduction, comparison), and private law methods. In order to identify the



socio-legal nature of the principle of honor, dignity and business reputation protecting, to distinguish these legal categories, the author proposes the usage of a communicative approach to the law knowledge. This approach tries to depart from the traditional perception of law from the standpoint of legal positivism and regards the law as a system of legal interaction of actors on the basis of social interpretation of legal texts (Polyakov, 2002). Employing this approach as a methodological one predetermines need for research on social ties in which honor and dignity, business reputation are shown.

Literature Review

Honor, dignity and business reputation as legal categories have repeatedly been the subject of research in legal science. In the foreign literature honor and dignity are traditionally considered in the aspect of natural human rights. In this context, the problem is covered in the works of Deryck Beyleveld & Roger Brownsword (1998), Ernst Benda (2000), Luciano Floridi (2016) and others. Constitutional and legal aspects of the relationship between freedom of speech and the right to defend honor and dignity are revealed in the study of E.S. Paltseva (2012).

The main attention in Russian jurisprudence is focused on civil-law ways of protecting these intangible welfare. To this issue were devoted theses of M.D. Dobrieva (2004), A.V. Bespalova (2004), A.G. Suprunova (2009), I.V. Tyuleneva (2010), etc. Numerous works are devoted to compensation for moral harm as the main way to protect personal non-property rights. A significant contribution to the development of this issue was made by A.M. Erdelevsky (2000), V.S. Romanov (2006).

Defamation as the main form of infringement on honor, dignity and business reputation causes a lively interest in legal literature. To this problem have addressed in their works S.V. Potapenko (2002), A.A. Smirnova (2008), O.Sh. Ayupov (2013), among foreign authors - Robert D. Sack (1999), Marlene Arnold Nicholson, McLibel (2000), Andrew T. Kenyon & Tim Marjoribanks (2008), David A. Elder (2009), Hugh McCarthy (2014), Ahran Park (2015), etc.

Issues of protection of honor, dignity and business reputation of police officers were the subject of a special study in the theses of P.V. Nadtachaeva (2005), D.E. Protsenko (2005), E.A. Erofeeva (2016).

Despite such focus on the problem, it should be noted that there are obviously not enough attention to some of its aspects in the literature. Thus, the actual task is to delineate the categories of "professional reputation", "honor and dignity", taking into account the specifics of the types of communication a police officer participates in. Also, it is required to determine the effectiveness of the methods of protecting the intangible benefits under the current legislation.

Results

1. Honor, dignity and business reputation as law categories.

Honor, dignity, and business reputation are among the integral intangible personal benefits recognized at the constitutional and international levels and protected by means of civil, administrative and criminal law.



In the legal literature, there are various definitions of these concepts (Rabets and Khvatova, 2015), a discussion is being held about which legal entities these welfare may belong to.

Most authors agree that honor is a positive evaluation of the qualities of a person formed in society, dignity - self-esteem of self-values formed under the influence of public evaluation (Vlasov, 2000). Business reputation, like honor, has a public (external towards the person) nature, but the subject of evaluation, in this case, are the professional and business qualities of the person. It should be noted that, in terms of legal protection, the distinction between categories "honor" and "dignity" is not fundamental. These benefits are equally recognized for individuals and are protected by the law. As for business reputation, a separate normative expression of this category has some merit. If honor and dignity are welfare recognized by individuals, then business reputation is recognized, in addition to individuals, also by legal entities and public authorities.

In the literature, the opinion was expressed that the concept of business reputation is applicable only to business entities - individual entrepreneurs and legal entities (Ivachev, 2006). This point of view seems to be controversial. Legal protection of business reputation is of an informational nature. Its purpose is to stop discrediting information dissemination and to restore the violated rights of the victim. Since defamatory information can be disseminated about any subject of law, the right to business reputation cannot be limited to designated individuals. This is confirmed by jurisprudence. In the courts, claims for the protection of business reputation of non-profit organizations, state authorities, local self-government and their officials are often presided. In the Review of the Practice of the Court's Consideration of Disputes on the Protection of Honor, Dignity and Business Reputation, approved by the Presidium of the Supreme Court of the Russian Federation on March 16, 2016, it is noted that to claim against the business reputation in accordance with art. 152 of the Russian Civil Code (CC RF) can be both citizens, including individual entrepreneurs, and organizations, regardless of their organizational and legal forms and forms of ownership.

The possibility and importance to protect the honor and dignity of police officers and business reputation of the internal affairs agencies is provided in Order No. 900 of the Ministry of Internal Affairs of Russia of October 2, 2012 "Matters of the organization of honor and dignity protection, as well as business reputation in the system of the Ministry of Internal Affairs of Russia." What is remarkable this order have split categories of research: honor and dignity are mentioned in relation to employees, and business reputation is applied only to the internal affairs bodies themselves. Does this mean that the police have no business reputation?

General provisions on civil-law protection of honor, dignity and business reputation, which are applicable, including, and to law enforcement officers, are fixed in Art. 152 of the Civil Code of the Russian Federation. In accordance with paragraph 1 of this article, a citizen can demand a refutation of information that does not correspond to reality, which denigrates his honor, dignity or business reputation. On the one hand, from this rule follows that the citizen is equally recognized to be entitled to protection of honor, dignity and business reputation. On the other hand, the use of the word "or" in the text of paragraph 1 of Art. 152 of the Civil Code of the Russian Federation implies that business reputation can exist autonomously from the honor and dignity of a citizen. A citizen might not have it.



Situations where a person has not got formed professional qualities or has no formed public opinion, which prevents talking about his reputation, are possible. However, these findings are not applied to police officers. The very procedure of holding posts of the state law enforcement service presupposes that candidates have certain professional, moral and ethical qualities necessary for this type of service. Stipulated high requirements for police officers' professional conduct presuppose the formation of an appropriate reputation of police officers in the society.

It should be noted that the professional qualities of a police officer are inextricably linked with his personal qualities. It is not accidental that Art. 13 of the Federal Law "On Service in the Internal Affairs Agencies of the Russian Federation" establishes standards for the conduct of an employee, both on working and non-working hours. In accordance with paragraph 9 of part 3 of Art. 82 of this law, the reason to terminate the employee's contract is his commission of a dishonorable act against the employee of the internal affairs bodies.

Based on the above, one can come to a conclusion about the internal unity of the honor, dignity and business reputation of a police officer.

The legal status of a police officer is of a complex nature. On the one hand, it covers the personal rights enjoyed by any citizen, on the other hand, includes rights, duties, restrictions and prohibitions provided only for the relevant public servants. In his life, a law enforcement officer manifests himself in two ways: as an ordinary citizen, and as a representative of the authorities. However, in the public consciousness, the distinction between these two sides of the status of an employee is often quite notional. Defamatory information about that side of an employee's life, which is not related to his official activities, often creates a negative professional image. In addition, these reputational consequences, due to the fact that the employee is a representative of power, are not limited to the person of the employee himself, but negatively affect the reputation of the police and the police in general. According to N.A. Nikashishina and E.N. Terekhova, in defamation relations, civil servants only appear at first sight as individuals, in reality represent the state (Nikashishina and Terekhova, 2016). E.A. Yerofeeveva notes that "in these cases already familiar categories are filled with new content reflecting the belonging of these intangible welfare to persons having a special status" (Yerofeeveva, 2016). In this connection the author proposes to introduce special categories - "professional honor, dignity, reputation."

2. Grounds and ways to protect honor, dignity and business reputation according to the civil legislation of the Russian Federation.

The grounds to protect honor, dignity and business reputation are the actions of other participants of public relations, violating these intangible welfare. On the basis of the analysis of the current Russian legislation, there are three types of such violations:

- dissemination of information that does not correspond to reality, discrediting the honor, dignity and reputation of a citizen and legal entity (unreliable defamation);
- dissemination of relevant information that discredits the honor, dignity and reputation of a citizen and legal entity (reliable defamation);
- dissemination of irrelevant information which is defamatory.



The most popular among above is unreliable defamation. The Plenum of the Supreme Court of the Russian Federation in Decision No. 3 of February 24, 2005 "On Judicial Practice in Cases of Protection of the Honor and Dignity of Citizens and the Business Reputation of Citizens and Legal Entities" determined three conditions necessary for applying to a person who have committed unreliable defamation, legal sanctions.

Firstly, the court should establish the fact of dissemination of information. The dissemination of information means the publication of such information in print, broadcast on radio and television, in other mass media, distribution on the Internet, outline in performance reports, public statements, statements addressed to officials, or communication in some form, including verbal at least to one person. Challenges in the law enforcement practice are presented in the issue of how to qualify the presentation of discrediting, untrue information in official appeals to state authorities.

The right to appeal to state bodies is among the constitutional rights (Article 33 of the Constitution of the Russian Federation). As a guarantee of the this right's implementation, Federal Law No. 59-FZ of 02.05.2006 "On the Procedure for Considering Appeals of Citizens of the Russian Federation" in Article 6 establishes a ban on the prosecution of citizens in connection with their appeals to the authorities. At the same time, according to clause 2 of Article 16 of this Law, if a citizen has misrepresented information, the incurred costs connected with the consideration of the appeal by a state body, local government or an official may be recovered from this citizen by the decision of the court. At first sight, it may seem that there is an internal contradiction between these provisions of the law. However, there is not. The legal provision set forth in Article 16 of the law mentioned should be considered as a means of counteracting the unfair use of the right of applying. Consequently, it should be considered to solve the problem of the correlation of the constitutional right to appeal and the constitutional right to protection of honor and dignity. If a citizen faithfully mistakes about the facts he describes in applying, no legal sanctions to him can be used. As noted by Lee S. Brenner and Hajir Ardebili, the California Courts have long-lasting principle that the importance for the investigation of a crime due to information reported (even if they further do not find ground) outweighs the accidental harm to a defiled person (Lee S. Brenner and Hajir Ardebili, 2011). Otherwise, if the applicant is acting in bad faith. In this case, the right to protect honor and dignity is of priority.

The second mandatory condition for placing responsibility for defamation is the establishment of a fact of the falsehood of information. Thus, the Plenum of the Supreme Court of the Russian Federation particularly emphasizes that the information stated in official acts of judicial, administrative bodies cannot be assessed for compliance with the reality since there is a special procedural order of appeal with respect to these acts.

When assessing the consistency of information, it is necessary to differentiate information as statements about facts and subjective opinions that can also be expressed publicly. Based on the provisions of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 29 of the Constitution of the Russian Federation, the Plenum of the Supreme Court of the Russian Federation explained that opinions and judgments cannot be subject to validity check. Thus, such judgments, even being defamatory, cannot be covered by the notion of "defamation". A person who believes that the stated value judgment or opinion, disseminated in the media,



affects his rights and legitimate interests can use respond, comment, replicate in the same media in order to justify the violation of common judgments, suggesting their different assessment. If the opinion expressed is offensive, expressed in a crude, derogatory manner, there may be an administrative liability for insult in accordance with Article 5.61 of the Code of Administrative Offenses of the Russian Federation.

The third condition is to determine that the information is defamatory. Surely, this category is evaluative, its semantic content depends on the judicial discretion. Nevertheless, as general markers of the viciousness of information, one can call accusation of a citizen or legal person in law violation, committing a dishonorable, immoral act, unethical conduct in private, public or political spheres, dishonesty in carrying out professional functioning, etc.

The dissemination of information can be qualified as reliable defamation with the presence of two of the above conditions - the first and third. At the same time, it is necessary to pay attention to the fact that, with reliable defamation, not only the right to protect honor and dignity, but also the constitutional right to inviolability of private life, is most often affected. In most cases, sensitive information about a citizen's private life is distributed like this.

In the dissemination of non-defamatory information that does not correspond to reality, there is no direct violation of honor, dignity or reputation. However, the very fact of the unreliability of such information enables the interested person to demand their rebuttal.

The current civil legislation significantly expanded the list of means of protecting honor, dignity and business reputation. This is due to the rapid growth of information technology, the improvement of communication tools. Article 152 of the Civil Code of the Russian Federation mentions the following methods: the right to refute, the right to reply, the right to demand the removal of information, the right to demand the seizure and destruction of material carriers of unreliable information, compensation for moral harm. The choice of specific methods of protection depends on the way information is disseminated and the types of violations. Obviously, a refutation can only be applied when the information disseminated does not correspond to reality.

The right of reply is a more universal means of protecting violated rights and can be used in all types of assault. At the same time, as the Constitutional Court of the Russian Federation explained in its Decision No. 323-O-O of March 1, 2010, the right of reply is by its nature not an absolute right realized outside any requirements and conditions, not a personal privilege, but a way to protect the rights, freedoms and legitimate interests of citizens and organizations. Therefore, the requiring to the media the demands for the placement of the answer must be due to the fact that the media have violated the personal non-property rights of the applicant.

The rapid and often uncontrolled information dissemination on the Internet significantly complicates the protection of violated rights. An actual problem is to impose responsibility for defamation on Internet providers. In the Russian legislation, the status of Internet providers remains uncertain. In court practice, there are decisions that exclude the responsibility of the provider for the information being posted (Resolution of the Supreme Arbitration Court of the Russian Federation of December 23, 2008, in case No. 10962/08). On the same principles, US legislation is built. According to Ahran Park, between 1997 and



2014, Internet providers won courts in 83 out of 85 cases. They were only liable if they themselves were directly involved in the formation of defamatory information (Park, 2015).

In the modern information society, traditional media are gradually losing their importance. Also become ineffective traditional ways of protection against defamation. As A.F. Surzhik notices, a refutation, as a method of protection, has a number of significant gaps: firstly, not all persons who could be involved in the medium of discrediting information can be acquainted with the refutation; secondly, a refutation may not convince the public that the opinion made regarding an accused person does not correspond to reality, is disseminated, discredited information (Surzhik, 2005). That is why in Article 152 of the Civil Code of the Russian Federation it is referred to the possibility of deleting information as an alternative to refutation if the information has become widely known and the refutation cannot be brought to public attention.

Mentioned above general provisions for the protection of honor and dignity are applied to the police, taking into account certain peculiarities.

Specific nature of protection of honor and dignity of police officers and the bodies of internal affairs themselves is conditioned by the dual, private-public legal nature of the arising relations.

Considering that the dissemination of discrediting information about police officers negatively affects the reputation of the internal affairs body itself, the question arises about the importance to present at the same time claims to protect the business reputation of the internal affairs bodies. A more general question has already been raised in the literature, can one speak about diminishing the reputation of the state body while diminishing the reputation of the state (Kirpichev, 2013). As rightly pointed out by V.S. Tolstoy, the personal non-property rights of the state are intermediate within the rights of a multitude of subjects representing it (Tolstoy, 2006).

It seems that there is no practical sense in the separate protection of the reputation of law enforcement agencies. In accordance with Article 152 of the Civil Code of the Russian Federation, the main means of protecting honor and dignity are to present demands for a refutation and the placement of a response. It is also possible to compensate a citizen for moral damage. It is obvious that the application of the first two methods of protection will contribute to the simultaneous restoration of both the honor and dignity of the individual employee and the reputation of the whole institution. Compensation for moral harm to the body of internal affairs, by virtue of direct indication of Article 152 of the Civil Code of the Russian Federation, is not allowed.

Protection of business reputation of the police's business reputation gains independent meaning in cases where there are no mentions of personalities in the prevalent defamatory information, the information is of a general nature, as a result of which not the individual police officers but the internal affairs body are discredited.

Discussions

The right to defend honor and dignity in some way meets other constitutional rights (freedom of speech, the right to appeal to state bodies, the right to privacy). Deciding to which of these rights should be given priority, it is necessary to determine within which



social relations the dissemination of defamatory information occur, what purposes the person pursues while making public.

All social ties can be traditionally divided into public and private relationships. In public relations, the role of personal autonomy is significantly lower than in private ones. Here priority is given to those rights that ensure the realization of public interests or that allow a person to realize his status as a full member of society and citizen. This is the nature of freedom of speech. In the American legal tradition, freedom of speech is regarded as an absolute legal value. In European law, this right is also recognized as an essential role. However, Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, following the International Covenant on Civil and Political Rights of 1966 as a limit to freedom of speech, envisages the protection of private interests.

The decisions of the European Court of Human Rights have accumulated a plenty of practice in implementing Article 10 of the European Convention. In the issue of the relationship between freedom of speech and protection of honor and dignity, the case "Lingens v. Austria" (1986) is indicative; there the Court concludes that the affordability of public figures' criticism is broader than that of average citizens. A public person, in the opinion of the Court, should show a greater degree of tolerance for the close attention of media and the whole society, to every his word and action. A similar position is reflected in the "Oberschlick v. Austria judgment" (1991), where the Court noted: "A politician, of course, has the right to defend his reputation, especially when he does not act in his personal capacity, but the counterweight for demand such a protection is the interest of society in an open debate on political issues.

In the case "Dabrowski v. Poland" (2006), the European Court of Justice observes that freedom of the press acts as a means of influencing the formation of public opinion on political ideas and positions of political leaders, therefore, in implementing this freedom, a certain degree of exaggeration and provocation is permissible.

Thus, if a person is a subject of public relations and criticism addresses those aspects of his life that concern the public sphere and are of public significance, the possibilities for defending honor and dignity are quite lower. However, an important condition for ensuring the freedom of speech is the good faith of the person distributing the information. Such information should not be known to be unreliable and serve as a means of setting personal scores with a public person. Then, when freedom of speech tries to invade a private life where is no public interest, the priority, of course, must be given to the personal autonomy. With regard to the public status of a police officer, this allows us to raise the issue of the necessity to distinguish between categories "professional reputation" and "honor and dignity". Criticism of a policeman as a part of his work while performing official tasks must adhere to the principles of politicians' criticism, since in this case the police officer acts as a subject of public communication. In cases, when information about a police officer as an individual, subject of private relations, is disclosed, not his reputation, but his honor and dignity, should be protected. Despite the fact that there is the closest connection between the category of business reputation, honor and dignity, as we noted above, the delineation of these categories is relevant.

In this recognition, the Order of the Ministry of Internal Affairs of Russia of October 2, 2012 No. 900 "Issues of organization of protection of honor and dignity, as well as



business reputation in the system of the Ministry of Internal Affairs of Russia", mentioned above, should regulate the protection of professional reputation. Here, it may be appropriate to propose the assignment of law enforcement bodies to the status of legal representatives of police officers (Erofeeva, 2016). At the same time, the defense of the honor and dignity of a police officer as an individual must be carried out only on his own initiative.

In the sphere of private relations, it is necessary to bear in mind the area of personal-trust relations, in which the subjects are only persons close to each other. The approach to regulate defamation in such an area can be dual. On the one hand, defamation can violate a person-to-person relationship and cause greater moral suffering than defamation in the public sphere. On the other hand, reliable defamation in this sphere is practically impossible, since the dissemination of information does not go beyond the limits that allow preserving the autonomy of the person. Thus, the degree of trust of the relationship can affect the limits and extent of the responsibility for defamation.

Consideration of issues of protection of honor and dignity from the standpoint of social communication, allows us to adduce additional arguments about the impossibility to use the concept of "reputational harm" in relation to law enforcement agencies. In judicial practice, a position about the possibility of causing reputational damages to a legal entity is being formed. However, it is necessary to understand that the reputation of a legal entity develops gradually as a result of the formation of its client base, sustainable business ties. In a market economy, these business relationships do not have strong correlation, therefore, defamatory information can contribute to the destruction of social ties, the outflow of customers. Reputational losses have a quite obvious economic impact. Relations with bodies of internal affairs are power relations that are established under the law rules and do not depend on the will of the subjects. Therefore, it is inappropriate to talk about the risk of losing clients and economic losses here. The reputational losses of the internal affairs bodies are non-property, they are expressed in the loss of confidence in the police by the society, so the protection of reputation, in this case, should not be implemented through a property measure - compensation for moral harm, but by using other, information protection methods.

Conclusions

The right to protect honor, dignity and business reputation is one of the fundamental constitutional rights of the individual. The implementation of this right in the field of public relations has certain limitations, caused by the necessity to ensure freedom of speech.

Honor, dignity and business reputation of the law enforcement bodies staff are inseparably related concepts. The close connection of these categories is due to the intertwining of personal and professional qualities of the policeman, the ambiguity of his status as an individual and a representative of the state. At the same time, there is a difference between these categories, depending on the social relations in which the police officer participates. The concept of business reputation is applicable only to the field of public relations, in which the person acts as a representative of the authorities. The dissemination of discrediting information about a police officer at the same time defames the reputation of the internal affairs body as a whole. The protection of the reputation of the individual employee is a mean of protecting the reputation of the law enforcement agency and the state as a whole. Protection of the business reputation of internal affair bodies as an independent legal measure makes sense only in cases when information disclosed discredit



not the specific employees of internal affairs bodies but discredits the police as a whole. In cases where the honor and dignity of a police officer as an individual are affected, the protection of these rights must be carried out solely on the initiative of the person himself.

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