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Methodological and ethical challenges of researching transgression

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Methodological and ethical challenges of researching transgression

How to investigate loss of publicity damages? According to the media society, a lot of personal information is spread through different media. Some of these media have a person who is legally responsible for the publication of the periodical. One of these areas of responsibility is bad and incorrect publicity. This kind of publicity can also lead to a claim for compensation of publicity damages. In Sweden, these issues are governed by self-regulation, the publicist control and judge the publicist, so to speak. *The Press Ombudsman* (PO) and the *Press Council* (PON) are, consequently, an independent self-disciplinary body that deals with complaints about the editorial content of newspapers, magazines and their websites. The system is not based on legislation but self-regulation. It is entirely voluntary and wholly financed by press organisations: *The Swedish Newspaper Publishers' Association*, *The Magazine Publishers' Association*, *The Swedish Union of Journalists* and *The National Press Club*. These organisations are also responsible for drawing up the *Code of Ethics for Press, Radio and Television*. *The Swedish Press Council* (PON) is the oldest tribunal of its kind in the world.

Law and the media have been described as an uneasy relationship (Gies 2008). The Swedish “model”, when it comes to complaints, is not about the words of the Act but rather of “reflexive” law (Teubner 2006). From a socio-legal view, reflexive law is characterized by a kind of legal self-restraint. Instead of taking over regulatory responsibility for the outcome of social processes, reflexive law restricts itself to the installation, correction, and redefinition of different self-regulatory mechanisms (Teubner 2006). From a socio-legal perspective it is of interest to empirically study how the people, how they make the complaint, view the system. In the course of the year (2016), we are going to contact some of these by a national survey with questions about how the procedure is perceived.

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