



## Trial by Social Media: An Analysis of Human Rights Violations and Injustice in The Phenomenon of Public Trials

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Received : 18-03-2025 || Revised: 11-04-2026 || Accepted: 12-04-2026 || Published: 18-04-2026

### Abstract

Advances in information technology have propelled social media into a dominant space in the formation of public opinion, including in responses to legal cases. This situation has given rise to the phenomenon of 'trial by social media', namely the practice of public judgement against individuals prior to a final and binding court ruling. This study aims to examine the implications of this phenomenon for the protection of human rights and the principle of justice. This research is situated within a normative legal framework, employing a descriptive-analytical qualitative approach through a literature review. The analysis examines legal norms, legal principles, and relevant academic literature concerning the issues of freedom of expression, the protection of individual rights, and due process of law. Research findings indicate that trial by social media has the potential to violate the principle of the presumption of innocence, the right to privacy, and the right to dignity and reputation. Furthermore, this phenomenon contributes to an increase in digital bullying, the dissemination of personal data, and social stigma with long-term consequences. From a justice perspective, public opinion pressure on social media has the potential to influence the independence and objectivity of law enforcement, thereby creating tension between procedural justice and social expectations. These findings confirm a shift from normative legal authority towards socially constructed legitimacy in the digital sphere. Therefore, there is a need to strengthen regulations, improve digital literacy, and ensure consistent law enforcement to maintain a balance between freedom of expression and the protection of human rights.

*[Perkembangan teknologi informasi telah mendorong media sosial menjadi ruang dominan dalam pembentukan opini publik, termasuk dalam merespons perkara hukum. Kondisi ini melahirkan fenomena trial by social media, yaitu praktik penghakiman publik terhadap individu sebelum adanya putusan pengadilan yang berkekuatan hukum tetap. Penelitian ini bertujuan untuk mengkaji implikasi fenomena tersebut terhadap perlindungan hak asasi manusia dan prinsip keadilan. Penelitian ini diposisikan dalam kerangka yuridis normatif dengan menggunakan pendekatan kualitatif deskriptif-analitis melalui studi kepustakaan. Analisis dilakukan terhadap norma hukum, asas-asas hukum, serta literatur ilmiah yang relevan dengan isu kebebasan berekspresi, perlindungan hak individu, dan due process of law. Hasil*



*penelitian menunjukkan bahwa trial by social media berpotensi melanggar asas praduga tak bersalah, hak atas privasi, serta hak atas kehormatan dan nama baik. Selain itu, fenomena ini turut mendorong meningkatnya praktik perundungan digital, penyebaran data pribadi, dan stigma sosial yang berdampak jangka panjang. Dari perspektif keadilan, tekanan opini publik di media sosial berpotensi memengaruhi independensi dan objektivitas penegakan hukum, sehingga menimbulkan ketegangan antara keadilan prosedural dan ekspektasi sosial. Temuan ini menegaskan adanya pergeseran dari otoritas hukum normatif menuju legitimasi yang dibentuk secara sosial di ruang digital. Oleh karena itu, diperlukan penguatan regulasi, peningkatan literasi digital, serta konsistensi penegakan hukum guna menjaga keseimbangan antara kebebasan berekspresi dan perlindungan hak asasi manusia.]*

**Keywords:** Trial by Social Media, Human Rights, Legal Justice

**How to Cite:** Novianti, L., & Muhasanah, R. (2026). Trial by Social Media: An Analysis of Human Rights Violations and Injustice in The Phenomenon of Public Trials. *Human Rights Et Justicia*, 1(2), 96–105. <https://doi.org/10.70742/hrj.v1i2.591>

## INTRODUCTION

Advances in information and communication technology have fundamentally transformed the public sphere, particularly through the emergence of social media as the primary medium for the exchange of information. Social media no longer functions merely as a means of communication, but has evolved into an arena for the formation of public opinion that exerts significant influence on social dynamics, including in responding to legal events. In this context, a phenomenon known as ‘trial by social media’ has emerged, namely the practice of the public passing judgement on individuals before a final and binding court ruling has been issued.

This phenomenon indicates a shift in authority regarding the assessment of a case from formal judicial institutions towards public opinion in the digital sphere. Information disseminated on a massive scale, without adequate verification, has the potential to shape a collective perception that is not objective. This situation not only affects the reputation of the individuals involved but also has implications for the principles of justice and judicial independence. Social media has proven to play a significant role in shaping public opinion regarding a legal case and has the potential to influence the process of fair law enforcement (Lengkong et al., 2025). The practice of trial by social media is often accompanied by cyberbullying, the disclosure of personal data (doxing), and hate speech, all of which have the potential to violate human rights. These violations encompass the right to privacy, dignity, and the right to fair legal protection. Although Indonesia’s regulatory framework, such as the Electronic Information and Transactions Act, has regulated the use of digital media, its implementation still faces various obstacles in ensuring effective legal protection for individuals in the digital sphere (Marjun et al., 2025).

The phenomenon known as “no viral, no justice” reflects a tendency whereby attention paid to a legal case often depends on its level of virality on social media. This indicates an imbalance in law enforcement practices, where public pressure becomes a factor influencing the prioritisation of a case. This situation has the potential to shift the principle of justice from a normative one to one that is responsive to social pressure (Runturambi et

al., 2024). On the other hand, social media also has the potential to serve as an instrument for human rights advocacy, particularly in raising public awareness of various forms of injustice. However, without adequate digital literacy and ethical awareness, the use of social media can actually exacerbate human rights violations themselves. The dissemination of unverified information has the potential to damage an individual's reputation and disregard the principle of the presumption of innocence as one of the main pillars of the judicial system (Pakuan et al., 2025). Freedom of expression in the digital sphere also presents its own dilemmas, particularly when it comes to balancing the right to express one's views with the duty to respect the rights of others. In practice, this freedom is often abused, crossing the boundaries set by legal and ethical norms. Existing regulations also face challenges in accommodating the complexity of digital interactions whilst ensuring substantive justice for all parties (Hargiharso & Laksana, 2025).

Based on the above, there is a gap between the empirical reality (*das sein*), where the practice of public judgement via social media is becoming increasingly prevalent, and the normative ideal (*das sollen*), which demands the upholding of justice based on the principles of fair law and respect for human rights. Therefore, a study on 'trial by social media' is relevant to critically examine its implications for human rights violations and the principles of justice, whilst formulating measures that can be taken to strike a balance between freedom of expression and legal protection in the digital age. The objective of this research is to analyse the phenomenon of 'trial by social media' in the context of public opinion formation regarding a legal case in the digital age, to identify various forms of human rights violations arising from the practice of public judgement on social media, particularly those relating to the right to privacy, honour, and the presumption of innocence, and to examine the implications of this phenomenon for the principle of justice, particularly in relation to judicial independence and the fair administration of justice.

## **METHOD**

This study employs a normative legal approach using library research to gain a comprehensive understanding of the phenomenon of trial by social media from the perspective of human rights and justice. This approach is combined with a descriptive-analytical qualitative approach to examine legal norms, legal principles, and relevant doctrines in depth (Novianti, 2024). The qualitative approach was chosen as it allows for a systematic analysis of concepts, norms, and various perspectives that have developed in the scientific literature and legal documents. As a normative legal study, this research focuses on the analysis of legal materials comprising primary, secondary, and tertiary sources. Primary legal materials include legislation relating to human rights and the judicial system. Secondary legal materials include books, scientific journal articles, and previous research findings relevant to the research topic, particularly those relating to the protection of human rights and freedom of religion from a legal perspective (Novianti, 2020; Novianti, 2021; Jamilah et al., 2025). Tertiary legal materials consist of legal dictionaries, encyclopaedias, and other sources that support conceptual understanding.

Data collection was carried out through a literature review, examining various relevant sources, both in print and digital formats. This library research approach enabled the researcher to systematically identify concepts, theories and normative frameworks developed in various

academic studies. (Novianti et al., 2024) Data analysis was conducted qualitatively using descriptive-analytical techniques, namely by describing and interpreting applicable legal norms and relating them to phenomena occurring in society. The analysis process was carried out critically and systematically, resulting in a deep understanding of the implications of the phenomenon of trial by social media on human rights violations and the principle of justice.

## **RESULTS AND DISCUSSION**

### **The Phenomenon of Trial by Social Media in the Formation of Public Opinion**

The development of social media has transformed the nature of the public sphere in the formation of opinion regarding legal cases. Information that spreads rapidly and widely enables the public to pass judgement directly on individuals involved in a case. This situation has given rise to the phenomenon of *trial by social media*, namely the practice of public judgement taking place before a court ruling with the force of law has been issued. In this context, social media functions not only as a means of disseminating information, but also as a space for the construction of social reality. Unverified information often forms the basis for the formation of public opinion, resulting in non-objective judgements. This situation indicates a shift in authority from formal judicial institutions to public opinion in the digital sphere. This phenomenon is reinforced by the nature of social media, which tends to prioritise speed over accuracy, thereby creating scope for the distortion of information (Judijanto et al., 2025).

The phenomenon of *trial by social media* can also be understood through the perspective of the digital public sphere, where truth is often shaped by visibility, virality, and algorithmic amplification rather than by verification and empirical evidence. In this environment, agenda-setting and framing mechanisms play a significant role, as repeated exposure to dominant narratives influences how the public interprets legal events. Consequently, individuals are often judged not based on legal facts but on prevailing digital narratives that may not reflect the actual circumstances of the case.

High exposure to a case on social media has the potential to influence the dynamics of case handling. Public pressure generated through digital opinion can influence public perception of the legal process, and in some cases even result in pressure being placed on law enforcement officials (Zulaikha, 2024). Public opinion formed on social media often develops into a dominant narrative that influences the legitimacy of the legal process. When a case has already been ‘tried’ in the digital sphere, any court ruling, regardless of the outcome, is often measured against pre-existing public expectations. This creates a legitimacy paradox in which formally valid judicial decisions may still be socially contested if they do not align with dominant public opinion.

On the other hand, excessive exposure to a particular case can also affect the independence of actors within the judicial system, including investigators, prosecutors and judges. Although they are normatively bound by the principles of independence and impartiality, social reality shows that intense public pressure can create psychological and institutional burdens that cannot be ignored. In this context, social media functions as a form of unstructured social control, yet exerts a powerful influence on the law enforcement process. This phenomenon also indicates a shift from a one-way model of legal

communication from legal institutions to the public towards a more interactive and even confrontational model. The public is no longer merely a recipient of information, but actively shapes, interprets, and even intervenes in legal discourse. This interaction creates a hybrid legal environment where formal legal processes intersect with digital public pressure, reflecting a broader transformation in the relationship between the public, the media, and the legal system in the digital age (Fauzi & Anwar, 2023; Kurniawan et al., 2024; Lestari, 2025).

This hybridisation of legal processes and digital public pressure further reveals a structural shift in the locus of influence within the justice system, where legitimacy is no longer derived solely from procedural correctness but is increasingly negotiated within the arena of public perception. In such conditions, the authority of legal institutions becomes partially contingent upon their ability to respond to, or withstand, digitally mediated scrutiny. This creates a dual accountability framework in which law enforcement actors are formally accountable to legal norms and substantively exposed to societal judgment in real time. Consequently, the risk of decision-making bias emerges not only from direct intervention but also from anticipatory compliance, where legal actors may unconsciously adjust their actions to align with dominant public sentiment in order to maintain institutional credibility. From an analytical standpoint, this condition underscores the urgency of reinforcing epistemic boundaries between legal reasoning and public opinion, ensuring that evidentiary standards and due process remain the primary basis of adjudication. At the same time, it highlights the need for institutional resilience strategies, including clear communication protocols, transparency mechanisms, and ethical safeguards, to manage the pressures of digital visibility without compromising judicial integrity. Therefore, the intersection between social media dynamics and legal processes should be addressed not as an external disturbance but as an embedded feature of contemporary governance, requiring adaptive yet principled responses to preserve the autonomy and legitimacy of the justice system.

### **Forms of Human Rights Violations in Trial by Social Media**

The phenomenon of *trial by social media* gives rise to various forms of human rights violations. One of the most fundamental violations is the disregard for the principle of the presumption of innocence. Individuals involved in a case are often deemed guilty by the public before undergoing a proper trial in court. Furthermore, violations of the right to privacy are also common, particularly in the form of the dissemination of personal data without consent. This practice not only causes social harm to the individual but also has the potential to threaten their security and personal life. In the context of an open digital space, the protection of privacy becomes increasingly complex and vulnerable to violations (Judijanto et al., 2025).

From a human rights perspective, these practices conflict with fundamental rights guaranteed in international legal instruments, including the Universal Declaration of Human Rights, particularly those related to the presumption of innocence and protection of privacy. This indicates that *trial by social media* is not merely a social phenomenon but also represents a normative deviation from established human rights standards.

This phenomenon is also linked to the rise in cyberbullying and hate speech. The resulting impact is not only social but also psychological, such as mental distress and long-

term stigma. Research indicates that cyberbullying has a significant impact on the psychological well-being of victims, which in the long term can affect an individual's quality of life (Marjun et al., 2025). The right to dignity and reputation is an integral part of the human rights inherent to every individual and guaranteed in various national and international legal instruments. In the context of trial by social media, these rights are particularly vulnerable to violation due to the dissemination of unverified information, biased narratives, and the formation of public opinion that tends to be judgemental.

Social media, with its fast-paced, widespread and uncontrollable nature, enables the formation of a deeply ingrained social stigma against individuals who become the subject of news coverage, regardless of the factual accuracy of the information. Negative narratives that develop in the digital sphere not only impact an individual's reputation in the short term, but can also create social labels that are difficult to erase. Even in situations where an individual has been exonerated or found not guilty through legal proceedings, the digital footprint that has been widely disseminated remains accessible and continues to influence public perception. This creates a condition of prolonged or even perpetual reputational harm.

Damage to one's reputation and good name also has far-reaching implications for other aspects of life, such as social relationships, employment opportunities and an individual's psychological well-being. In many cases, individuals who fall victim to *trial by social media* experience social marginalisation due to the stigma that has already taken hold. This situation demonstrates that violations of the right to dignity are not merely symbolic, but also have a tangible and structural impact on a person's quality of life (Hargiharso & Laksana, 2025).

### **The Implications of 'Trial by Social Media' for the Principle of Justice**

The phenomenon of *trial by social media* has significant implications for the principle of justice, particularly in relation to judicial independence and the objectivity of law enforcement. Public pressure generated through social media can influence the handling of cases, both directly and indirectly. This has the potential to shift the focus of law enforcement from being based on norms and evidence towards responding to public opinion. In such circumstances, the handling of cases is likely to be influenced by public expectations formed in the digital sphere. This situation reflects a tension between procedural justice and the demands of social or substantive justice. On the one hand, the public demands a swift legal response to cases of public concern. On the other hand, the legal system demands a process that is meticulous, objective, and based on valid evidence. When public pressure becomes dominant, there is a risk that legal processes become reactive rather than principled, thereby potentially undermining judicial independence and the integrity of legal outcomes.

Freedom of expression in the digital sphere also presents its own challenges. This freedom is a right guaranteed by law, yet in practice it is often exercised without regard for the limits set by legal norms and ethics. Therefore, a proportionality approach is necessary, where freedom of expression must be balanced with the protection of other fundamental rights, including privacy, dignity, and the right to a fair trial (Hartanto, 2025). This phenomenon also highlights a gap between empirical and normative conditions in law enforcement. In theory, justice must be upheld through legal mechanisms that prioritise due

process, the presumption of innocence, and the protection of human rights. However, in practice, the influence of social media often contradicts these principles (Akbar et al., 2025). This discrepancy underscores the need for a multidimensional approach that integrates legal reform, technological governance, and increased public awareness.

Strengthening regulations is a fundamental step, particularly in responding to increasingly complex and dynamic technological developments. Existing regulations need to be refined so that they can address various forms of misconduct in the digital sphere, including the dissemination of harmful information, privacy breaches, and practices of public shaming that may violate human rights. However, regulatory measures alone are insufficient without effective enforcement and accountability mechanisms, including the active role of digital platforms in moderating harmful content. Improving the public's digital literacy is an equally crucial aspect. Digital literacy is not merely about technical proficiency in using social media, but also encompasses critical understanding of information, media ethics, and awareness of the legal consequences of every activity in the digital space. It is hoped that a public with good digital literacy will be able to discern information wisely and avoid contributing to harmful digital practices.

Consistency in law enforcement is key to maintaining public trust in the judicial system. Law enforcement must remain grounded in the principles of due process of law, independence and objectivity, without being influenced by the pressure of public opinion circulating on social media (Prabowo & Hidayat, 2023; Rahmawati, 2024). Ultimately, addressing the phenomenon of *trial by social media* requires collaborative governance involving the government, law enforcement agencies, digital platforms, and society. Such synergy is essential to create a balanced digital ecosystem that upholds freedom of expression while ensuring the protection of human rights (Wulandari et al., 2024).

Building upon this framework, a more robust analytical approach is required to ensure that the principle of justice is not only formally upheld but also substantively protected within the evolving digital landscape. This necessitates the development of an integrated regulatory model that does not merely react to violations but proactively anticipates the risks posed by algorithm-driven information flows and mass digital participation. In this regard, the role of the state should extend beyond norm-setting to include effective oversight mechanisms and cross-sector coordination, particularly with digital platforms that function as primary gatekeepers of information circulation. At the same time, law enforcement institutions must reinforce internal safeguards, such as ethical guidelines and institutional accountability systems, to mitigate the influence of external pressures while preserving judicial independence. From a socio-legal perspective, the sustainability of justice in the digital era depends on the alignment between normative legal standards and empirical social practices; thus, strengthening digital literacy and cultivating a culture of responsible expression become indispensable components of legal protection. Therefore, the response to *trial by social media* should not be fragmented but structured within a coherent governance framework that integrates legal, technological, and societal dimensions, ensuring that the exercise of freedom of expression remains compatible with the protection of fundamental rights and the integrity of the justice system.

## **CONCLUSION**

The phenomenon of ‘trial by social media’ highlights a fundamental transformation in the formation of public opinion and the relationship between society and the legal system in the digital age. Social media no longer serves merely as a means of disseminating information; rather, it has become a space for the construction of reality capable of shaping perceptions, judgements, and even the legitimacy of a legal case. This situation has led to a shift in authority from formal judicial institutions towards public opinion, which develops rapidly, on a massive scale, and is not always based on verified information. The implications of this phenomenon for human rights are significant and multidimensional. The practice of public judgement in the digital sphere has the potential to violate the presumption of innocence, the right to privacy, and the right to dignity and reputation. The resulting impact is not merely temporary but also long-lasting, particularly due to the nature of digital media, which allows information to remain stored and continue to influence public perception. Furthermore, the rise in digital bullying and the spread of negative narratives further exacerbates individuals’ vulnerability to social pressure in the digital sphere. From the perspective of justice, trial by social media poses a serious challenge to the independence of the judiciary and the objectivity of law enforcement. Public pressure formed through social media has the potential to influence case handling processes and shift the orientation of law enforcement from one based on norms and evidence towards a response to public expectations. This creates a tension between procedural justice and demands for social justice, whilst highlighting a gap between normative conditions and empirical realities in the practice of law enforcement. Consequently, this phenomenon underscores that law enforcement in the digital age no longer operates within a fully autonomous sphere, but is influenced by the dynamics of a complex digital ecosystem. Therefore, there is a need for adaptive regulatory strengthening, improved public digital literacy, and consistent law enforcement grounded in the principles of due process of law, independence, and the protection of human rights. Furthermore, synergy between the state, law enforcement agencies, digital platforms, and the public is a crucial prerequisite for creating a healthy, just digital ecosystem that continues to uphold human rights values.

## **ACKNOWLEDGEMENT**

The author would like to express his deepest gratitude to the journal’s publishers for providing him with the opportunity to publish this academic paper. This opportunity has served as a valuable platform for the author to convey his ideas and the results of his academic research to a wider audience. The author also appreciates the professional editorial process, which has ensured that this article is presented effectively and in accordance with scientific publication standards. The support and trust provided by the journal serve as motivation for the author to continue developing high-quality research in the future.

## **AUTHOR CONTRIBUTIONS STATEMENT**

All authors made significant contributions to this study. The first author was responsible for conceptualization, developing the research framework, and collecting and analyzing legal materials. The second author was responsible for interpreting the research findings, drafting and editing the manuscript, and making revisions.

## AI USAGE STATEMENT

In the process of compiling this work, the author has used language translation technology to assist with language refinement and to enhance the clarity of the academic writing. Following the use of these tools, the author has reviewed and re-edited the entire content of the manuscript as required, and takes full responsibility for the content of this publication.

## CONFLICT OF INTEREST

The authors declare that in the conduct of this research and the publication of this article, there are no conflicts of interest of any kind, whether financial or non-financial, that could affect the objectivity and integrity of the research.

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