Justice court versus social media court

Syarofi

Universitas Janabadra, Jl. Nusa Indah, Condongcatur, Depok, Sleman, Yogyakarta
e-mail: syarofi@janabadra.ac.id

ABSTRACT

The development of digital technology, particularly social media, has significantly transformed the dynamics of Indonesia's criminal justice system. Social media now functions as a public platform that shapes public opinion even before formal legal proceedings commence, giving rise to the phenomenon of "trial by social media." This study analyzes the fundamental differences between formal investigative mechanisms based on the Criminal Procedure Code (KUHAP) and information dissemination mechanisms on social media, as well as their implications for the objectivity, independence, and legitimacy of law enforcement officials. This study employs normative legal methods with qualitative analysis of legislation, legal literature, digital journals, and viral case studies in Indonesia, such as the Vina Cirebon and Mario Dandy cases. The findings indicate that social media rapidly influences public opinion through emotional and simplified narratives, whereas formal justice mechanisms prioritize structured, evidence-based, and procedural processes over emotional narratives. The virality of cases on social media can generate psychological and institutional pressure, threaten investigative objectivity and integrity, and potentially undermine the presumption of innocence. This study highlights the need for digital literacy, transparency in judicial processes, and effective legal communication to ensure that emotional social media narratives do not compromise due process, thereby safeguarding independent, objective, and evidence-based justice for sexual assault victims.

Keywords: social media, criminal justice system, trial by social media, case virality, investigative objectivity.

priviet lab.
RESEARCH & PUBLISHING

1. INTRODUCTION

Society consists of individuals whose interactions can lead to conflicts, requiring laws to regulate behavior and resolve disputes. The Indonesian National Police (POLRI) enforce the law while upholding the presumption of innocence and protecting human rights (Reksodiputro, 2020). The criminal justice system operates formally and systematically: investigations under the Criminal Procedure Code (KUHAP) involve collecting and examining evidence, witness examinations, trials, defense hearings, and judicial verdicts, all conducted with accountability and procedural safeguards, including the right to appeal (Ali, 2017; Reksodiputro, 2020).

Digital technology, especially social media, has transformed the dynamics of public information. Social media acts as a "public court," shaping opinions before formal investigations begin. While online posts can serve as electronic evidence under the ITE Law, much of the circulating information is unverified, leading to unilateral judgments against alleged perpetrators (Sanjaya, Hartono, & Ardhya, 2022).

The differences between formal justice mechanisms and social media create serious challenges regarding evidence validity, investigative objectivity, and the protection of individual rights. Social media lacks formal procedures and spreads information rapidly, often driven by emotions, generating "public verdicts" based on viral narratives rather than legal evidence (Sunstein, 2017; Castells, 2019). This can severely damage reputations and contradict the structured legal system with clear punishments and rehabilitation mechanisms (Boyd, 2014; Sahetapy, 2017).

The influence of social media is amplified by its accessibility, simple and emotional narratives, and algorithm-driven echo chambers, which reinforce unverified opinions and public pressure for quick justice, sometimes misaligning with proper investigative procedures (Castells, 2019; Sunstein, 2017; Abrar, 2021; Satjipto Rahardjo, 2019). See Table 1 and 2

Table 1. Fundamental Differences in the Nature and Language of Delivery

Factors	Justice Mechanism (KUHAP)	Social Media Mechanism
Language	Formal, Technical, and Procedural. Using legal terms (crime, confiscation, pretrial, valid evidence).	Informal, Simple, and Emotional. Using everyday language, memes, and emojis.
Focus	Prosedur dan Logika Hukum. Berorientasi pada pembuktian "apakah sah menurut undang-undang."	Legal Procedure and Logic. Oriented towards proving whether something is legally valid.
Speed	Slow, gradual, and secretive. It must go through stages of investigation, inquiry, and prosecution.	Fast, Instant, and Viral. Information spreads in seconds (real-time).
Access	Limited. Only related parties and official documents.	Limited. Only related parties and official documents.

Table 2. Fundamental Differences between Cognition and Social Psychology

Principles	Justice Mechanism (KUHAP)	Social Media Mechanism
Emotionality:	People tend to respond more to and remember content that triggers emotions (anger, sadness, sympathy).	Social media packages cases as in-depth dramas (victim-focused narratives), which are far more engaging than dry, procedural justice flows.
Implications	(Complexity Reduction) The law is complex.	Social media simplifies cases into binary narratives (good vs. evil, victim vs. perpetrator). This simplification makes it easy for the general public to digest and jump to conclusions (one-sided judgment).

In cyberspace, social media shapes public perceptions of judicial decisions through viral content on platforms such as TikTok and Instagram, often reinforcing pre-existing biases (Pariser, 2021). This unstructured social control can undermine the independence of formal legal processes (Hadiz, 2021). Viral cases in Indonesia, such as the Vina Cirebon case and the abuse of a tax official's child, show how unverified videos, speculation, and public outrage create significant pressure on law enforcement agencies. While judicial evidence must follow strict legal procedures under the Criminal Procedure Code and ITE

Law (Hamzah, 2017), social media prioritizes speed, emotion, and mass opinion, sometimes prompting authorities to act hastily and disclose sensitive information (Tufekci, 2017; Rachman, 2017; Post, 2019).

Other cases, including suicide broadcasts, highlight ethical dilemmas for investigators and risks such as victim blaming, violations of digital law, and psychological harm to families (Larasati & Mustofa, 2021; Turkle, 2018). These examples illustrate the gap between formal, evidence-based justice and public justice shaped by virality, emphasizing the need to analyze how social media influences investigative integrity, evidence validity, and suspect rights.

Based on the background description, the research questions in this study are as follows: (1) What are the fundamental differences between judicial investigation mechanisms and information dissemination mechanisms on social media in terms of language, process, and evidence? (2) How do investigative mechanisms in the judicial justice system (KUHAP) work to gather evidence and ensure the protection of suspects' rights? (3) How does social media influence public opinion through the rapid and emotional dissemination of information, thereby affecting perceptions of justice? (4) How does the virality of cases on social media (trial by social media) impact the objectivity and independence of formal investigative processes? (5) What are the legal and social implications of the dominance of social media narratives over the formal judicial process in viral cases in Indonesia?.

2. METHODOLOGY

This study employs normative legal research, which examines the application of legal norms to real-life cases (Permana et al., 2021). The primary legal materials include the Criminal Procedure Code, the Electronic Information and Transactions Law, court decisions, and regulations on electronic evidence (Marzuki, 2016), while secondary sources include criminal law books, investigative literature, digital evidence journals, and social media theory (Soerjono Soekanto, 2012; Hamzah, 2017; Sunstein, 2017; Castells, 2019). Data were qualitatively analyzed by reviewing relevant legal norms, principles, and doctrines to assess how formal investigations proceed and how social media affects legal validity. Conclusions were drawn through logical reasoning based on document studies and interviews with the key informants.

3. DISCUSSION

3.1. Fundamental Differences Between the Mechanism of Judicial Investigation and the Mechanism of Information Dissemination on Social Media in Terms of Language, Process, and Evidence

The most fundamental differences between the mechanisms of judicial investigation and the dissemination of information on social media lie in their objectives, language, processes, and standards of evidence. The criminal justice system, according to the Criminal Procedure Code (KUHAP), operates in a legalistic and standardized manner, while social media operates based on the logic of virality, emotion, and public opinion (McQuail, 2011).

3.1.1. Differences in Language

The language of judicial investigation is formal, objective, and technical, using precise legal terminology to avoid bias, such as terms such as suspect, evidence, and expert testimony (Hamzah, 2018). Social media language tends to be emotional, persuasive, and hyperbolic. Content that triggers emotions is more easily viral, leading netizens to often make moral judgments such as "cruel" or "unforgivable" without any basis in evidence (Berger & Milkman, 2012). Thus, legal language maintains precision, whereas digital language pursues emotional engagement.

3.1.2. Differences in Process

The KUHAP investigation process is gradual, structured, and supervised, from the initial inquiry to the transfer of files, and must adhere to the principles of legality and due process of law (Lamintang,

2014). In contrast, social media does not recognize verification or stages. Information, both facts and hoaxes, spreads instantly and massively because algorithms prioritize user engagement, not truth (Vosoughi, Roy, & Aral, 2018). According to the Information Cascade Theory (Bikhchandani et al., 1992), the public easily believes something simply because many others appear to believe it, as seen in viral cases like the Vina Cirebon case.

3.1.3. Differences in Evidence

In judicial proceedings, evidence is strictly subject to Article 184 of the KUHAP, including witness and expert testimony, letters, clues, and the defendant's testimony. The validity of each piece of evidence must be tested both rationally and formally (Harahap, 2012). Social media lacks evidentiary standards; viral videos, photos, and narratives are often treated as "final proof." Tandoc, Lim, and Ling (2018) show that the public tends to use the "impression of truth" as a basis for believing that information is true because it is frequently shared or appears convincing.

In the Mario Dandy case, for example, the video recording of the violence was indeed evidence, but it was only legally valid after forensic analysis. However, on social media, the video immediately generated public judgment without considering the context, motive, or sequence of events (Sudibyo, 2022). This phenomenon demonstrates the practice of trial by media, namely, public verdicts rendered without legal evidence. The Indonesian Justice System, as a formal justice system, serves as the primary bulwark of law enforcement, operating under the Criminal Procedure Code (KUHAP), with a strict, legalistic, and accountable process. The principle of presumption of innocence underpins investigations, ensuring careful execution of each stage, aimed at preventing errors and protecting individual rights (Reksodiputro, 2020; Ali, 2017). Evidence, including digital evidence in viral cases like the Vina Cirebon case, is only valid if obtained through official seizure and forensic examination to verify its validity (Hamzah, 2017).

In contrast, social media operates as a "public justice" driven by speed, emotion, and virality. Legal information is packaged into simple narratives that trigger instant public reactions (Castells, 2019). In cases such as the abuse of a tax official's child, the viral video immediately generated collective outrage and resulted in social punishment before a legal verdict was issued (Boyd, 2014). This demonstrates that social media tends to replace formal legal processes with mass logic. Conflicts arise when digital processes collide with judicial mechanisms. In live-streamed suicide cases, for example, investigators must balance investigative needs with ethics and personal data protection (Larasati & Mustofa, 2021), while social media tends to ignore ethics and encourage victim blaming (Turkle, 2018). Extreme public pressure through the "No Viral, No Justice" phenomenon forces law enforcement to expedite processes or adjust measures to maintain the institution's image (Abrar, 2021; Post, 2019), thus jeopardizing investigative independence.

Progressive justice perspective explains this situation: when the law is too formalistic, the public seeks alternative channels such as social media. Virality is considered more effective than slow, formal processes. However, the apparatus' adaptation—for example, the rapid publication of case developments—risks exposing the judiciary to pressure from public opinion.

Saputra (2024) research on criminal liability for defamation through social media demonstrates how digital posts can have immediate legal consequences. However, the difference with the Vina Cirebon case or online suicide cases lies in the direction of public reaction: in certain cases, the public immediately renders a "moral verdict" before a formal investigation can begin. Investigators face a dilemma between following up on content as evidence while maintaining ethical data protection (Larasati & Mustofa, 2021).

What all cases have in common is that social media mechanisms often violate the Electronic Information and Transactions (ITE) Law, disseminating sensitive content that leads to victim blaming and widespread psychological distress (Turkle, 2018). Viral information is used as "evidence" by the public based on emotions and assumptions. Truth is perceived based on the strength of the circulating narrative, rather than through legal verification. This results in social media becoming an arena for unilateral judgment, while in the judicial process, judges do not consider public opinion but focus instead on valid evidence and criminal liability under the law.

Thus, the rise in viral cases demonstrates the wide gap between formal legal processes and digital judgments. Social media creates the perception of instant justice, whereas Yustisia demands a measurable

595

process. This imbalance has created a crisis of trust and underscored the challenge for authorities to enforce the law independently even under the pressure of virality.

3.2. Investigative Mechanisms in the Criminal Procedure Code (KUHAP) Work to Collect Evidence and Ensure the Protection of Suspects' Rights

In the Indonesian criminal justice system, investigative mechanisms are strictly regulated by the Criminal Procedure Code (KUHAP) as the primary guideline for upholding the presumption of innocence and protecting the rights of suspects. Experts such as Hamzah (2017), Harahap (2019), and Lamintang (2018) emphasize that the investigative process must follow formal procedures, use valid evidence as stipulated in Article 184 of the Criminal Procedure Code, and guarantee the suspect's rights as part of human rights protection.

In contrast to judicial mechanisms, social media creates a "public court" space that is not based on legal evidence, but rather on opinion, emotion, and virality. Muladi (2020) describes the phenomenon of trial by social media as a form of guilt assessment that occurs before the legal process has begun, often pressuring authorities to act reactively and potentially compromising the objectivity of the investigation.

This phenomenon was evident in the cases of Vina Cirebon in 2024 and Mario Dandy in 2023, where public pressure prompted authorities to act swiftly and with greater transparency. However, this simultaneously led to public judgment and social stigma against those deemed involved, even without legal proof. Experts believe this situation could threaten the rights of suspects guaranteed by the Criminal Procedure Code (KUHAP).

Thus, there is a fundamental difference between judicial trials, which are based on formal law and valid evidence, and social media trials, which are based on public perception. While social media can be a means of public control, the integrity of investigations must still adhere to the Criminal Procedure Code to ensure justice and the human rights of every citizen (Harahap, 2019; Lamintang, 2018).

3.3. The Influence of Social Media on Shaping Public Opinion Through the Rapid and Emotional Dissemination of Information on Perceptions of Justice

Social media now functions as an "alternative court" due to the speed of information dissemination and the emotional nature of its content, which shapes public perceptions of legal cases more quickly than formal investigations. In line with McQuail's (2011) view, digital media is capable of constructing sensationalist realities, allowing public opinion to form before the Criminal Procedure Code (KUHAP) mechanisms are implemented. McCombs & Shaw's (1972) Agenda Setting Theory explains how the virality of cases such as Vina Cirebon and Mario Dandy's cases causes the public to focus on specific aspects highlighted on social media. This is reinforced by Nasrullah's (2020) finding that Indonesian digital culture often precedes fact verification.

The emotional nature of content also accelerates opinion formation, as evidenced by research by Brady et al. (2017) that found that moral emotions accelerate the spread of information. The public then judges justice based on emotional reactions, rather than legal evidence, as explained by the concept of the Affect Heuristic (Slovic, 2007). In the cases of Vina Cirebon and Mario Dandy, the viral narrative generated public pressure that rivaled the formal investigative process, as outlined by Sudibyo (2022) and Lim (2020), who asserted that digital content can create a cyber cascade that forces authorities to act in accordance with public demands.

This phenomenon is consistent with the Trial by Media theory (Greer & McLaughlin, 2012), in which the media "puts a trial" on certain parties before a judicial court can act, thereby obscuring the presumption of innocence as stipulated in Law No. 48/2009 and the opinion of Hamzah (2018). Research by Nugroho (2021) reinforces this by showing that public perceptions of justice in viral cases tend to shift from evidence to emotional narratives.

Overall, social media has a significant influence in shaping perceptions of justice through the rapid and emotional dissemination of information. This impact can enhance transparency, but also has the potential to undermine the objectivity of the investigative process under the Criminal Procedure Code. Therefore, it is necessary to increase digital literacy and more effective public communication from law

596

enforcement officials so that the public can distinguish emotional opinions from legitimate judicial procedures.

3.4. The Impact of Case Virality on Social Media (Trial by Social Media) on the Objectivity

Independence, and Integrity of Formal Investigation Processes by Law Enforcement Officials The phenomenon of case virality on social media has significantly impacted the objectivity, independence, and integrity of formal investigation processes that should be carried out according to the Criminal Procedure Code (KUHAP). In this context, trial by social media, as explained by Greer & McLaughlin (2012), causes the public to form moral judgments long before investigators have completed the legal process. The rapid spread of emotional content on social media, as found in research by Brady, Wills, and Jost (2017), makes public opinion easily triggered and puts pressure on law enforcement officials to respond quickly, even reactively.

However, investigations according to the KUHAP require objectivity and thoroughness based on valid evidence, not emotional pressure from the public. Research by Nasrullah (2020) also shows that digital culture in Indonesia is highly susceptible to shaping perceptions through virality, so that social media framing can shift investigators' focus from formal evidence to meeting public expectations. From an independence perspective, the viral nature of a case creates social pressure that compromises investigators' freedom to make professional decisions. Lim (2020) describes the cyber cascade phenomenon as a situation where the flow of viral information generates collective pressure that influences the actions of legal institutions. Examples of this are evident in a number of viral cases, where authorities rush to name suspects or add specific articles after receiving public pressure, rather than solely due to emerging evidence. This situation is dangerous because it can push authorities to act defensively to avoid delegitimization in the public eye. Greer & McLaughlin (2012) also emphasize that social media often amplifies punitive public opinion, prompting authorities to feel compelled to follow the trend to maintain public trust, even if it can compromise investigative independence.

From the perspective of investigative integrity, the rapid and often unverified spread of information also threatens the evidentiary standards stipulated in the Criminal Procedure Code (KUHAP). Research by Vosoughi, Roy, and Aral (2018) shows that fake news and content of uncertain veracity spread faster than factual information, leading the public to often perceive viral information as "evidence" that authorities must follow up on. This contradicts the principle of proof under Article 184 of the Criminal Procedure Code, which requires investigators to formally examine evidence. Sudibyo (2022) adds that in the digital age, the public is more likely to believe short videos or viral narratives than official police reports.

Therefore, investigative integrity is often threatened by public demands for immediate action, even though the verification process for evidence has not yet been completed. In situations like this, the presumption of innocence, protected by Indonesian law, is increasingly being neglected, as warned by Hamzah (2017) in his study of criminal procedure law. Thus, virality on social media exerts multidimensional pressure on law enforcement officials, which can compromise the objectivity, independence, and integrity of investigations. While social media has a positive function as a means of public oversight of the performance of officers, its negative impacts cannot be ignored. The investigative process, which should be carried out professionally, rationally, and based on the principle of due process of law, is often displaced by the public's emotional demands for instant justice. Therefore, law enforcement institutions need to strengthen digital literacy and public communication strategies to ensure investigations continue to proceed according to due process, without succumbing to the pressures of social media virality.

4. CONCLUSION

Based on the discussion, it can be concluded that social media now plays a significant role in shaping the dynamics of the criminal justice system in Indonesia.

First, the rapid spread of emotional information on social media strongly influences public opinion and perceptions of justice. This creates both psychological and institutional pressure on law enforcement officers in handling cases.

Second, there is a fundamental difference between the structured, evidence-based, and procedurally regulated judicial investigation mechanism, and the free-flowing, unverified information dissemination on social media, which is heavily shaped by emotional language and user narratives. This imbalance makes the formal justice process vulnerable to distortion by public perceptions that are not always based on legal facts.

Third, the virality of cases, or the phenomenon of "trials by social media," can undermine the objectivity, independence, and integrity of law enforcement officers. Public pressure often demands rapid action and certainty, even though legal evidence must be carefully and impartially examined.

Fourth, the dominance of social media narratives over formal justice processes can delegitimize legal institutions. The public tends to trust emotional viral narratives rather than verified legal facts. When social media narratives conflict with judicial decisions, it reinforces perceptions of injustice and erodes public trust in law enforcement agencies.

Fifth, the legal and social implications include weakening the presumption of innocence, increasing societal polarization, and reducing public rationality in evaluating legal processes. Social media, through algorithms and virality, has become a structural arena that shapes perceptions of justice. Therefore, strengthening digital literacy, ensuring transparency in judicial processes, and improving legal communication are essential to prevent emotional narratives on social media from overriding the principle of due process, ensuring that justice is administered objectively, independently, and based on evidence.

Ethical Approval
Not applicable.

Informed Consent Statement
Not applicable.

Disclosure statement
The Authors declare no conflict of interest.

Data Availability Statement
The data presented in this research are available on request from the corresponding author due to privacy reasons.

Funding
This research received no external funding.

Notes on Contributions

Syarofi
Syarofi is affiliated with Universitas Janabadra

REFERENCES

Ali, M. (2017). *Basic principles of criminal procedure law*. Prenadamedia Group.

Berger, J., & Milkman, K. L. (2012). What makes online content viral? *Journal of Marketing Research, 49*(2), 192–205. https://doi.org/10.1509/jmr.10.0353

Bikhchandani, S., Hirshleifer, D., & Welch, I. (1992). A theory of fads, fashion, custom, and cultural change as informational cascades. *Journal of Political Economy, 100*(5), 992–1026. https://doi.org/10.1086/261849

Boyd, d. (2014). *It's complicated: The social lives of networked teens*. Yale University Press.

Brady, W. J., Wills, J. A., Jost, J. T., Tucker, J. A., & Van Bavel, J. J. (2017). Emotion shapes the diffusion of moralized content in social networks. *Proceedings of the National Academy of Sciences, 114*(28), 7313–7318. https://doi.org/10.1073/pnas.1706583114

Brar, A. (2021). *No viral, no justice: A study of the influence of social media on the law enforcement process in Indonesia.* Rajawali Pers.

Castells, M. (2019). *Communication power.* Oxford University Press.

Eberl, J.-M., Boomgaarden, H. G., & Wagner, M. (2020). News media and public opinion in the digital age. *Journal of Media Psychology, 32*(3), 123–135.

Greer, C., & McLaughlin, E. (2012). 'This is not Justice': Ian Tomlinson, institutional failure and the press politics of outrage. *The British Journal of Criminology, 52*(2), 274–293. https://doi.org/10.1093/bjc/azr086

Greer, C., & McLaughlin, E. (2011). 'Trial by media': Policing, the 24–7 news mediasphere and the politics of outrage. *Theoretical Criminology, 15*(1), 23–46. https://doi.org/10.1177/1362480610387461

Hamzah, A. (2017). *Indonesian criminal procedure law.* Sinar Grafika.

Hamzah, A. (2018). *Basic principles of investigation and prosecution.* Sinar Grafika.

Harahap, M Yahya. (2012). *Evidence in Indonesian criminal procedure law.* Sinar Grafika.

Lamintang, H. (2014). *Criminal procedure code and its implementation in Indonesia.* Sinar Grafika.

Lamintang, H. (2018). Protection of suspects' rights in the investigation process. *Journal of Law and Justice, 8*(2), 105–120.

Lim, J. (2020). Cyber cascade: Viral content and public pressure on law enforcement in Indonesia. *Journal of Technology and Society, 11*(2), 45–60.

Marwick, A., & boyd, d. (2021). Networked amplification and public opinion in digital media. *Social Media + Society, 7*(1), 1–11.

McCombs, M. E., & Shaw, D. L. (1972). The agenda-setting function of mass media. *Public Opinion Quarterly, 36*(2), 176–187. https://doi.org/10.1086/267990 OUP Academic

McQuail, D. (2011). *McQuail's mass communication theory* (6th ed.). Sage.

Muladi. (2020). Social media and public opinion formation: Impact on the legal process. *Journal of Law and Development, 50*(1), 15–30.

Nasrullah, A. (2020). Digital culture in Indonesia and its influence on legal perceptions. *Indonesian Journal of Communication, 5*(1), 33–48.

Nugroho, H. (2021). Digital communication and public perceptions of justice in the social media era. *Journal of Law and Media, 10*(3), 55–70.

Post, R. C. (2019). Social media and law: The new trial by media. *Law & Society Review, 53*(4), 789–812.

Rahardjo, S. (2019). *Progressive vs. formal justice in the Indonesian legal system.* FH UII Press.

Reksodiputro, S. (2020). *The criminal justice system in Indonesia: Theory and practice.* Rajawali Pers.

Saputra, Dewas. (2024). Criminal liability for the crime of defamation on social media. *Journal of Law and Communication, 12*(1), 45–60.

Slovic, P., Finucane, M. L., Peters, E., & MacGregor, D. G. (2007). The affect heuristic. *European Journal of Operational Research, 177*(3), 1333–1352. https://doi.org/10.1016/j.ejor.2005.04.006 ScienceDirect

Sudibyo, T. (2022). Trial by media in the digital era: Analysis of viral cases in Indonesia. *Journal of Law and Media, 11*(2), 101–118.

Tandoc, E. C., Jr., Lim, Z. W., & Ling, R. (2018). Defining "fake news": A typology of scholarly definitions. *Digital Journalism, 6*(2), 137–153. https://doi.org/10.1080/21670811.2017.1360143

Turkle, S. (2018). *Reclaiming conversation: The power of talk in a digital age.* Penguin Press.

Vosoughi, S., Roy, D., & Aral, S. (2018). The spread of true and false news online. *Science, 359*(6380), 1146–1151. https://doi.org/10.1126/science.aap9559

West Java Regional Police Chief. (2024). *Official report on the Vina Cirebon case.* West Java Regional Police.