

The Trial by Social Media Phenomenon: Its Implications on Judges' Conviction and the Protection of Judicial Independence

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ABSTRACT

The influence of social media pressure on the process of forming a judge's conviction within the Indonesian criminal justice system corresponds with the advancement of digital technology, which has shifted the pattern of public oversight from trial by the press to trial by social media, thereby shaping a court of public opinion. Sociological phenomena such as the "No Viral, No Justice" movement and justice outsourcing generate psychological pressure that potentially encourages the practice of judicial populism. Consequently, the independence of the judicial power and the cognitive independence of judges in evaluating evidence pursuant to Articles 183 and 184 of the Criminal Procedure Code (KUHP) face tangible external challenges. Utilizing a normative legal research method with approaches in the sociology of law, legal realism, statutory examination, conceptual analysis, and case studies, this research formulates solutions for institutional protection. The findings indicate the necessity of reactualizing the contempt of court doctrine and the sub judice rule, supported by Article 281 of Law Number 1 of 2023 concerning the Penal Code. Furthermore, the panel of judges may optimize its functional authority through procedural discretion, consisting of restricting live broadcasting (live streaming) and applying publication restriction orders (gag orders) to ensure a fair trial. The discovery of material truth must remain grounded in trial facts, rather than digital trends.

Keywords: Trial by Social Media; Judge's Conviction; Judicial Independence; Judicial Power.

INTRODUCTION

The criminal justice system across various jurisdictions, including Indonesia, currently faces fundamental shifts. These changes are influenced not only by legislative amendments to formal normative legal doctrines but also by the expanding penetration of information technology and the pervasive use of social media. The transition of public discourse into digital platforms alters the sociological landscape of law enforcement. This dynamic establishes a new ecosystem affecting every stage of the judicial process—from criminal investigation and prosecution to courtroom adjudication—making it susceptible to external pressures and influences (Harseno, R. M. 2025). This phenomenon indicates a transition from the era of trial by the press, which operates under journalistic ethics and institutional editorial standards, to an era of trial by social media (Azkiya, A. Z., Sauri, D. A., & Damayanti, S. 2025).

The substantial number of active internet and social media users in Indonesia subjects law enforcement mechanisms, the judiciary, and parties involved in legal proceedings to intensive public scrutiny (Harseno, R. M. 2025). While public oversight serves as a manifestation of transparency and state accountability in a democracy, it holds the potential to shift toward social intervention. This sociological condition suggests a changing perception of the search for justice and material truth. There is an observable shift from the court of law, which relies on formal procedural rules, logical evidentiary standards, and legal rationality, toward the court of public opinion, which is largely driven by collective sentiment and fragmented information (Harseno,

R. M. 2025).

Within the digital public sphere, social media algorithms prioritize widespread visibility (virality) and user engagement (Siregar, A. A. 2025). These operational mechanics facilitate the emergence of echo chambers and filter bubbles, wherein public opinions are rapidly produced, reproduced, and amplified without adequate fact-checking mechanisms. Consequently, digital communities frequently assume a role resembling an informal judicial institution (Wahyuningtyas, R., & Putra, D. P. 2024). This situation generates social sanctions, such as stigmatization and reputational damage against individuals navigating the justice system, often occurring before a constitutionally legitimate court issues a final and binding decision.

These public dynamics on digital platforms affect the fundamental pillars of the justice system, particularly concerning the independence and functional freedom of judges. The judiciary currently faces sociological pressures that differ significantly from those present when the Indonesian Criminal Procedure Code (KUHAP) was originally drafted. Such pressures manifest in various forms, ranging from digital privacy intrusions to structured cyber campaigns intended to influence legal reasoning and final verdicts (Harseno, R. M. 2025). This phenomenon introduces both legal and ethical complexities for the judicial apparatus, requiring a balance between protecting the defendant's rights under the presumption of innocence and addressing the public's expectation for transparency (Harseno, R. M. 2025).

The expansion of the digital sphere has also catalyzed a social phenomenon within Indonesia's law enforcement governance, encapsulated by the sociological adage "No Viral, No Justice" (Kharisma, D. B. 2025). This trend suggests a public perception that the responsiveness of law enforcement agencies correlates directly with the level of online attention a case receives. Such a shift in case management approaches risks undermining the essence of criminal procedural law and the rule of law (*rechtsstaat*) through what can be termed as justice outsourcing. In this context, the pursuit of material truth which ought to be examined through formal evidentiary procedures in a courtroom may be compromised by fluctuating digital popularity metrics.

Judicial independence functions as a fundamental prerequisite (*conditio sine qua non*) for upholding a just legal system (Tanjung, I., 2022). Under constitutional mandates, this principle extends beyond institutional autonomy from executive and legislative branches; it encompasses freedom from extra-judicial influences (Wajdi, F., 2018), including public opinion pressures and online narratives. The formation of a judge's conviction a necessary element for criminal sentencing alongside the requirement of at least two valid forms of evidence must remain unaffected by the subjective nature of social media discourse to preserve the objectivity of the judgment (Bahari, 2025).

Given these socio-legal dynamics, comprehensive normative and empirical research is necessary. Such studies should examine the influence of social media mobilization on the functional independence of judges, analyze the dialectical relationship between legal justice and social justice within the framework of progressive legal theory, and formulate measures to revitalize institutional protection mechanisms under Indonesian constitutional and criminal law. These strengthening efforts may be optimized by enforcing the doctrine of contempt of court (*Tindak Pidana Penyelenggaraan Peradilan*) and applying the *sub judice* principle (Karniel, Y., 2014), thereby mitigating the adverse effects of digital phenomena while respecting democratic

values.

This study analyzes the interaction between the evolving digital ecosystem, public opinion pressure originating from cyberspace, and the resilience of judicial independence within the Indonesian criminal justice system. The research focuses on delineating the mechanisms through which social media influences the formation of judicial conviction, examining the theoretical relationship between legal justice and social justice in the post-truth era, and analyzing relevant case studies of high-profile public interest cases. Based on this analysis, the study formulates institutional strengthening strategies grounded in the inherent powers of the judiciary, aiming to preserve the authority and independence of the judicial system and uphold the rule of law in Indonesia.

METHODS

This study employs a normative legal research methodology, integrating sociological jurisprudence and legal realism. This integration serves to analyze the textual, grammatical, and formal legal dogmatics within statutory regulations, while simultaneously examining how this legal framework is implemented and interacts with the digital social reality. From a legal ontological perspective, the study maps the existence and actions of legal subjects and social actors within the virtual domain. Through a legal epistemological lens, the research analyzes the rationality, the methodology of legal reasoning (*rechtsvinding*), and the truth-construction processes employed by judicial institutions amid the information disruption caused by the trial by social media phenomenon. Regarding legal axiology, the research examines the values of utility, morality, and justice in realizing the function of law within a polarized society.

The legal analysis in this study relies on three interrelated approaches. First, a statute approach is utilized to examine constitutional norms and organic regulations concerning judicial power, freedom of expression, and the press. This includes analyzing the new Criminal Code (Law Number 1 of 2023) regarding the protection of judicial independence and the offense of contempt of court, alongside Articles 183 and 184 of the Indonesian Criminal Procedure Code (KUHAP), which serve as the statutory basis for the formation of a judge's conviction. Second, a conceptual approach is applied to assess fundamental doctrines such as the *sub judice* principle, judicial independence, judicial populism, progressive legal theory, and the concept of justice outsourcing. This approach aids in analyzing the boundaries between a citizen's right to freedom of expression and a suspect's or defendant's right to an objective and fair trial.

Third, a case approach is employed to analyze select criminal cases in Indonesia that have generated extensive attention on social media platforms. These analytical frameworks are supported by the collection of primary, secondary, and tertiary legal materials. The data gathering involves retrieving court decisions, reviewing academic journal literature, examining trial transcripts, and analyzing media documentation regarding public responses to judicial proceedings.

RESULTS AND DISCUSSION

The Transformation from Trial by the Press to Trial by Social Media and “No Viral, No Justice”

The evolution of social interaction within the digital society influences the architecture and

infrastructure of mass communication. Social media platforms currently function as quasi-public spheres that hold a significant role in shaping and directing public opinion (Khoiriah et al., 2025). The phenomenon of public opinion intervening in judicial processes, often termed trial by the media, represents a long-standing occurrence within the criminal justice ecosystem. In previous decades, conventional media such as print, radio, and television represented this dynamic of public scrutiny. However, the sociology of media indicates fundamental ontological, epistemological, and structural differences between the traditional trial by the press and the current wave of trial by social media in the digital era (Harseno, R. M., 2025).

Digital platforms are driven by algorithms designed to optimize interaction duration (retention) and user engagement. This technological orientation does not prioritize objective truth or the rules of procedural law as primary parameters for information dissemination. The distribution of information frequently favors content that provokes emotion or polarizes perspectives in the public sphere (Peranginangin, I. F. D., et al., 2025). Such digital content establishes echo chambers that facilitate the subjective production, reproduction, and amplification of legal narratives without adequate fact-checking processes (Akbar, F., & Rizky, A., 2024).

Table 1. Comparison Between Trial by the Press and Trial by Social Media

Dimensions of Comparison	Trial by the Press (Conventional Press)	Trial by Social Media (Digital Platforms)
Information Filtering System (Gatekeeping)	Maintains a professional editorial structure, internal legal counsel, and an ethical board institution.	Formal editorial control is absent; filtering relies on digital algorithms prioritizing popularity metrics.
Characteristics & Distribution Mechanisms	Communication is one-way (broadcasting), possesses broadcast time limitations, and has a measurable audience reach.	Multi-directional interactive communication; dissemination is instant, exponential, and transcends jurisdictional boundaries.
Narrative Construction Characteristics	Bound by journalistic ethics obligations, such as the <i>cover both sides</i> principle and protection of the presumption of innocence.	Tends to be subjective, influenced by collective sentiment, and lacks objective verification of legal substance.
Regulatory Framework & Violation Sanctions	Structured under the supervision of the Press Law, the authority of the Press Council, and Journalistic Code of Ethics sanctions.	Faces limitations in formal ethical regulation as it relies heavily on aspects of freedom of expression.
Psychological Impact on Judicial Apparatus	Generates public attention, yet judicial officers can relatively maintain the independence of their legal reasoning.	Has the potential to trigger direct psychological pressure through personal data dissemination (doxing) or massive digital opinion mobilization.

Source: Synthesized from various literature, processed (2026).

The sociological shift toward trial by social media indicates a perception among internet users regarding an equivalence of roles with formal law enforcement institutions and the panel of judges. This phenomenon encourages self-organizing patterns by digital communities, manifesting in actions resembling digital vigilantism, often identified as virtual judges. These digital communities conduct independent investigations based on fragmented information, snippets of audio-visual documentation, or screenshots of digital conversations whose forensic

validity remains untested (Harseno, R. M., 2025). The construction of such digital information subsequently forms a narrative chronology that generates social sanctions, tendentious opinions (cyberbullying), and reputational degradation against parties suspected of legal violations, even before formal judicial institutions commence the case examination phase (Harseno, R. M., 2025). This condition presents fundamental implications for the existence of the rule of law (*rechtsstaat*), particularly concerning the supremacy and exclusivity of judicial authority in resolving criminal cases within the public sphere.

The sociological manifestation of this dynamic is reflected in the emergence of an institutional legitimacy crisis, represented by the adage “No Viral, No Justice” (Runturambi et al., 2024). This adage and the associated hashtag mobilization represent an accumulation of public dissatisfaction toward the performance of the formal law enforcement bureaucracy, which is perceived as lacking acceleration and responsiveness in fulfilling the community's sense of justice (Runturambi et al., 2024). This phenomenon reflects a decline in public trust toward the criminal justice system (Syahrir, M., et al., 2025). Consequently, a segment of the public tends to redirect their pursuit of justice to social media platforms that offer rapid responses, despite the inherent risk of compromising the accuracy of material truth (Akbar, F., & Rizky, A., 2024).

From the perspective of progressive legal theory, the phenomenon of handling cases based on public attention is viewed as an instrument of social control and a manifestation of public participation in promoting the transparency and accountability of law enforcement officers (Runturambi et al., 2024). However, empirical developments suggest potential procedural anomalies that may affect the principle of legal certainty. Law enforcement agencies and judicial institutions occasionally face substantial social pressure (Sugiman, S., et al., 2025), leading to a tendency to expedite the stages of investigation, detention, or the drafting of indictments in order to respond to public attention dominating the digital sphere (Harseno, R. M., 2025).

This pattern of case management stimulates academic discourse regarding the concept of justice outsourcing. This concept delineates a condition wherein the fulfillment of due process of law, the protection of suspect rights, and the evaluation of scientific evidence—domains that are exclusively under the purview of law enforcement personnel—face the risk of being influenced by digital popularity metrics and the intensity of narratives on social media. This sociological dynamic presents a challenge in modern law enforcement, wherein the ideal of justice, which should be enforced impartially based on legal evidence, risks bias due to opinion pressure and collective sentiment within the digital sphere.

The Dynamics of Forming Judicial Conviction in the Era of Trial by Social Media

The fundamental essence of an impartial and objective justice system rests on the cognitive independence and functional freedom of judges. Within the constitutional framework of Indonesian state law, Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that judicial power is an independent power to organize the judiciary to uphold law and justice (Rachmadika, A. D., et al., 2024). Theoretical understandings of this independent judicial power encompass two basic dimensional principles: vertical freedom from the structural intervention of executive and legislative branches, and horizontal freedom from all forms of extra-judicial influence (Wajdi et al., 2020). The scope of such extra-judicial influence includes mass pressure, the opinions of political elites, mass media framing, and the currents of

public opinion generated within the social media ecosystem.

In the landscape of Indonesian criminal procedural law, the focal point of a judge's judicial decision-making methodology relies on the concept of the judge's conviction (*keyakinan hakim*). Regarding this mechanism, Article 183 of the Criminal Procedure Code (KUHAP) adopts the principle of *negatief wettelijk stelsel* (a negative statutory evidence system). This doctrinal characteristic stipulates that a judge cannot impose a criminal sentence on a person unless, with at least two valid forms of evidence as restrictively regulated in Article 184 of the KUHAP, the judge obtains the conviction that a criminal offense has actually occurred and that the defendant is guilty of committing it (Bahari, 2025). From a legal epistemological perspective, the judge's conviction is neither a conclusion based on subjective intuition nor a reactive response to public sentiment. Rather, this conviction results from rational, systematic, and logical deduction built upon the principle of objectivity. It is achieved through critical analysis of the conformity among forms of evidence, cross-examination of witness testimonies, and legal arguments tested dialectically during the trial (Tanjung, I., 2022).

Nevertheless, the widespread use of social media and digital algorithmic metrics currently affects the independence of this judicial space. Judges, as sociological subjects, naturally live and interact within the reality of a digital society, meaning they are not entirely free from exposure to public narratives. In this context, the trial by social media phenomenon develops into a form of external influence affecting the psychological condition of the judicial apparatus. Contemporary judicial panels face a spectrum of digital pressures, ranging from the dissemination of opinions that attack personal integrity and the publication of family personal data (doxing), to the mobilization of massive digital petitions that possess the potential to influence the authority of the court (Harseno, R. M., 2025). The excess of this psychological burden holds the potential to reduce the level of a judge's objectivity and reasoning rationality, driven by emerging fears of social rejection or digital sanctions if the delivered legal judgment does not align with the dominant narrative of the cyber community (Harseno, R. M., 2025).

The influence of algorithmic social media narrative penetration on the judicial structure can be empirically traced through an analysis of three cases with significant public attention in Indonesia:

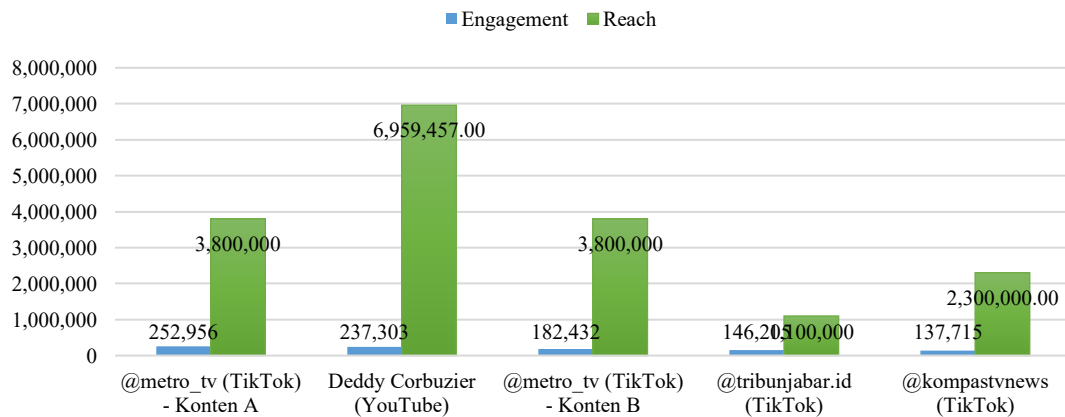
1. Premeditated Murder Case in the Supreme Court Decision Number 796/Pid.B/2022/PN Jkt.Sel Jo. 53/PID/2023/PT.DKI Jo. 813 K/Pid/2023

This case transparently demonstrates a dialectical relationship between the enforcement of formal legal justice, which is based on the principles of legislative positivism, and social justice as constructed by the digital community (Apituley et al., 2023). In this matter, Richard Eliezer, as the material perpetrator who carried out the shooting, acquired widespread public sympathy after his position was designated as a cooperating witness (*justice collaborator*). Social media narratives structurally formed a sociological interpretation of Eliezer as a party acting under the structural pressure of a high-ranking police officer.

The capacity of the digital ecosystem to construct such public opinion is empirically confirmed by social media activity metric data during the period of August 12-18, 2022. Based on data from the Talkwalker Application processed by Litbang Kompas, the accumulated reach of the five most popular contents regarding this case attained

17,959,457 viewers, with total interactions (engagement) amounting to 956,611 (Hendarto, 2022).

Graph 1. Quantitative Metrics of the Most Popular Content



Source: Data obtained from the Talkwalker Application, processed by Kompas/EDR Research and Development, as published in the research article by Yohanes Mega Hendarto, "Populernya Kasus Ferdy Sambo di Media Sosial" (The Popularity of the Ferdy Sambo Case on Social Media), Kompas.id, August 23, 2022.

The dissemination of this social justice narrative expanded massively through a multiplatform phenomenon dominated by TikTok and YouTube, with the following quantitative metrics:

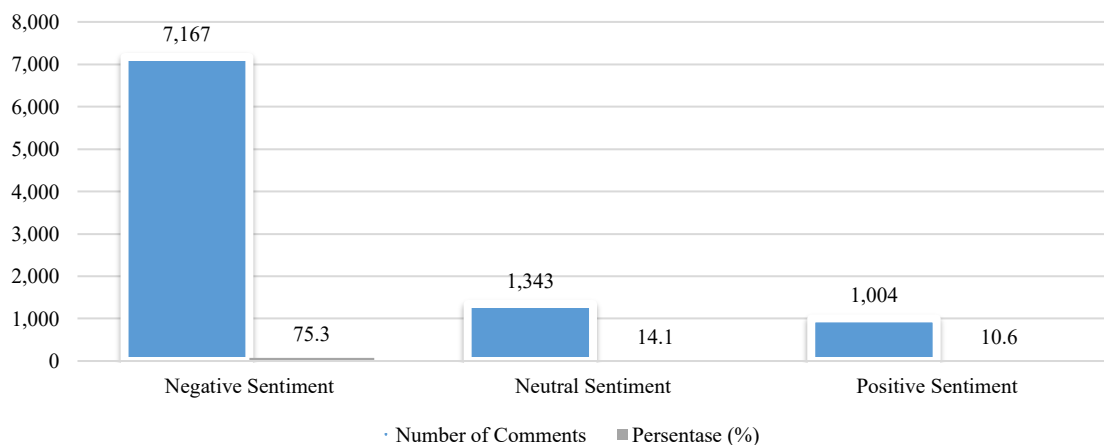
- a. TikTok Platform (4 of the 5 Most Popular Contents): Structurally amplified by the @metro_tv account through two primary contents (Content A: 252,956 interactions and 3,800,000 reach; Content B: 182,432 interactions and 3,800,000 reach), the @kompastvnews account (137,715 interactions and 2,300,000 reach), and the @tribunjabar.id account (146,205 interactions and 1,100,000 reach).
- b. YouTube Platform: Through a single upload on Deddy Corbuzier's channel, which recorded the highest reach of 6,959,457 viewers and generated 237,303 active interactions (Hendarto, 2022).

Although the Public Prosecutor requested a 12-year prison sentence based on the defendant's role, the panel of judges imposed a 1-year and 6-month prison sentence (Apituley et al., 2023). Several legal scholars and public officials viewed the verdict as a manifestation of progressive legal courage that is responsive to the public's sense of justice (Gual, 2023).

Conversely, the high penetration of this quantitative social media data, reaching tens of millions of viewers, stimulated theoretical discourse on the phenomenon of judicial populism (Muhtar, 2024). The presence of such massive interaction metrics indicates tangible external sociological pressure. This condition exposes the judicial process to a potential shift in the standards of legal reasoning or evidentiary evaluation in court, potentially executed to accommodate the demands of majority digital opinion in order to avoid social sanctions or to maintain institutional image (Muhtar, 2024).

2. Murder Case in Supreme Court Decision No. 777/Pid.B/2016/PN JKT.PST Jo. 393/PID/2016/PT DKI Jo. 498 K/PID/2017 Jo. 78 PK/PID/2025

This case reflects a contemporary challenge in the form of a post-verdict media trial. The matter, which had completed all evidentiary stages and acquired final and binding legal status (*inkracht van gewijsde*) since 2016, experienced an exponential resurgence in digital discussions following the release of a commercial documentary on a global streaming platform in late 2023 (Mulyono & Bhakti, 2025). A cinematic construction presenting elements of doubt and mystery without legal resolution triggered widespread amateur discourse on digital platforms such as YouTube. The scale of response and the trends in public perception within this digital space can be quantitatively mapped through sentiment analysis comparing public opinions. Based on research data utilizing the Naive Bayes algorithm that tracked digital activity on YouTube (Salsabila, 2024), the accumulation of public opinion demonstrated sharp polarization, predominantly indicating dissatisfaction with the case construction, as presented in the following table:



Graph 2. Public Sentiment Distribution

Source: Data processed from Salwa Salsabila. “Analisis Sentimen Masyarakat Terhadap Kasus Kopi Sianida Jessica-Mirna pada Media Sosial YouTube Menggunakan Algoritma Naive Bayes” (Public Sentiment Analysis of the Jessica-Mirna Cyanide Coffee Case on YouTube Using the Naive Bayes Algorithm). Final Assignment, Universitas Dian Nuswantoro. 2024.

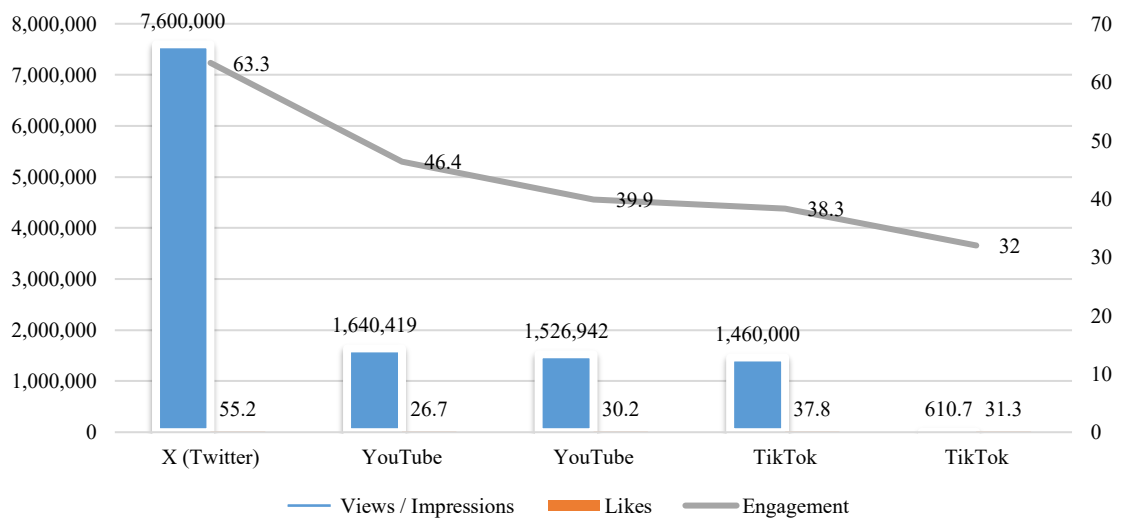
The digital community conducted independent reviews of past forensic expert testimonies and mobilized a digital movement through the hashtag #JusticeForJessica (Mulyono & Bhakti, 2025). The phenomenon of negative sentiment dominance, reaching 75.3%, indicates the vulnerability of legal certainty in the era of algorithmic regimes; wherein legal decisions that have been rigorously tested at the first instance, appellate, cassation, and judicial review levels can experience instantaneous delegitimization by public opinion. This condition has the potential to obscure the epistemological authority of judicial institutions and disregard the principle of final legal certainty by generating

fluid cyber interpretations outside the corridors of state jurisprudence.

3. Murder Case in Supreme Court Decision No. 45/Pid.B/2016/PN Cbn Jo. 1035 K/PID/2017 Jo. 99 PK/Pid/2024

The third case illustrating the complexity of digital intervention is the escalation of a 2016 murder case in Cirebon, which resurfaced in mid-2024 following a cinematic adaptation. Digital mass attention across various platforms compelled the police institution to take immediate legal action against individuals on the Wanted List (Daftar Pencarian Orang/DPO) presumed to remain at large (Martiar, 2024). This public pressure prompted a rapid response from investigators, leading to the arrest of a citizen named Pegi Setiawan.

The escalation of public opinion was driven by the high traction of digital content across major social media platforms, which massively re-examined the anatomy of the case. Based on monitoring data, the intensity of this information dissemination accumulated through the performance metrics on the following platforms:



Graph 3. Top Five Contents Related to the “Vina Film” (May 14-20, 2024)

Source: Data processed from Kompas.id article by Norbertus Arya Dwiangga Martiar, “Menanti Keberanian Kepolisian Ungkap Kebenaran Kasus Vina Cirebon” [Awaiting Police Courage to Reveal the Truth in the Vina Cirebon Case], published on June 20, 2024.

However, the discourse on social media rapidly reversed direction through narratives suggesting a mistaken identity (*error in persona*). Cyber media publications predominantly framed the perpetrator as a victim of wrongful arrest, a shift in sentiment amplified by the distribution of the quantitative digital interaction data mentioned above. This condition influenced the objectivity of the formal legal process before a pre-trial judge (*hakim praperadilan*) officially dismissed the suspect status (Haniyah, 2024).

The correlation among the three aforementioned case studies suggests that the proliferation of social media opinions influences the course of formal judicial proceedings. These

developments impact the administration of law enforcement and the formation of judges' convictions regarding evidence. To understand the legal implications of these phenomena, a sociological review is presented below to delineate the boundaries between the application of progressive law and the tendency toward judicial populism in Indonesia.

Table 2. Matrix of Trial by Social Media Analysis and Its Impact on Aspects of Criminal Justice in Indonesia

Case Study	Manifestation of Trial by Social Media	Impact on Judicial Aspects	Judge's Cognition & Public Opinion Parameters
Premeditated Murder Case in Supreme Court Decision Number 796/Pid.B/2022/PN Jkt.Sel Jo. 53/PID/2023/PT.DKI Jo. 813 K/Pid/2023	The construction of public narrative concerning a justice collaborator and the widespread submission of <i>amicus curiae</i> briefs in contemporary criminal law history.	The defendant received a criminal sentence below the Public Prosecutor's demand, based on mitigating circumstances and responsiveness to the public's sense of justice.	Stimulates discourse on the philosophical boundaries between the application of Progressive Law and the tendency of judges to lean towards Judicial Populism.
Murder Case in Supreme Court Decision No. 777/Pid.B/2016/PN JKT.PST Jo. 393/PID/2016/PT DKI Jo. 498 K/PID/2017 Jo. 78 PK/PID/2025	Independent analysis by the public across various digital platforms reviewing the case based on the cinematic construction of a documentary film.	The emergence of public perception questioning a legal decision with final and binding force (<i>inkracht van gewijsde</i>), the integrity of legal reasoning, and the authority of the Supreme Court in cyberspace.	Demonstrates that a judge's decision can experience delegitimization due to disruptions from the popular culture industry, affecting the principle of legal certainty.
Murder Case in Decision 45/Pid.B/2016/PN Cbn Jo. 1035 K/PID/2017 Jo. 99 PK/Pid/2024	Massive digital opinion pressure urging police institutions to immediately designate and announce suspects in the case.	The emergence of procedural acceleration in case handling that triggered a mistaken identity (<i>error in persona</i>) and culminated in the annulment of suspect status through a pre-trial (<i>praperadilan</i>) decision.	Public opinion intervention influences the purity of the evidentiary process at the investigation level, impacting the basis of the judge's conviction.

A sociological analysis of this phenomenon indicates a methodological dilemma within Indonesian legal theory discourse. Progressive Law theory postulates that the legal system must serve human interests and social welfare (Siregar, M. 2024). This paradigm encourages law enforcement officials, particularly judges, to explore substantive justice values living within society, rather than remaining fixated on the limitations of rigid statutory texts (Hakim, 2016).

However, an epistemological challenge arises when the philosophical foundations of legal realism and progressive law are interpreted reductively in judicial practice. This condition can generate a paradigmatic conflict, where progressive law is perceived as a legalization for judges to follow transient public opinion (mob rule), which is claimed as a representation of the public's sense of justice (Bagenda, 2022).

Theoretically, public opinion reflected in trending topics on social media does not inherently represent substantial social justice values. Narratives in the digital space are frequently influenced by algorithmic amplification, non-authentic account activations, and the

dissemination of disinformation that triggers collective cognitive bias (Harseno, R. M. 2025).

If judicial cognitive independence and the formation of a judge's conviction are influenced by digital opinion pressure, the judicial system may veer toward the practice of judicial populism. This practice risks neglecting the fundamental principles of the rule of law to accommodate fluctuating digital interaction metrics (Muhtar, 2024).

Protection of Judicial Independence from the Trial by Social Media Phenomenon

The sociological dynamics resulting from the proliferation of the trial by social media phenomenon and the challenges of judicial populism indicate the necessity of reconstructing institutional reinforcement within the Indonesian criminal justice system. The Supreme Court and its subordinate judicial bodies are directed to maintain the dignity and independence of the judiciary. Efforts to mitigate extrajudicial intervention from cyberspace can be actualized through the revitalization of the Contempt of Court doctrine (Criminal Offenses Against the Administration of Justice) and the enforcement of the *sub judice* principle at every stage of case examination (Fatakh, 2025).

In comparative legal studies, the Contempt of Court doctrine originates from the Common Law tradition in England (Manan, B. 2015). This legal instrument is constructed to prevent external interference with judicial procedures in order to preserve the authority of the court, affirm the position of judges, and guarantee the psychological protection and integrity of judicial apparatuses in examining cases. Conversely, within the Indonesian legal system, which is influenced by the Civil Law tradition, regulations concerning acts that disrupt the administration of justice have not been accommodated within a comprehensive umbrella act. Such provisions remain partially dispersed across several articles of the Penal Code (Kitab Undang-Undang Hukum Pidana/KUHP), such as Articles 207, 217, and 224, whose scope is limited to maintaining order in physical court proceedings.

The protection of the integrity of judicial institutions against public opinion pressure relies on the degree of legal compliance with the philosophy of the *sub judice* rule (Fatakh, 2025). The *sub judice* principle serves as a normative restriction prohibiting the publication of tendentious discourse or commentary that has the potential to influence the objectivity of evidentiary processes in an ongoing court case prior to a legally binding decision (*inkracht van gewijsde*) (Achmad, A. 2020). In the digital media ecosystem, violations of the *sub judice* principle proliferate through electronic broadcasting. This is evident in the formation of opinions on cyber platforms, unilateral framing of case chronologies that incites public prejudice, and uncensored live broadcasting of court proceedings accompanied by user commentary in digital chat spaces during trials (Harseno, R. M. 2025).

The application of legal sanctions related to Contempt of Court intersecting with media publication frequently confronts the guarantees of freedom of expression and press freedom, as stipulated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Law Number 40 of 1999 on the Press (Manan, B. 2015). In the context of this legal antinomy, freedom of expression in a democratic system constitutes a derogable right for the sake of the law. Neither freedom of opinion nor the social control function of the press should be utilized to construct mass opinion that could infringe upon a suspect's or defendant's right to an honest, objective, and impartial trial (due process of law and fair trial) (Harseno, R. M. 2025). The

publication or broadcasting of trial proceedings accompanied by judgmental narratives prior to a legally binding decision can be categorized as a form of obstruction of justice, which materially fulfills the elements of a contempt of court offense (Harseno, R. M. 2025).

Table 3. Categorization of Contempt of Court Typologies and Their Intervention Parameters Based on Law No. 1 of 2023

Typology of Crimes Against the Administration of Justice	Manifestation of Acts in the Digital Era and Social Media Platforms	Potential Juridical Basis for Enforcement
Impeding and Obstructing the Administration of Justice (Obstruction of Justice)	Cyber acts that disrupt administrative processes, threaten witness security in the digital space, and disseminate personal data (doxing) to limit the presence of judges or law enforcement officials at trials.	Article 281 letter a of Law Number 1 of 2023 concerning the Penal Code, which regulates the prohibition of preventing, obstructing, or thwarting the judicial process.
Behaving in a Manner that Degrades Institutional Dignity (Contempt in the Face of the Court)	The dissemination of tendentious narratives, creation of sarcastic visual content attacking the personal integrity of the court, and verbal defamation of the judicial institution's honor in cyberspace.	Article 281 letter b of Law Number 1 of 2023 concerning the Penal Code regarding acts that publicly degrade the dignity of a judge or a court hearing.
Intervention Endangering the Principle of Certainty in Ongoing Examinations (Intentional Interference / Sub Judice Rule)	The orchestrated mobilization of cyber account networks and the manipulation of popular hashtags (trending topics) to spread disinformation regarding trial facts to influence the independent reasoning of the panel of judges.	Article 281 letter c of Law Number 1 of 2023 concerning the Penal Code regarding acts influencing the independence of judges in deciding cases.

Source: Synthesized from various literature, processed (2026).

The application of criminal sanctions in addressing cyber opinion pressure remains situated as a last resort (*ultimum remedium*). Judicial apparatuses are equipped with functional authority, procedural security rights, and administrative authority (inherent powers) based on the Criminal Procedure Code (KUHAP) and its organic regulations as initial-stage protection instruments.

This discretionary authority can be implemented through the management of situations within the courtroom. Based on the provisions of Supreme Court Regulation (PERMA) Number 5 of 2020 in conjunction with PERMA Number 6 of 2020 concerning Courtroom Order and Security, the panel of judges possesses the authority to restrict or deny coverage and live broadcasting during specific agendas, such as the examination phases of fact witnesses and expert witnesses (Harseno, R. M. 2025). This measure aims to preserve the purity of evidence and prevent other witnesses who have yet to testify from being influenced by openly broadcasted trial materials (Harseno, R. M. 2025).

In an effort to mitigate the impact of trial by social media, judicial authorities may apply procedural protection instruments in the form of a gag order, or an order restricting the publication of trial materials (Amelia, M., & Negara, D. S. 2025). A gag order is an official directive from a court or competent legal authority that limits or prohibits the dissemination of information regarding a case to protect the integrity of a fair trial. This instrument functions to balance freedom of expression against an individual's right to receive an objective trial, while simultaneously preventing intimidation of witnesses, victims, and defendants by external influences that could corrupt the trial outcome. In addition to restricting the scope of excessive

media coverage to prevent the formation of premature public opinion detrimental to the defendant, courts may issue gag orders in sensitive cases to protect the identities and safety of key witnesses. Based on its scope, this order is classified into two types: general gag orders applicable to all parties including the media, and limited gag orders binding only specific parties such as witnesses or legal counsel (Amelia, M., & Negara, D. S. 2025).

If administrative instruments and procedural discretion are insufficient to address cyber opinion pressure disrupting the administration of justice, law enforcement through criminal sanctions may be applied. Law Number 1 of 2023 concerning the Penal Code has updated the formulation of offenses related to disruptions against the administration of justice, specifically in Article 281 (Harseno, R. M. 2025). The provision of this norm criminalizes any person who intentionally (*mens rea*) prevents, obstructs, or thwarts trial proceedings. The scope of this offense encompasses activities in cyberspace in the form of tendentious publications aimed at influencing the independence of judges or degrading the dignity of judicial institutions to affect the substance of the case decision (Harseno, R. M. 2025). The existence of the contempt of court offense within this positive law serves as a legal basis (*legal standing*) to safeguard the authority of the judiciary. Such legal certainty is necessary to reach various actors in the cyber sphere, including inauthentic account networks, commercial opinion providers, and platform providers producing disinformation narratives in cyber networks (Harseno, R. M. 2025). These digital activities are generally directed at building psychological pressure and artificial public opinion that can disrupt the rationality and integrity of judicial administration apparatuses across various levels (Harseno, R. M. 2025).

CONCLUSION

The advancement of information technology and social media within societal dynamics has altered the pattern of public oversight from trial by the press toward trial by social media, thereby shaping a court of public opinion. This phenomenon generates sociological trends such as the “No Viral, No Justice” movement and a tendency toward justice outsourcing, wherein the assessment of a criminal case is frequently influenced by the degree of public attention in the digital sphere and public sentiment outside formal court proceedings. The psychological pressure generated by such public opinion has the potential to affect the independence of the judiciary and encourage the emergence of judicial populism. Consequently, the process of forming a judge's conviction based on the *negatief wettelijk stelsel* (negative statutory evidentiary system) principle—which ought to be founded on rational deduction from lawful evidence pursuant to Articles 183 and 184 of the Criminal Procedure Code (KUHAP) faces challenges from these external influences.

To anticipate external influences from the digital sphere, strengthening institutional protection is necessary through the enforcement of the contempt of court doctrine and the *sub judice* rule. From a criminal law perspective, positive legal provisions can refer to Article 281 of Law Number 1 of 2023 concerning the Penal Code, which prohibits acts that obstruct the judicial process or influence the independence of judges in deciding cases. Furthermore, the panel of judges may exercise its functional authority through procedural discretion based on Supreme Court Regulations (PERMA) Numbers 5 and 6 of 2020 by restricting live broadcasting (live streaming) during specific trial agendas and applying a publication restriction order (gag order)

to ensure an honest and fair trial. Through the integration of administrative strengthening and legal enforcement, judicial independence can be preserved, ensuring that the discovery of material truth relies purely on trial facts rather than on social media popularity.

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