
THE INFLUENCE OF SOCIAL MEDIA ON PUBLIC OPINION AND ITS IMPACT ON FAIR TRIALS

Sourav Roy, BBA LLB, Symbiosis Law School, Nagpur, Maharashtra

ABSTRACT

This study examines the multi-dimensional influence of social media on public opinion and its subsequent impact on the right to a fair trial. The advent of digital platforms has democratized information sharing and public discourse, allowing for increased transparency and accountability in law enforcement and judicial processes. However, this accessibility has also led to the rise of “Trial by media” where public sentiment often fuelled by emotions, speculation, and misinformation leading to prerequisite determination of guilt or innocence before legal proceedings are concluded.

The research highlights a critical need for a balanced and nuanced approach. This involves reinforcing judicial supervision mechanisms, promoting accountable journalism and content moderation policies on digital platforms including social media platforms, and enhancing public legal knowledge to help citizens differentiate between factual reporting and online speculation. Ultimately, the paper concludes that while social media can be a powerful tool for civic engagement, its role in the context of criminal trials must be carefully managed to safeguard the integrity of the judicial system and uphold the constitutional rights of all individuals involved.

A well settled balance is essential not only for maintaining the integrity of the judicial process but also for protecting the constitutional rights of those involved in criminal proceedings. The study calls for a collaborative approach, involving the legal system, media professionals, digital platforms, and the public, to ensure that social media’s influence on criminal trials is carefully monitored and managed. Only through such collective efforts can we safeguard the fundamental principle that every individual is entitled to a fair and impartial trial, free from the prejudices and biases that can arise from public opinion swayed by media sensationalism.

INTRODUCTION:

In the current age of digital nexus and vast interconnection, social media has emerged as a powerful and dominant force in shaping public opinion. With platforms such as Facebook, Twitter, Instagram, and TikTok, individuals can voice their opinions, access news, and engage in debates more easily than ever before. While this democratization of information certainly has many pros, it also raises significant concerns about the results of social media on prominent issues such as the right to a fair trial. The influence of social media on public opinion can interfere with the judicial process, influencing the attitudes and decisions of both the public and legal persons. This article explores how social media shape's public opinion and the potential consequences this influence has on the fairness of trials. The core conflict lies between the fundamental right to freedom of speech and expression and the equally vital right to a fair, impartial, and unbiased trial. Social media narratives can create significant public pressure on law enforcement agencies, prosecutors, and even judges, potentially swaying decisions away from evidence-based legal procedures and toward popular opinion. Key negative impacts include the erosion of the presumption of innocence, the potential for witness intimidation or manipulation, violations of privacy, and long-lasting damage to an accused person's reputation, regardless of the judicial outcome¹.

REVIEW OF LITERATURE (R.O.L.):

1. The Conflict: Freedom of Expression vs. Judicial Integrity

A very core tension exists between two fundamental constitutional rights: the Freedom of Speech and Expression (often associated to the media) and the Right to Life and Personal Liberty (which guarantees a free and fair trial).

- **Traditional Precedent:** Early legal practices focused on the threat posed by traditional print and electronic media, with courts passing strictures against sensationalism in high-profile cases like the Sushant Singh Rajput case in India or the *Sheppard v. Maxwell* case in the US to name a few. These rulings sought to prevent "pre-trial publicity" from heckling the bench.
- **The Digital Shift:** Legal scholars confirm that social media has not merely continued

¹ HM Zakir, *The Impact of Social Media on Freedom of Speech and Privacy Rights*, (2025), available at https://www.researchgate.net/publication/391697817_The_Impact_of_Social_Media_on_Freedom_of_Speech_and_Privacy_Rights

the problem of pre-trial publicity but amplified it exponentially. It is clearly indicated countless times that the speed, reach, and lack of accountability aspects of digital platforms allow false, unverified, or agenda-driven narratives to spread globally in seconds not even minutes making judicial restraint and post-publication measures (like corrections) largely ineffective.

2. The Mechanism of Bias: Filter Bubbles and The Primacy Effect

Academic fields especially in legal psychology clearly details how the modern media consumption model plays an active role in biasing potential jurors, often unconsciously.

- **The Problem of Selective Exposure:** Research indicates that social media algorithms create "*echo chambers*" and "*filter bubbles*", reinforcing the user's pre-existing opinions. This indirectly contributes to overthink and polarize the decisions or choices which will be made by the respective judge.
- **The Primacy Effect:** Few studies demonstrate that jurors exposed to negative pre-trial publicity which is often sensational and spiced up to increase the satisfaction of the viewers relying heavily on prosecution/law enforcement sources are significantly more likely to return a guilty verdict due to their one sidedness. The information first encountered on social media often creates a negative first impression of the defendant, leading to a strong confirmation bias where subsequent evidence is subconsciously interpreted to support the initial, digitally-formed opinion².

3. Direct Impact: Juror Misconduct and Case Instability

The most tangible evidence of social media's impact is the, which directly jeopardizes the trial's integrity, leading to mistrials and overturned convictions. One such example was in the case of *K.M. Nanavati vs. State of Maharashtra*³ where the jury was swayed away by the media and a not guilty verdict was passed on homicide grounds. Later the judgement was overturned while clearly demonstrating a clear failure to maintain objectivity and follow judicial instruction.

² Confirmation Bias, *Wikipedia*, (last updated Dec. 2025), available at https://en.wikipedia.org/wiki/Confirmation_bias.

³ *K.M. Nanavati v. State of Maharashtra*, A.I.R. 1962 S.C. 605 (India)

MAIN CONTENT

1) Social Media's Role in Shaping Public Opinion: Public opinion is no longer shaped solely by traditional media outlets like newspapers and television. The unregulated rise of social media has shifted the landscape of information dissemination, making it more interactive and instantaneous. People are no longer in the passive consumption of information phase but they actively participate in creating and sharing content. This has made social media a significant tool in shaping opinions on a wide range of topics, including political issues, social movements, and legal cases.

The speed at which information spreads on social media is unprecedented. News can spread like wildfire in a matter of minutes, reaching millions of people around the world. This phenomenon has given rise to trending activism (Use of stars and hashtags) and the ability for individuals or groups to mobilize around issues rapidly. However, this immediacy also comes with a downside: misinformation, sensationalism, and emotional manipulation. In the context of legal matters, where facts and impartiality are crucial, social media can amplify misleading narratives and contribute to a public discourse based on incomplete or inaccurate information.

One of the most concerning aspects of social media is the *echo chamber effect*⁴. Algorithms of AI and social media that power social media platforms prioritize content that resonates with users already existing beliefs, leading them to be exposed primarily to information that reinforces their preconceptions. This creates polarized environments, where individuals only interact with like-minded perspectives, and dissenting opinions are marginalized. In high-profile legal cases, this can distort public understanding of the facts, skewing public opinion in ways that can influence the fairness of the trial. Thus, the decision which ultimately needs to be fair and square is swayed away and the end result is totally adulterated.

The Intersection of Public Opinion and the Justice System: The concept of a fair trial is foundational to democratic societies. It ensures that individuals are judged based on the facts of the case, free from external influences or biases. The values with which the judiciary is bestowed upon gets utterly distorted due to the lack of gap between what is true and what is not leading to the formation of a grey area in the path of justice. Social media's role in shaping public opinion can pose a serious challenge to the above principle. When a case attracts

⁴ Echo Chamber (Media), *Wikipedia*, (last updated Dec. 2025), available at [https://en.wikipedia.org/wiki/Echo_chamber_\(media\)](https://en.wikipedia.org/wiki/Echo_chamber_(media)).

widespread attention on social media, public opinion can evolve rapidly, influencing how jurors, lawyers, and even judges view the case.

Pretrial Publicity and Juror Bias: In many high-profile cases, the influence of social media on public opinion often leads to what is known as "*Pretrial publicity*." This refers to the dissemination of information related to a case before the trial has even begun. Some of the information may be verified while some may be false or half truthful. While media coverage can inform the public, excessive or spiced up coverage can lead to the formation of strong opinions about the guilt or innocence of the accused before all the evidence has been presented in court⁵.

For example, the trial of a well-known figure or a highly charged case, such as those involving celebrities, politicians, or controversial issues, can be subject to immense media scrutiny. Social media users can share personal opinions, spread rumors, or engage in heated discussions about the case, all of which can contribute to public pressure. Judges who are often members of the general public, may be directly or indirectly exposed to such information unwillingly form biased opinions that conflict with the presumption of innocence. Even if they are instructed to base their verdict solely on the evidence presented in court, their opinions may be influenced by the extensive public discourse surrounding the case. This hampers the ultimate path to fulfillment of justice.

In some instances, social media commentary can be so pervasive and dominating that it becomes difficult to find the true cause or truth since they also become part of the abstract. In extreme cases, jurors may be called out for showing signs of bias or prejudice, undermining the fairness of the trial.

Influence on Legal Professionals: Judges and attorneys are not immune to the influence of public opinion either. While they are ethically and duty bound to make decisions based on the law and evidence, the sheer volume of public commentary on social media and digital world can subtly influence their perspectives. Judges may face pressure to issue rulings that are against public sentiment, especially in cases where the public's opinion is strongly polarized. Attorneys, on the other hand, may feel compelled to tailor their arguments or strategies in

⁵ K. Cato, *Pressing the Verdict: The Social Influence of Pretrial Publicity on Juror Biases* (2023), available at https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=4229&context=cmc_theses.

response to the public's expectations, which could undermine their professional duty to advocate for their clients in an impartial manner.

The relationship between social media and legal professionals is particularly complex in high-profile cases, where public opinion can act as both a motivator and a hindrance. While a lawyer may seek public support to build a case or sway opinion, they must also navigate the risks of overexposure or the dissemination of biased information that could harm their client's chances of a fair trial⁶.

The Role of social media in Sentencing and Public Outcry: Social media's influence doesn't end with the trial itself. Public opinion can continue to shape the outcome of legal cases after a verdict is reached, particularly in high-profile cases where social media platforms are flooded with post-trial or verdict reactions. Public outrage or support can create an environment where sentencing becomes influenced by the desire to appease public opinion rather than follow due process.

In cases like the police officers involved in the *killing of George Floyd*⁷, social media played a key role in amplifying public outrage, demanding justice, and shaping the narrative around the trial. In these situations, public opinion can exert pressure on the legal process, potentially influencing the severity of sentences or, in some cases, encouraging leniency depending on the mood of the public. Although the justice system is supposed to base its decisions solely on the law, the intense attention from social media can make it harder to maintain impartiality when determining a fair sentence.

The Impact on the Accused and Victims: The effects of social media on legal trials are not limited to public opinion they also have a direct and severe impact on the individuals involved in the trial. For the accused, social media may act as a double-edged sword. On one hand, platforms can be used to build public support and mount a defense. On the other hand, a viral post or hashtag can also be used to fuel public hostility, potentially damaging the reputation and rights of the accused even before the trial begins.

The victims of crimes also face the repercussions of social media commentary. In cases where

⁶ Ritu Kaushal, *Social Media and Its Impact on the Legal Industry*, (2025), available at <https://www.legalsupportworld.com/blog/social-media-and-its-impact-on-legal-industry/>.

⁷ State v. Chauvin, 1:20-cr-00186 (D. Minn. 2021)

social media users take sides or spread misinformation, the credibility and dignity of the victims may be called into question. Say for example, social media users begin to spread false narratives about a victim's background or actions leading up to the crime, it can damage the victim's reputation and affect public opinion about the legitimacy of their claims. Furthermore, both the accused and victims are increasingly subjected to people deciding the fate of their lives where exposure is towards millions of online users who can form an opinion based solely on what they read or see in viral posts. This can result in a trial process that is more concerned with public spectacle than with the pursuit of justice.

POTENTIAL SOLUTIONS TO MITIGATE THE IMPACT OF SOCIAL MEDIA ON FAIR TRIALS: Given the significant influence that social media has on public opinion and the potential threats it poses to fair trials, various strategies have been proposed to mitigate its effects:

1) Judges Instructions and Voir Dire: Judges are crucial in upholding fairness and impartiality throughout a trial. They not only instruct jurors on the necessity of remaining unbiased but also emphasize the risks associated with consuming media related to the case, as this can introduce subconscious biases⁸.

The jury selection process, known as *voir dire* which is a vital tool for maintaining this impartiality. Judges must use *voir dire* more thoroughly to:

- Screen potential jurors for any prior exposure to media coverage of the case.
- Assess whether their views have been shaped by social media discussions or public opinion.

By doing such a rigorous mechanism the delivery of justice gets more efficient and free while judges can ensure that only truly impartial jurors are selected.

To further support this, courts can issue clear and comprehensive instructions to judges, stressing:

⁸ Nancy S. Marder, *Juror Bias, Voir Dire, and the Judge-Jury Relationship*, 90 Chi.-Kent L. Rev. 927 (2015). Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol90/iss3/7>

- The paramount importance of impartiality.
- The inherent risks of media consumption related to the case, especially concerning potential juror bias influenced by social media.

2) Controlling Pretrial Publicity: Pretrial publicity presents a significant threat to judicial impartiality, as sensationalized reporting or misleading narratives have the potential to taint the jury pool and unfairly influence public perception even before the trial commences. To actively combat this risk, judges are empowered to issue protective orders or impose strict restrictions on the dissemination of certain case information. While these measures which may include carefully considered protective orders, the sealing of sensitive court documents, or limitations on media coverage may appear to infringe upon the constitutional guarantee of free speech, they are frequently deemed necessary to safeguard the defendant's equally fundamental constitutional right to a fair and unbiased trial. Such judicial actions prioritize the integrity of the proceedings by mitigating the severe risks posed by biased or excessive media scrutiny.

3) Monitoring Social Media: Given that social media platforms are a primary, yet often unreliable, source of information for the public, they pose a serious threat through the rapid spread of misinformation and harmful narratives that can severely distort public opinion about a pending case. To proactively protect the judicial process from contamination, courts can now consider actively monitoring social media platforms for content including prejudicial posts, trending hashtags, or viral misinformation campaign which could detrimentally impact a trial. This essential vigilance could involve strategic collaboration with the platforms themselves to effectively flag and ensure the timely removal of content that may compromise jury impartiality. This proactive monitoring is critical to prevent such detrimental narratives from spreading unchecked and to ensure the integrity of the judicial process is upheld against the speed of digital media⁹.

4) Public Education on the Role of social media in Legal Cases: An informed and conscientious public is absolutely crucial in effectively reducing the negative influence that social media can exert over the legal system. Therefore, implementing robust public education campaigns is paramount, as these initiatives can help citizens fully grasp the critical importance of a fair trial, the fundamental principle of the presumption of innocence, and the inherent

⁹ Ruth Levush, *Freedom of Speech in the Digital Age* (2019), available at <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1180&context=scholcom>.

dangers associated with consuming unverified or sensationalized information encountered online. By promoting a widespread awareness of how misinformation and harmful narratives can subtly but powerfully shape public opinion, these efforts aim to foster a more responsible and thoughtful public discourse about ongoing legal cases. Comprehensive legal education should also emphasize the vital role of the justice system in protecting individual rights and ensuring impartiality, ultimately empowering citizens to critically evaluate all information they encounter across digital platforms before forming a judgment.

CONCLUSION:

Social media's influence on public opinion is undeniable, and while it has many benefits in terms of democratizing information and enabling social movements, it also presents serious challenges to the fairness of legal trials. From the formation of biased opinions due to pretrial publicity to the potential for social media to influence legal professionals and jurors, the impact of social media cannot be underestimated. As society continues to navigate the intersection of digital communication and the legal system, it is crucial to find ways to ensure that public discourse does not undermine the right to a fair trial. While social media will undoubtedly continue to shape public opinion, safeguarding the integrity of the justice system must remain a priority.