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Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

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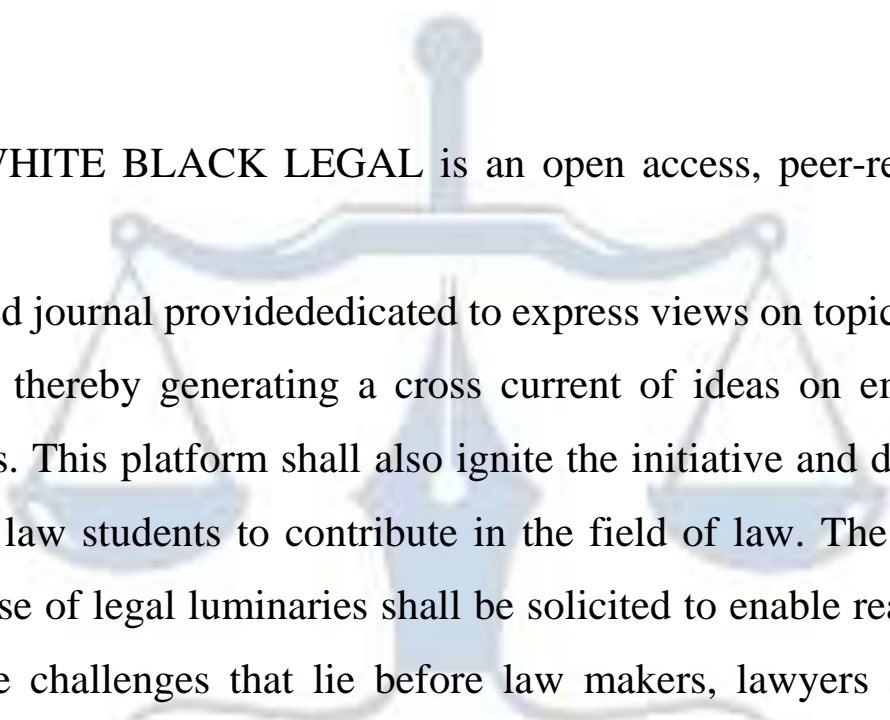


Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

MASS MEDIA - PUBLIC OPINION ABOUT CRIME AND JUSTICE

AUTHORED BY: VIDHI CHAUHAN¹

ABSTRACT

In today's media-driven world, the report of crime has a huge impact on how people perceive crime and justice. Since most people don't experience direct exposure to crime, they rely on media as the source of information. However, this influence of media often misleads the public perception due to biased and sensationalized reporting that may not reflect the reality. This paper explores impacts coverage of crime. These factors often lead to increased public fear, moral outrage, and skewed understanding of crime. There is positive side as well that media plays a crucial role in raising awareness about crime prevention, educating citizens on legal rights, and promoting transparency in law enforcement. And to also bring global attention for serious issues and prompt action. The paper ends by suggesting the media to continue being a positive force and the need for stricter laws to ensure that the media presents accurate and balanced information about crime to help people form more informed opinions on justice.

Keywords: Media, Crime, Justice, Public, Opinion, News, Legal, Judiciary

INTRODUCTION

Media has always been a significant part of our lives which is even before modern technology. Although in the past, the media was much simpler yet it played an important role in delivering news to the masses. Today, with the advancement in the technology, there is an instant travel of the news around the world, which often influences how we think about politics, economy and especially crime and justice. The society that we live in today is deeply fascinated with crime and justice as there is a media consumption from movies and documentaries to news reports and casual conversations, Crime is a common topic. However, the way in which the crime is reported in the media strongly affects the viewpoint of the public towards criminals, victims, police and the justice system. We often make quick judgments that might not be

¹ 2nd Year Law Student, BA-LLB(Hons), UWSL – Karnavati University.

accurate and since large portion of the society get the information about crime through the media, hence why it is important to understand how these portrayals influence the public in shaping the opinions of crime and justice and how society sees law enforcement and legal processes.

METHODOLOGY

The method of research used in this paper is a Doctrinal Research by analysing and using books, journals, articles, judicial precedents, committee reports etc to have an insight and in-depth analysis of my topic. It focuses on analysing theoretical frameworks. Content analysis of various television programs is also applied in order to understand the perspective media creates in the society.

RESEARCH QUESTION

1. How do agenda-setting, framing, and sensationalism by the media influence public perceptions of crime, justice, and law enforcement, including the creation of moral panic and the fear of crime?
2. What are the positive and negative roles of media in shaping public awareness of legal rights, influencing policy reforms, and promoting crime prevention, with examples of notable cases and campaigns?
3. How does media stereotyping, stigmatization, and the practice of media trials impact vulnerable communities, judicial processes, and societal trust in the criminal justice system?

THESIS STATEMENT

Mass media, through agenda-setting, framing, and sensationalism, significantly shapes public perception of crime and justice which often fuels fear, stereotypes, and moral panic. While media can advocate for justice and policy reform, it also risks undermining public trust in the legal system through biased reporting and media trials. This paper argues that with greater power comes greater responsibility and thus, a responsible journalism, guided by collaboration with policymakers and the public, is essential to ensure media's positive role in promoting transparency, justice, and social welfare.

ANALYSIS

1 KEY MECHANISMS: AGENDA-SETTING AND FRAMING THEORY

Since there is a wide spread of the media platforms and its reach to the public, it has been successful and has grown significantly in shaping public perceptions of crime and justice. For that, media follows the key mechanisms which are agenda-setting, framing and sensationalism. This mechanism not only helps media to shape what people think about crime, but also how they think about it.

Agenda-Setting Theory

This mechanism refers to the ability of media in determining the issues which are considered important by the public with focus on giving more coverage to any specific topic than others. This is how, by choosing to focus on any particular type of crime, the public can be influenced by the media. Maxwell McCombs² explains this agenda setting theory that the selective reporting by the media often influences the views of public as pressing societal issues even if the media's portrayal is not reflecting proportionately in the reality. For example, media emphasising on certain types of crime, such as violent or heinous crimes, may create a skewed perception of the prevalence which may not be relevant with the actual crime statistics.

The example of this theory can be seen in the U.S. where the media covered the incidents of violent crimes in Chicago. Although the crime rates there were decreasing, the media often spotlight shootings and gang violence which created a public perception of crime being rampant. This selective covering can lead to increase in fear and a lead to call for a stricter law enforcement even when there is a reduction in the rates of crime and violence. For an instance, in the year between 2020 and 2021 due to the extensive coverage of violent incidents, led to Chicago being called as "Crime Capital" which misrepresented the actual crime situation.

Framing Theory

Framing is one of the mechanisms that media uses in order to outlet the news stories which influences public interpretation and reaction. The same incident can be framed in different manners as it varies in public responses according to how it is presented to the public. For example, if the gang violence is framed as a societal issue that it may prompt a call for social reforms while if it is framed as an individual failing, it may lead to a demand for stricter laws.

² McCombs, M. E. (2014). *Setting the agenda: Mass media and public opinion*. John Wiley & Sons.

In the study by Stanley Cohen³, he examines how the coverage of media on the youth groups called Mods and Rockers in 1960s UK affected the public perception. The media reported those incidents where these groups were involved in order to make them seem very dangerous. This led to the 'Moral Panic' in the society towards youth crimes and which demanded police action against these young people. The Public viewed these groups as a major threat to the society. This resulted in the escalation of anxiety over youth crimes despite the statistics showing relatively low crime rates.

2 IMPACTS OF MASS MEDIA ON PUBLIC PERCEPTION OF CRIME

Sensationalism

Sensationalism in media is practice where the news stories are presented in a way that it exaggerates or dramatizes the facts in order to gain the attention and to provoke a strong emotional reaction from the public. The media focuses on the shocking details, use of provocative language or emphasizing on the graphical aspects of a story which often downplays the important context or an accuracy of the facts. This leads to the distorted perceptions of reality because it prioritizes entertainment value over responsibility. Very common examples include exaggerated crime reports, disaster coverage, scandals etc which prioritize viewer engagement. Sensationalism on the one hand might boost the ratings and clicks but on the other hand, it can also perpetuate misinformation, promotes fear and contribute to societal issues such as prejudice and anxiety. Responsible journalism always seeks to balance between engaging stories and ethical standards and concerns to prioritize public interest and truth over any sensational narratives.

For example, shows like *Crime Patrol*, *Savdhaan India* and *CID* are very much popular in India and is consumed by a large audience. However, these serials often exaggerate real crimes for the purpose of entertainment and which is why, instead of focusing on the truth the show highlights some shocking and disturbing elements. They create over dramatic visuals. For an instance in crime patrol, it tells its stories in a very thrilling way which misleads people about actual crime rates. And because of this sensationalism there are chances of public creating a biased perceptions about the working system of law and justice because the reality is often much more complicated and crimes usually take time to resolve. This creates unrealistic expectations from law enforcement and the justice system about how quickly crimes should be

³ Cohen, S. (2002). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. Routledge.

solved. This also creates a sense of fear and mistrust in the society.

Although the sensationalism has its negative impacts on the public perception, it has its positive side as well. For example, in a very recent *Pune Porsche Case* where a minor boy under the influence of intoxication drove a car at a high speed with resulted in the collide, leading to the death of 2 people. Initially the accused was given a bail due to the political influence despite the severity of the case. However, the media focused intensively and sensationalised the event by emphasizing the dangerous combination of wealth, lack of accountability, and recklessness which lead to widespread public pressure. This forced the authorities to reassess the situation and eventually the bail given was revoked and the boy was sent to judicial custody. This highlights the power of media and how sensationalism can bring the issues which might go unnoticed. Media attention often brings authorities to act transparently especially when it comes to public sentiment.

Fear of Crime

The mass media plays a very crucial role in shaping public perceptions of crime, which contributes to what is known as the “fear of crime”. In one of the studies, Fear of Crime is narrowly defined as “*an emotional response of dread or anxiety to crime or to symbols that a person associates with crime*”⁴ This perception and the belief of the people about the crime is formed through mainly two sources, which is direct experiences and indirect information from media channels like newspapers, television and digital media.

One of the well-known theories which explains the fear of crime, is cultivation theory which is developed by George Gerbner in the 1960s. According to his research, it showed that people who watch more than four hours of television are more likely to feel that they live in a violent society. It is because the prevalence and the severity of crime, which is portrayed in the media, is often in an exaggerated form. As a result of which those heavy viewers are more likely to adopt a view that aligns with what is represented in the media. There is also a symbiotic relationship between fear of crime and perceived risk. For example, if a person is encountering media portrays of violent crime frequently then their emotional responses can amplify their perception of risk, which might lead to increased fear and anxiety about their own safety.

⁴ Ferraro, K. F. (1995). *Fear of Crime: Interpreting Victimization Risk*. *Social Forces*, 73(4), 1335-1356.

Another very important theory, which is social learning theory, developed by Albert Bandura⁵ According to this theory, people learn to behave by observing and imitating others. So, when an individual sees any criminal activities which is depicted in media like movies or television shows, then there are chances of that person begin to view this behaviour as normal or acceptable. For example, if a person is frequently watching a crime based movie, or any documentary where a criminal uses violence to solve problems and is getting away with his actions and receiving little to no punishment, then person consuming the content might start to think that the behaviour which is portrayed in the movie is acceptable in real life as well and it can be used to achieve goals which will eventually lead to increase in the fear among the viewers about their safety.

Thus, media plays a very significant role in influencing the perception of people towards crime. Because when a person views any crime report, then there are two possibilities to be experienced by that person. The first one is either it's imitating the particular criminal behaviour which is being represented in the media or experiencing a fear of crime and stressing about the personal safety by viewing the world to be a violent society.

Stereotyping and Stigmatizing

Media often contributes in stereotyping certain aspects of the society, which results in stigmatisation. The stereotypical and stigmatising media coverage can create a long-lasting effect on public perception that might disproportionately target certain groups, locations or neighbourhoods and promoting social prejudices. This might lead to real world consequences such as discrimination, fear, social isolation, etc and creates moral panic in the society because media makes people extremely afraid of certain group or event in order to exaggerate the danger which leads society reacting strongly despite the threat being not serious, as it is portrayed.

Very notable examples are when the media has portrayed certain religious communities especially after terrorist attacks. For an instance, after 2008 Mumbai attack there were headlines like "*Islamic Terror Strikes Mumbai*" which promoted the stereotype that Islam and terrorism are linked with each other and thus created discrimination against the Muslim community in the society. Similarly, during 9/11 attacks, the moral panic was created as

⁵ Bandura, A. (1977). *Social Learning Theory*. Prentice Hall.

headlines like “Muslim Rage”, “How Terrorists Are Made” were spread widely which created a view of Muslims and Arabs as security threats. Because of this people from these communities were unfairly targeted through racial profiling and being subjected to surveillance in public spaces, thus creating a Islamophobic environment.

Raising Awareness on Crime Issues & Legal Rights and Advocacy for Policy Changes

Media serves as an intermediary between the public, government and policy makers particularly in matters concerned about crime and justice. It plays a pivotal role in influencing the opinions of the public towards crime and which in turn can pressure the authorities to enact or amend policies especially in matters related to crime and justice. For example, if media is portraying crime as the rampant, then it may lead to demands by public for harsh or punitive punishments even if the crime rates are decreasing. While on the other hand, if the media is



highlighting systematic issues in justice system or in existing policies then it can prompt demands for reforms focusing on fairness and equity. (Surete,2014) Media not only brings attention related to criminal incidents to the society, but also highlights gaps in existing laws. It highlights and portrays those issues which

needs public attention and awareness in order to bring public outrage over existing system and to promote a dialogue on the issues of social justice.

The media also plays a crucial role to raise awareness about the individual legal rights through different mediums, such as news reports, documentaries, social medias radio, television, etc. For an instance, the very famous Sheena Bora case in India, which received significant media coverage helped in educating the public about the complexities of the legal rights, the importance of fair trial and the due process in criminal cases.

Other than this, films and documentaries like *India’s Daughter*, *Talvar*, *Pink*, *Thappad*, *The Lincoln Lawyer*, *Article 15*, *No One Killed Jessica*, etc helps in promoting discussions and

spreading awareness about legal rights of an individual.

Several campaigns are initiated by the National Legal Services Authority (NALSA) in India such as *A Campaign for Accessing Justice to Convicts in Prisons Through Legal Services*, *A Campaign for Legal Assistance to Family Members of Prisoners*, etc. to educate and aware citizens about their legal rights and entitlements especially to those marginalized sections who are unaware about the resources available to them. The campaign uses the mediums like television, radio, social media, newspapers, etc, in order to reach the larger audience and focusing on the important rights such as protection from discrimination, right to free legal aid and rights under various social welfare schemes, etc.

Case Study: Mukesh v. NCT of Delhi (Nirbhaya Case)⁶

In 2012 a young woman referred to as Nirbhaya was brutally gang raped and murdered in Delhi. It sparked national as well as international outrage as media extensively covered this incident in order to amplify public anger and dissatisfaction with the country's handling of the Related to sexual violence. The shortcomings of Indian justice system particularly the lack of any strict laws for sexual crimes was focused by news outlets, social media platforms and also international media. Due to which public protests were driven by media coverage to demand immediate policy action. And because of this pressure there was a formation of Justice Verma Committee ⁷ which reviewed the legal framework of India for crimes against women and as a result of which Criminal law (Amendment) Act, 2013 was passed. This act introduced stricter penalties for sexual crimes, which included the death penalty for repeat offenders and it also criminalised stalking and voyeurism.

Thus, media plays a significant role to provide a platform for the voices of the society and becomes a link between public and policy makers for transparency.

Crime Prevention Initiatives

Barthe in his studies provides a definition for *Prevention Publicity* by defining it as "(1) A planned effort (2) by an agency (3) to promote crime prevention practices (4) by creating

⁶ Mukesh v. NCT of Delhi, AIR 2017 SC 2161.

⁷ Justice Verma Committee. (2013). *Report of the Committee on Amendments to Criminal Law*. Government of India.

distinct campaigns designed (5) to educate victims or deter offenders.”⁸ He says that this Publicity is helpful to inform and educate communities about any problem prevalent in the society. It introduces various methods of target-hardening or to warn of an increased presence of police and decreasing the opportunities for a crime to occur.

Media campaigns are one of the popular methods in crime prevention efforts which aims to inform the public and to deter criminal behaviour by increasing the awareness of the risk and the consequences of the crime, if committed. As only crime prevention strategy is not sufficient to direct its impact on the public, it needs Publicity Campaign to reach out and impacting larger audience. These campaigns are often based on deterrence theory which suggests that human beings are rational actors who can be discouraged from committing any crime if they believe that the punishment is severe swift or certain. It targets the broad audience in order to change their views of the society about crime and punishment. To maximise its effectiveness campaigns, have specific measurable goals and target the right audience, which may be a victim or an offender or both. It uses various forms of media, such as brochures public service announcements local engagement, social media etc to increase the chances of success in preventing crime.

In one of these studies by an author named William Bailey⁹ examined that ‘Instrumental Crimes’ like burglary and robbery which involves planning and calculated decision making are more likely to be impacted by media campaigns than the ‘Spontaneous Crimes’ like assault or homicide. It is because the media campaign that highlights on focusing the increased perception of risk or higher chances of getting caught or stricter penalties can deter an individual from committing these instrumental crimes. But those crimes which are spontaneous cannot be affected by those deterrence-based media campaigns because it focuses on making an individual thing about the consequences before they act which works as a better option for planned crimes and these spontaneous crimes often occur during unexpected situations without thinking about the consequences and are impulsive in nature.

Medial Trial

Media trial is generally referred to as an influence of media on public opinion about an

⁸ Barthe, E. (2006). Crime prevention publicity campaigns. U.S. Department of Justice, Office of Community Oriented Policing Services.

⁹ W. Bailey, *Deterrence, Brutalization, and the Death Penalty: Another Examination of Oklahoma’s Return to Capital Punishment*, 36 *Criminology* 601 (1998).

individual's guilt or innocence before or after a court verdict. This became prominent in late 20th and early 21st centuries and is often referred to as "Janta Adalat" Where the opinion of the public heavily influences the outcome of any particular case regardless of the judicial process. While it is important for a media to highlight important cases as in the *Priyadarshini Matto or Jessica Lal murder cases* but its influence can also cause harm. There are many instances where media often driven by the ratings and sensationalism have interfered in the investigations which are ongoing and have led to public bias and pressure on the judiciary. The Aarushi Talwar and the *Sushant Singh Rajput case* are the examples where extensive media coverage clouded the legal process which resulted in public outrage and misinformation.

Effects of media trial often extend beyond the courtroom. It impacts both victims and the accused. For example, in the cases involving Sexual offences media expose the identities and the experiences of the victim publicly, which causes severe emotional trauma to the victim. Similarly, the biasedness in the reporting of media damages the reputation of the accused despite being acquitted by the courts later. It can influence public to show hatred towards the accused. This can lead to the violation of the principle, "innocent until proven guilty", which is a cornerstone of fair trials. Moreover, media trials have its profound impact on the society as a whole because when media presents news in a manner which promotes sensationalism rather than actual facts, that it can create perception of undermining the judiciary in the eyes of the people. As a result of which media indirectly influences the judiciary and legal professionals by pressuring the judges to deliver verdicts that align with the expectations of the public originally shaped by the media. In extreme cases judges often face public backlash and threats to their safety if it is against the narrative created in the vision of public by the media coverage. This clear manipulation of public sentiment and using them as its instrumentalities possesses a huge risk to the integrity of the legal system.

Although the Indian Constitution guarantees the freedom of speech under Article 19(1)(a), but this freedom is subject to some reasonable restrictions and especially in the matters that could interfere with the justice administration. This was reiterated in the case of *Siddhartha Vashist v. State (NCT of Delhi)*¹⁰ (*Jessica Lal Murder Case*) which emphasised that media interference in the matters which are sub-judice is unacceptable.

¹⁰ Siddhartha Vashist v. State (NCT of Delhi), AIR 2010 SC 2352.

Case Study: Jessica Lal Murder Case

Jessica Lal murder case is one of the most prominent examples of a media trial in India. Jessica, who was a Delhi based model was shot dead by Manu Sharma, the son of a powerful politician when she refused to serve him alcohol at late night party. The case initially failed in the court due to insufficient evidences despite multiple eyewitnesses and Manu Sharma was acquitted in 2006. His acquittal sparked a public outrage which was fuelled by extensive and intensive media coverage as they it continuously reported on the injustice and created a perception in the public to demand a retrial. It mobilised the public opinion by organising protest and creating pressure on the legal system. Under this public pressure, the case was finally reopened and in 2006, the Manu Sharma was found guilty of Jessica Lal's murder case by the Delhi Court and was sentenced life imprisonment.

Although the media trial helped in bringing the justice but it also raises serious questions about the influence of media on the legal processes as it can sometimes overrule fair judicial proceedings because of the pressure created in the society through its coverage.

CONCLUSION

The paper highlights the need for a strong partnership between the media, government, and public to enhance accurate crime reporting. A "Communication Policy" is suggested to foster transparency, collaboration, and responsible journalism. Engaging NGOs, scholars, and community groups can promote "civic journalism" and encourage proactive crime prevention. The government should provide training to journalists to improve reporting standards, reduce sensationalism, and eliminate stigmatization. Additionally, individuals are urged to critically evaluate the information fed to them, as media often filters content for sensational appeal.

From a broader perspective, media can be both a boon and a bane. As a boon, it serves as a powerful tool for raising awareness, promoting transparency, and encouraging civic engagement. However, it can also become a bane if misused for sensationalism, misinformation, or biased reporting. This dual nature underscores the need for responsible media practices to ensure it remains a positive force in society.

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