

Chapter - III

FROM HASHTAGS TO VERDICTS: HOW SOCIAL MEDIA ACTS AS A COURT WITHOUT JUDGES

BY

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Abstract

The rapid growth of social media has significantly influenced the public perception. Viral trending hashtags are influencing the collective emotions. Social media like Facebook, Instagram, Twitter, and YouTube are informally taking up a huge space to shape the public opinion. On one hand, social media acts as a voice of justice, exposing the wrongdoing, and it is also a place to demand the right; on the other hand, due to a lack of proper investigation and information, social media leads to misinformation. In this era of trending hashtags, people don't cross-verify the facts and only go with the trend. As a result of that, misleading information spreads easily, overshadowing the truth. Thus, social media's point of view influences the human mind like judges to make impulsive judgments. Social media often has a significant influence during the process of delivering judicial verdicts. Analysing the phenomenon through a socio-legal lens, this study emphasized how the rise of online collective decision-making impacts individual rights and harms reputations. This paper concludes with the proposal for implementing a regulatory measure and ethical structure to protect the freedom of speech along with necessary protection against the new challenges.

Keywords: Social media, hashtags, misinformation, justice, decision making.

Introduction

The justice system has traditionally rested upon institutional structures governed by established rules of procedure, evidentiary standards, and judicial impartiality. Courts of law are designed to adjudicate disputes through reasoned analysis, guided by statutory frameworks and constitutional principles. However, the digital revolution has fundamentally altered this paradigm. Social media platforms have emerged as influential spaces where narratives of guilt and innocence are constructed, disseminated, and reinforced at unprecedented speed.

In the age of hashtags, justice is no longer confined to courtrooms. Viral campaigns such as #MeToo, #JusticeFor..., and #Boycott... demonstrate how public opinion is mobilized to demand accountability. While such movements have played a crucial role in exposing systemic injustices and institutional failures, they also raise serious concerns regarding misinformation, reputational harm, and the erosion of legal due process. Social media increasingly functions as a parallel adjudicatory space—one without judges, lawyers, or rules of evidence.

This paper explores the phenomenon of social media acting as a “court without judges,” where collective emotions and digital activism often result in instantaneous public verdicts. By adopting a socio-legal lens, the study examines how online discourse interacts with legal institutions, influences judicial proceedings, and challenges fundamental legal principles such as the presumption of innocence and the right to a fair trial.

Social Media and the Formation of Public Opinion

Public opinion has always played a role in shaping law and governance, but social media has radically transformed its scope and intensity. Unlike traditional media, which is subject to editorial oversight and professional accountability, social media enables unfiltered participation by millions of users. Algorithms amplify sensational content, prioritizing engagement over accuracy, thereby reinforcing emotional and polarizing narratives. Hashtags function as digital symbols of collective sentiment. They simplify complex legal and factual issues into emotionally charged slogans, encouraging binary thinking—guilty or innocent, victim or perpetrator. In doing so, they often obscure nuance and discourage critical evaluation. Scholars argue that this phenomenon contributes to the “emotionalization of justice,” where feelings replace facts as the basis of judgment.¹ Moreover, the rapid circulation of unverified information blurs the distinction between allegation and proof. Once a narrative gains traction, it becomes resistant to correction, even in the face of contradictory

¹ Cass R. Sunstein, *#Republic: Divided Democracy in the Age of Social Media* (Princeton University Press 2017).

evidence. This dynamic poses serious risks to individual rights, particularly in criminal cases where reputational damage can be irreversible.

Social Media as a Parallel Justice System

The concept of social media as a parallel justice system is rooted in its ability to perform functions traditionally associated with courts: accusation, evaluation, and judgment. Online users assume the roles of complainants, investigators, prosecutors, and judges, often without accountability. Digital “verdicts” are delivered through likes, shares, comments, and trending hashtags.

Unlike formal legal systems, social media trials lack procedural safeguards. There is no right to be heard, no standard of proof, and no impartial arbiter. Accused individuals are often subjected to public shaming, harassment, and social ostracism, regardless of the eventual outcome of legal proceedings.² This phenomenon has been described as “trial by media” or “digital vigilantism,” where collective outrage substitutes for legal process. While social media can bring attention to cases ignored by authorities, it can also pressure investigative agencies and courts, potentially compromising their independence. Judicial decisions influenced by public sentiment risk undermining the rule of law and the credibility of the justice system.

Impact on Criminal Justice and Fair Trial Rights

One of the most significant legal concerns arising from social media adjudication is its impact on the right to a fair trial. Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which includes the right to a fair and impartial trial.³ Excessive media coverage and online commentary can prejudice judicial proceedings by shaping public and institutional perceptions of guilt. Indian courts have repeatedly cautioned against media trials. In *R.K. Anand v. Delhi High Court*, the Supreme Court emphasized that media should not conduct parallel trials that interfere with the administration of justice.⁴ Similarly, in *Sahara India Real Estate Corp. Ltd. v. SEBI*, the Court recognized the need to balance freedom of speech with fair trial rights.⁵ Social media intensifies these concerns by enabling continuous, decentralized commentary that is difficult to regulate. Judges, jurors (in jurisdictions where applicable), and witnesses are not immune to the influence of pervasive online narratives. The resulting pressure can distort judicial reasoning and undermine public confidence in the fairness of verdicts.

² Daniel Solove, “The Future of Reputation: Gossip, Rumor, and Privacy on the Internet” (Yale University Press 2007).

³ Constitution of India, art. 21.

⁴ *R.K. Anand v. Delhi High Court*, (2009) 8 SCC 106.

⁵ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603.

Misinformation, Virality, and Reputational Harm

Misinformation is a defining feature of social media justice. False or misleading information spreads rapidly due to algorithmic amplification and confirmation bias. Users are more likely to share content that aligns with their beliefs, reinforcing echo chambers and distorting reality.⁶ Reputational harm caused by viral allegations can be devastating. Even if an individual is later acquitted, the digital footprint of accusations often persists indefinitely. This raises important questions about the right to reputation, which Indian courts have recognized as an integral part of the right to life under Article 21.⁷ The absence of effective remedies for online defamation further exacerbates the problem. Legal processes are often slow and inadequate to address the speed and scale of digital harm. As a result, social media verdicts frequently outlast legal judgments, creating a form of extrajudicial punishment.

Freedom of Speech versus Regulation

Freedom of speech is a cornerstone of democratic society, protected under Article 19(1)(a) of the Indian Constitution. Social media platforms have expanded the scope of this freedom by enabling widespread participation in public discourse. However, this freedom is not absolute. Article 19(2) permits reasonable restrictions in the interests of public order, defamation, and the administration of justice. The challenge lies in regulating harmful content without stifling legitimate expression. Overregulation risks censorship and authoritarian control, while underregulation allows digital vigilantism to flourish. Scholars advocate for a nuanced approach that combines platform accountability, legal safeguards, and digital literacy.⁸ Internationally, regulatory models such as the EU's Digital Services Act emphasize transparency and responsibility of intermediaries. India's Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, represent an attempt to address these challenges, though concerns remain regarding implementation and safeguards for free speech.

Socio-Legal Implications and Ethical Concerns

From a socio-legal perspective, social media justice reflects broader transformations in power, communication, and authority. The democratization of expression empowers marginalized voices but also redistributes adjudicatory power to the masses. This raises ethical concerns about mob justice, accountability, and the erosion of institutional trust. The psychological impact on accused individuals is often severe, including anxiety, depression, and social isolation. Victims, too, may face

⁶ Eli Pariser, *The Filter Bubble* (Penguin 2011).

⁷ *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.

⁸ Lawrence Lessig, *Code and Other Laws of Cyberspace* (Basic Books 1999).

traumatization through invasive scrutiny and online harassment. Ethical frameworks emphasizing empathy, accuracy, and restraint are essential to mitigate these harms. Legal institutions must engage with these socio-cultural dynamics rather than dismissing them. Failure to do so risks widening the gap between law and society, undermining the legitimacy of formal justice systems.

Recommendations and Way Forward

To address the challenges posed by social media as a court without judges, this paper proposes the following measures:

1. **Strengthening Legal Frameworks:** Clear guidelines on media and social media reporting of sub judice matters should be enforced to protect fair trial rights.
2. **Platform Accountability:** Social media companies must implement robust mechanisms to curb misinformation, including fact-checking, content moderation, and transparency in algorithms.
3. **Judicial Sensitization:** Judges and legal practitioners should be trained to recognize and mitigate the influence of online narratives on judicial decision-making.
4. **Digital Literacy:** Public education initiatives should promote critical thinking and responsible online behaviour.
5. **Ethical Codes:** Development of ethical standards for digital activism and online discourse, emphasizing due process and human dignity.

Conclusion

Social media has unquestionably transformed the landscape of justice by changing how stories are used to establish a person's legal or moral standing. While it serves as insight, knowledge or perception, its role as a parallel adjudicatory space poses serious threats to legal principles and individual rights. The event of hashtags functioning as verdicts underscores the need for a balanced approach that preserves democratic expression while safeguarding due process and fairness. In traversing of this difficult ground, the law must develop in dialogue with society and technology. Only through thoughtful regulation, ethical engagement, and institutional resilience can justice withstand the pressures of the digital age.

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