

The Principle of Presumption of Innocence and Overcriminalization: A Critical Study of The Influence of Social Media in The Digital Era

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Abstract

This study aims to examine the influence of social media on the presumption of innocence and the phenomenon of overcriminalization in the digital era. The presumption of innocence is a fundamental legal principle, which states that every individual is not considered guilty until proven otherwise. However, with the rapid development of social media, information is often disseminated without adequate verification, resulting in stigma and negative judgments against individuals who are considered to have committed crimes. The phenomenon of overcriminalization refers to the tendency to consider certain actions as crimes, which is often triggered by public opinion formed through narratives on social media. Social media, with its ability to spread information quickly and widely, often creates virality that can change public perception in an instant. News or accusations that were initially obtained from non-credible sources can quickly become trends, triggering emotional reactions and excessive responses from the public. This study uses a qualitative approach by analyzing various case studies and related literature to explore the relationship between social media dynamics, public perception, and its impact on legal principles. The results show that social media can undermine the presumption of innocence by creating public pressure that encourages repressive actions before the legal process takes place. In addition, excessive criminalization often occurs as a response to inaccurate information and sensationalism that develops on social media platforms. The conclusion of this study emphasizes the need for stricter regulation of the dissemination of information on social media and the importance of educating the public about respecting the principle of the presumption of innocence. This aims to maintain justice and human rights in an increasingly complex digital era.

Keywords— Principle of Presumption of Innocence; Overcriminalization; Social_Media;

I. INTRODUCTION

A. Background

In today's digital age, social media has become the main platform for sharing information and opinions. Although it provides ease of access to information, the speed of news dissemination on social media also has a negative impact, especially in the legal context. One of the basic principles in the justice system is the principle of presumption of innocence, which affirms that every individual is presumed innocent until proven otherwise. However, with the increasing use of social media, this principle is often overlooked. (Gautam & Das, 2023) (Khamala, 2025) (Allen, 2021) (Shehata et al., 2025)

The phenomenon of overcriminalization, in which certain actions are considered crimes without careful consideration, is further exacerbated by the narratives that are evolving on social media platforms. Unverified news or allegations can quickly go viral, triggering an emotional reaction from the public that often leads to repressive action before legal proceedings take place. This creates an environment where accused individuals do not get the protection they deserve, as well as face

severe social stigma. (Luna, 2004) (Larkin Jr, 2013) (Husak, 2008) (Levin, 2012) (Hu, 2023)

This condition raises critical questions about how social media affects public perception of the principle of presumption of innocence and the extent of its impact on the phenomenon of overcriminalization. Therefore, it is important to conduct a critical study of the influence of social media in this context, in order to understand the broader impact on justice and human rights. This research aims to explore the relationship between social media dynamics and fundamental legal principles, as well as provide recommendations to increase public awareness of the importance of respecting the principle of presumption of innocence in the digital era. (Kalverkämper, 2023) (Harduf, 2023; Ristroph, 2020)

B. Problems

This study identifies several key issues related to the principle of presumption of innocence and the phenomenon of overcriminalization in the context of the influence of social media in the digital age:

1. Violation of the Presumption of Innocence Principle: Social media is often an arena where individuals accused of crimes do not get the protection of the presumption of innocence principle. Information and opinions that spread quickly can create an unfair stigma against individuals, even if they have not been proven guilty in court.

2. **Virality of Negative Information:**
Unverified news or accusations can quickly go viral, drastically affecting public perception. This leads to emotional reactions and repressive actions from society that are often not based on accurate facts.
3. **Impact of Overcriminalization:**
The phenomenon where certain actions are considered crimes without careful consideration is increasing, mainly due to the public pressure generated from narratives on social media. Overcriminalization can lead to stricter policies and excessive law enforcement, harming individuals who have not yet been proven guilty.
4. **Lack of Public Education:**
The public often lacks an understanding of the importance of the principle of presumption of innocence and the negative impact of the dissemination of inaccurate information. This shows the need for better education on legal principles and ethics in sharing information on social media.
5. **Social Media Regulation:**
The lack of effective regulation of the dissemination of information on social media has the potential to exacerbate this problem. Without strict controls, misinformation can continue to spread, threatening justice and human rights.

C. The Proposed Solution

This study proposes several solutions to address problems related to the principle of presumption of innocence and the phenomenon of overcriminalization due to the influence of social media:

1. **Community Education:**
The public needs to be given a better understanding of the principle of presumption of innocence and the consequences of disseminating inaccurate information. Educational programs can be carried out through seminars, workshops, and campaigns on social media to raise awareness about the importance of respecting these legal principles.
2. **Social Media Regulation:**
Stricter regulations are needed regarding the dissemination of information on social media. Social media platforms should implement policies that require fact-checking before information can be disseminated, especially those related to criminal allegations.
3. **Collaboration between Related Parties:**
Synergy between government, law enforcement, media, and civil society organizations is essential. All parties must

work together to create ethical standards in the dissemination of information and ensure that the principle of presumption of innocence is respected.

4. **Enforcement of Sanctions for Disseminating False Information:**
Applying strict sanctions against individuals or entities who intentionally disseminate false or unverified information about individuals accused of committing crimes. This can serve as a deterrent and reduce the spread of hoax news.
5. **Development of Digital Education Platforms:**
Creating digital platforms that provide accurate information about the law, human rights, and the basic principles of the justice system. This platform can be a resource for the public to get correct and reliable information.
6. **Increasing Transparency of the Legal Process:**
Encouraging transparency in the legal process so that the public can understand how the principle of presumption of innocence is applied. This can reduce public dissatisfaction and build trust in the justice system.

II. RESEARCH METHODOLOGY

A. Types of Research

This study uses a qualitative approach with a case study design. Here is a clearer description of this type of research:

1. **Qualitative Approach:**
 - a. Qualitative research aims to understand social phenomena from the perspective of the subjects involved. In this context, the main focus is to explore the public's understanding and perception of the principle of presumption of innocence and overcriminalization triggered by social media.
 - b. This method is suitable because the issues being studied involve complex nuances in social and legal interactions, which cannot be quantitatively measured.
2. **Case Study Design:**
 - a. The design of the case study was chosen to analyze a particular phenomenon in depth in a specific context. This research will examine some relevant cases where social media use has an impact on public perception of individuals accused of crimes.
 - b. Each case will be used as an analysis unit to explore how information disseminated through social media affects public opinion and legal processes.
3. **Research Focus:**
 - a. This research will focus on the relationship between the influence of social media, the principle of presumption of innocence, and the phenomenon of overcriminalization. It covers how the narrative that thrives on social media can reinforce stigma against accused

- individuals and undermine the principles of justice.
- b. The context of the research, conducting an analysis of news, social media posts, and public reactions to certain cases, allows researchers to understand the dynamics that occur in society.
 - c. A qualitative approach and case study design, this study provides in-depth information and data and practical recommendations to address issues related to the principle of presumption of innocence and overcriminalization in the digital age.

B. Research Data Sources

1. This research relies on two main categories of data sources: primary data and secondary data. Here's a clearer description of each data source:
 - a. Primary Dates:
In-Depth Interviews, with resource persons who have relevant knowledge and experience, such as
 - b. Legal Expert: To gain perspective on the application of the principle of presumption of innocence in the current legal context.
 - c. Academic: Researchers who have expertise in media studies, law, or sociology to understand the impact of social media on public perception.
 - d. Social Media Practitioner: An individual working in the field of communication or media who can provide insight into how information is disseminated and received on social media platforms.
 - e. The interview is semi-structured, with a question guide, but it will also be open to exploring topics that come up during the conversation.
 - f. Secondary Data:
 - 1) Literature review, by collecting and analysing relevant literature, includes:
 - a) Books: Academic books that discuss law, social media, and social phenomena related to the principles of presumption of innocence and overcriminalization.
 - b) Journal Articles: Articles published in scientific journals that discuss legal, media, and sociological issues, thus providing a research-based perspective.
 - c) Research Report: A report from a research institution or non-governmental organization that describes the trends and impact of social media on society.

- d) Social Media Case Studies, by collecting concrete case examples from social media posts, viral news, and campaigns that reflect how information regarding crime is disseminated and received. This content analysis will help in understanding the dynamics of information dissemination and its impact on society.

C. Data Collection Techniques

Data collection techniques are carried out through several methods to obtain comprehensive and in-depth information. 1. In-Depth Interview:

- a. Interview Design,
 - b. Semi-structured format, to follow the question guide but provide the flexibility to explore topics that arise spontaneously.
 - c. The questions will be designed to explore the views of the resource persons on how social media affects the perception of the principle of presumption of innocence and the phenomenon of overcriminalization.
2. Implementation Procedure:
 - a. Resource persons will be selected based on certain criteria, such as expertise in law, experience in social media, or related research.
 - b. Interviews can be conducted in person, by phone, or video conference, depending on the comfort and availability of the interviewees.
 - c. Each interview will be recorded (with the permission of the source) and recorded to ensure data accuracy.
3. Documentation Study:
 - a. Documentation Sources, collecting a variety of relevant documents and materials, including:
 - 1) News articles about cases that go viral on social media.
 - 2) Posts from social media platforms such as Tiktok, Twitter, Facebook and Instagram related to criminal allegations.
 - 3) Reports from government agencies or non-governmental organizations on the impact of social media on society.
 - b. Content Analysis:
 - 1) The collected documents will be analyzed using a content analysis approach to identify emerging themes, patterns, and narratives.
 - 2) The researcher will record how the information is presented, the public's reaction, and its impact on perceptions of the accused individual.
 - c. Observation:
 - 1) Social Media Observations:
 - a) The researcher will observe the interactions and discussions that occur on social media platforms related to certain cases.
 - b) This observation aims to understand the dynamics of conversation, including how public opinion is formed and changes as information develops.

D. Data Analysis

Data analysis is carried out by following several systematic steps to ensure that the information obtained from interviews, documentation studies, and observations can be processed and understood properly.

1. Data Coding:

- a. After data collection, the first step is to do coding, which is the process of organizing the data into specific categories or themes.
- b. The researcher will read the interview transcripts and documents collected to identify keywords, phrases, or ideas that come up frequently.
- c. This coding will help in grouping data based on relevant issues, such as perceptions of the principle of presumption of innocence, the impact of social media, and examples of the phenomenon of overcriminalization.

2. Identify the Theme:

- a. After coding, the researcher will analyze the categories that have been formed to identify the main themes that emerge from the data.
- b. This theme will cover important aspects of social media influence, such as:
 - 1) The way social media creates a stigma against accused individuals.
 - 2) Public response to unverified information.
 - 3) The relationship between public pressure and overcriminalization.All processes are done to get patterns and correlations in the data.

c. Thematic Analysis:

- 1) With the themes that have been identified, the researcher will conduct a thematic analysis to explore each theme in depth.
- 2) Researchers will relate the results of the analysis to the existing literature, comparing the findings with previous studies to find similarities or differences.
- 3) This analysis will provide a broader context on how social media influences the principle of presumption of innocence and the phenomenon of overcriminalization.

d. Narrative Preparation:

- 1) After the analysis is completed, the researcher will compile a narrative that systematically describes the research findings.
- 2) This narrative will include a summary of each theme, accompanied by excerpts from interviews and examples from

relevant documents to support the argument.

- 3) The preparation of the narrative will be carried out by considering a logical flow that helps the reader understand the dynamics between social media, the principle of presumption of innocence, and overcriminalization.

e. Validation of Findings:

- 1) To ensure the accuracy and reliability of the analysis results, the researcher will validate the findings by triangulating, which is comparing the results from various data sources.
- 2) Researchers can also ask for feedback from sources to ensure that the interpretation of the analysis results is in line with their views.

E. Validity and Reliability

1. Validity.

- a. Definition of Validity refers to the extent to which research instruments measure what should be measured. In the context of this study, validity is related to the ability of data collection methods to produce accurate information about the influence of social media on the principle of presumption of innocence and overcriminalization.

b. Validity Type:

1) Content Validity:

The researcher ensures that the questions in the interview and the analyzed documents are relevant to the research topic. This is done by referring to the existing literature and engaging experts to assess the appropriateness of the questions.

2) Construction Validity:

The researcher tested the suitability of the themes that emerged from the data and then correlated with theories and concepts about the principle of presumption of innocence and overcriminalization, resulting in findings.

- 3) External Validity: The researcher examines the findings of the cases to generalize them to the context that better reflects the social and cultural context of the case being analyzed.

2. Reliability:

- a. Definition of Reliability refers to the consistency of results obtained from research instruments by examining the correlation between interview results and content analysis so as to produce similar findings.

b. Increased Reliability:

- 1) Standardization of Procedures: The researcher will use consistent interview guidelines for all interviewees, so that each interview is conducted in the same way. This helps reduce unnecessary variability.
- 2) Researcher Training: If there is more than one researcher involved, they will be trained to

follow the same procedures in data collection and analysis, thereby reducing individual bias.

- 3) Data Triangulation: Using multiple data sources (interviews, documents, observations) to confirm the same findings can improve reliability. If multiple data sources show the same pattern, this adds confidence to the research results.

Validity and reliability are carried out to obtain accurate, consistent, and credible findings to contribute to the understanding of the influence of social media on the principle of presumption of innocence and the phenomenon of overcriminalization

III. RESULTS AND DISCUSSION

A number of important findings were produced, namely:

1. Application of the Presumption of Innocence Principle:
 - a. Research shows that the principle of presumption of innocence is often overlooked on social media. Researchers found that information circulating on these platforms tends to stigmatize accused individuals, before they undergo due process of law.
 - b. Interview data revealed that many respondents, including legal practitioners, admitted that pressure from social media can affect public perception and undermine basic principles of justice.
2. Impact of Information Virality:
 - a. Researchers note that news that spreads quickly on social media, both true and false, can drastically shape public opinion. This phenomenon often results in disproportionate emotional reactions, worsening the legal situation of the accused individual.
 - b. The cases analyzed show that unverified information is often the basis for public judgment, which can lead to unfair legal action.
3. The Phenomenon of Overcriminalization:
 - a. The study found that there is a tendency for overcriminalization triggered by public opinion on social media. Researchers identified that actions that were previously considered trivial can be targeted by law after receiving negative attention on social media.
 - b. These findings suggest that legal policy often does not consider in-depth analysis, but is affected by societal

pressures resulting from narratives on social media.

4. The Need for Legal Education:
 - a. From the results of the analysis, the researcher emphasized the importance of improving legal education for the community. A better knowledge of the principle of presumption of innocence and legal process can help people understand their rights and reduce stigma against accused individuals.
 - b. Recommendations include the development of educational programs that teach critical skills in analyzing information, as well as the importance of verification before spreading the news.
5. Recommendations for Legal Policy:
 - a. This study recommends that policymakers consider the impact of social media in formulating laws. Policymaking must be based on solid evidence and in-depth analysis to avoid overcriminalization.
 - b. The researchers also suggested the need for stricter regulation regarding the spread of false information on social media, to protect individuals from negative impacts that result in reputation and justice.

The results of this study gain in-depth knowledge about the challenges faced by the legal system in the digital era, as well as emphasize the importance of education and policies that are responsive to the dynamics of social media. This research is expected to contribute to the development of better legal practice and theory.

IV. CONCLUSION

1. The importance of the principle of presumption of innocence. This research confirms that the principle of presumption of innocence must remain a fundamental principle in the justice system. However, social media often ignores this principle, resulting in stigma and injustice against accused individuals before a valid legal decision is made.
2. The Impact of Information Virality. The rapid and often unverified spread of information on social media can create distortions in public perception. This suggests that society needs to be equipped with a better understanding of the law and judicial process to mitigate the negative impact of misinformation.
3. The Phenomenon of Overcriminalization. This study identifies that social media contributes to the phenomenon of overcriminalization, where actions that are considered trivial can become legal targets due to pressure of public opinion. This raises the urgent need for more critical and evidence-based policy analysis.
4. The Need for Legal Education. It is emphasized that legal education must be strengthened at all levels of

society. Improving legal literacy will help individuals understand their rights and the importance of the principle of presumption of innocence, as well as the impact of disseminating information on social media.

5. Recommendations for Legal Policy. The study recommends that policymakers formulate stricter regulations against the spread of false information on social media, as well as avoid making laws influenced by mere public pressure. Policies should be based on a comprehensive, evidence-based analysis

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