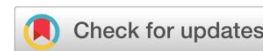


Research Article



## Reassessing Mass Media Reporting as Criminal Evidence in Indonesia toward Social Media Justice

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**Abstract:** The criminal justice system enforces legal norms and delivers justice by relying on legally admissible evidence as the foundation of judicial decision making. In Indonesia, the legislature enacted Law No. 20 of 2025 to reform the evidentiary system, replace the previous Criminal Procedure Code, and expand the categories of admissible evidence under Article 235 from five to eight types, including the formal recognition of electronic evidence. This reform accommodates the increasing role of digitalisation in legal processes and integrates contemporary forms of evidence into the criminal justice framework. This study analyses the implications of the evidentiary reform and examines the interpretation of mass media reporting as a source of factual information in criminal proof. The research applies a normative legal method, employs conceptual and socio legal approaches, and conducts qualitative descriptive analysis of statutory regulations and legal doctrines. The findings demonstrate that, first, mass media reporting disseminated through digital platforms qualifies conceptually as electronic documents within the expanded evidentiary framework. Second, such reporting functions as a supplementary evidentiary source when it fulfils the principles of legality, authenticity, verification, and relevance. Third, despite this potential contribution, mass media reporting lacks independent probative value and therefore cannot serve as conclusive evidence in criminal proceedings.

**Keywords:** Criminal; Evidence; Mass Media; Social Media Justice;



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## INTRODUCTION

The criminal justice system constitutes the primary instrument of the state in enforcing the law and realising justice for society.<sup>1</sup> Within this framework, criminal courts function to ensure that every judgment delivered is based on facts and evidence that are legally admissible, thereby reflecting both truth and substantive justice.<sup>2</sup> Therefore, the evidentiary system plays a crucial role in determining whether a defendant can be legally and convincingly proven to have committed the criminal offence charged. An accurate and objective process of proof constitutes a fundamental requirement for judges in delivering a just decision, as every criminal judgment must

<sup>1</sup> Kimico Margaretha Tjhia and Azis Budiarto, 'Criminal Procedure Law Reform in Indonesia as a Step Towards a Fairer and More Effective Justice System', *Journal of World Science*, 4.7 (2025), 882–88 <https://doi.org/10.58344/jws.v4i7.1447>

<sup>2</sup> Fauziah Lubis and others, 'An Analysis of the Validity of Digital Evidence in the Modern Technological Era', *Fox Justi: Jurnal Ilmu Hukum*, 15.2 (2025) <https://doi.org/10.54518/rh.5.6.2025.980>



be based on legally admissible evidence as well as the judge's conviction formed through the judicial proceedings.<sup>3</sup>

In the development of criminal procedure law in Indonesia, the provisions governing evidence have undergone significant changes with the enactment of Law of the Republic of Indonesia No. 20 of 2025 on the Criminal Procedure Code (KUHAP), which began to be implemented in 2026. This statute replaces the previous Criminal Procedure Code regulated under Law No. 8 of 1981 and introduces fundamental reforms to the criminal evidentiary system.<sup>4</sup> Previously, Article 184 of the former Criminal Procedure Code (KUHAP) recognised only five categories of evidence. However, Article 235 paragraph (1) of Law No. 20 of 2025 expands the categories of admissible evidence to eight types, namely: witness testimony, expert testimony, documentary evidence, the defendant's statement, physical evidence, electronic evidence, judicial observation, and any material that may be used for evidentiary purposes provided that it is obtained lawfully.<sup>5</sup>

This change indicates that the evidentiary system within Indonesian criminal procedure law is shifting from a closed evidentiary system towards a more open system of evidence).<sup>6</sup> The expansion of evidentiary categories represents a response to the advancement of information technology and the increasing complexity of modern crimes, which require diverse forms of new evidence, particularly electronic and digital evidence. Through the recognition of electronic evidence and the introduction of a more open evidentiary category, the criminal evidentiary system in Indonesia is expected to become more adaptive to developments in society and technology.<sup>7</sup>

The expansion of the evidentiary system also introduces new challenges in the practice of law enforcement. One of the principal challenges lies in ensuring that every form of evidence used in judicial proceedings is obtained lawfully, is authentic, and does not violate human rights. Article 235 paragraph (5) of Law No. 20 of 2025 explicitly stipulates that evidence deemed inauthentic or obtained unlawfully cannot be admitted as evidence in court proceedings.<sup>8</sup> This provision reinforces the

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<sup>3</sup> Perlindungan Hukum Tersangka Dalam Pemeriksaan Awal Oleh Penyidik Dengan Analisis Berdasarkan KUHAP Hasmawati and Muh Chaezar Fachreza Harla, 'Perlindungan Hukum Tersangka Dalam Pemeriksaan Awal Oleh Penyidik Dengan Analisis Berdasarkan KUHAP', *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 4.1 (2026), 134–45 <https://doi.org/10.61104/alz.v4i1.2972>

<sup>4</sup> Muhammad Ridho Hakiki, Angkasa Angkasa, and Abdul Haris Semendawai, 'Reformulation of the Legal Politics of Restorative Justice in Handling Minor Criminal Offenses under Law Number 1 of 2023 on the Criminal Code', *Interdisciplinary Journal and Humanity (INJURITY)*, 5.2 (2026), 75–91 <https://doi.org/10.58631/injury.v5i2.1519>

<sup>5</sup> Muchammad Naseer and others, 'Blockchain-Based Evidence Legality in Indonesia's Criminal Justice System', *Jurnal Hukum Indonesia*, 5.1 (2026), 40–65 <https://doi.org/10.58344/JHI.V5I1.2351>

<sup>6</sup> Taufiqurokhman Taufiqurokhman and Sodikin Sodikin, 'Reconstruction of the Principle of Justice in the Indonesian Criminal Justice System: A Restorative Perspective and Regulatory Reform', *Journal of Lex et Justitia*, 1.1 (2026), 69–85 <https://ejournal.grafindoscience.com/jlj/article/view/48>

<sup>7</sup> Aristo M. Pangaribuan, 'Truth, Bias, and Abuse of Power: How Indonesia's Evidentiary Threshold Shapes Criminal Justice', *International Journal of Evidence and Proof*, 2025 <https://doi.org/10.1177/13657127251389628>

<sup>8</sup> Adam Ilyas and Paulus Rudy Calvin Sinaga, 'The Urgency of Budget Independence for the Constitutional Court in Strengthening the Independence of the Judiciary', *Indonesian Journal of Administrative Law and Local Government*, 1.01 (2024) <https://doi.org/10.26740/ijalgov.v1i01.35850>



application of the exclusionary rule, namely the exclusion of evidence obtained unlawfully, in order to ensure the conduct of a fair trial.<sup>9</sup>

In addition to the issue of the legality of evidence, another challenge relates to social dynamics and the development of information technology that influence the process of law enforcement. In modern societies that are highly interconnected through digital technology, various forms of information concerning criminal incidents are often widely disseminated through mass media and digital platforms even before judicial proceedings take place.<sup>10</sup> This phenomenon positions the mass media as an important actor within the public sphere, possessing a strategic role in disseminating information concerning various legal events to society. In modern democratic systems, the mass media functions not only as a medium for the dissemination of information but also as an instrument of social control over the exercise of state power, including within the process of law enforcement. Normatively, press freedom in Indonesia is guaranteed under Article 28F of the 1945 Constitution of the Republic of Indonesia and is further regulated in Law No. 40 of 1999 on the Press, which provides guarantees for the public to obtain and convey information freely and responsibly.<sup>11</sup>

Through its informative, educational, and social control functions, the mass media frequently reveals facts related to criminal incidents to the public. In certain cases, investigative reports, visual recordings, and event documentation presented through media coverage are even capable of disclosing information that has not yet been fully identified by law enforcement authorities. This situation demonstrates that the mass media does not merely shape public opinion but also has the potential to become a relevant source of factual information for the process of law enforcement. However, the interaction between the mass media and the criminal justice system also gives rise to legal and ethical dilemmas.<sup>12</sup> On the one hand, the media may function as a mechanism of public oversight over the process of law enforcement. On the other hand, media reporting may give rise to the phenomenon of trial by the press, a situation in which the media indirectly shapes public opinion regarding the guilt or innocence of an individual before a court has delivered a final and legally binding judgment. This phenomenon has the potential to undermine judicial independence and violate the presumption of innocence, which constitutes a fundamental principle of criminal procedure law.<sup>13</sup>

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<sup>9</sup> Nataline Setyowati, Pujiyono Suwadi, and Yudho Taruno Muryanto, 'Electronic Court in Indonesia: Challenges and Concerns in the Development of Responsive Law Reform', 2024, 174–78 [https://doi.org/10.2991/978-2-38476-218-7\\_27](https://doi.org/10.2991/978-2-38476-218-7_27)

<sup>10</sup> Muhamad Imam Alfie Syarien and Ghina Samarah, 'Interagency Coordination Drivers, Instruments, and Success Factors: A Systematic Literature Review', *Jurnal Borneo Administrator*, 19.3 (2023), 301–18 <https://doi.org/10.24258/jba.v19i3.1296>

<sup>11</sup> Aan Widodo, Wa Ode Sitti Nurhaliza, and Moh Rifaldi Akbar, 'Virtual Criminal Trials in Indonesia: Communication Inequalities, Power Dynamics, and the Challenges of Justice', *Social Sciences and Humanities Open*, 12 (2025) <https://doi.org/10.1016/j.ssaho.2025.102272>

<sup>12</sup> Noor Asma and Arhjayati Rahim, 'The Influence Of Public Pressure On The Criminal Case Handling Process', *International Journal of Sociology and Law*, 1.3 (2024), 68–81 <https://doi.org/10.62951/ijsl.v1i3.106>

<sup>13</sup> Salma Zahra and others, 'Reforming Indonesian Criminal Justice: Integrating Recidivism Risk Assessment for Fair and Effective Sentencing', *Jurnal Hukum Dan Peradilan*, 13.2 (2024), 275 <https://doi.org/10.25216/jhp.13.2.2024.275-310>



Within the context of the development of a more open evidentiary system as regulated in Article 235 paragraph (1) letter h of Law No. 20 of 2025, which allows the use of “anything that may be utilised for evidentiary purposes provided that it is obtained lawfully”, a new conceptual space emerges to assess the possibility of public information, including mass media reporting, as a source of facts that may be examined within the process of criminal proof.<sup>14</sup> In other words, a more open evidentiary system provides an opportunity for academic examination of the extent to which information disseminated through the mass media may possess relevance within the evidentiary process before the courts.<sup>15</sup> From a philosophical perspective, the law must be capable of adapting to societal developments in order to remain relevant in realising justice and legal utility. From a sociological perspective, modern society increasingly relies on mass media as a primary source of information, including information concerning legal events and law enforcement processes. Therefore, disregarding the potential of information produced by mass media in the process of criminal proof may be viewed as a form of legal lag in responding to social developments and the advancement of communication technology.

Several previous studies, such as that conducted by Fauziah Lubis, have sought to examine how digital evidence is recognised and legally validated within the framework of civil litigation in Indonesia, particularly under the doctrine of *positief wettelijk bewijs*, which emphasises formal legal standards in the evaluation of evidence. The study highlights the urgency of legal reform, both in terms of updating regulatory frameworks and enhancing forensic capabilities within judicial institutions. In contrast, the present research focuses more specifically on evidentiary issues under the Criminal Procedure Code (KUHAP), which adopts a negative statutory evidentiary system.<sup>16</sup> The research conducted by Rohman examines the evidentiary system in Indonesian criminal law and the challenges encountered within the judicial process. The focus of the study lies in analysing the evidentiary system in Indonesia, the challenges faced in its implementation, and potential solutions to enhance its effectiveness and transparency.<sup>17</sup>

In contrast, the present study proposes a reconstruction of the evidentiary system to address the gap between formal law and social realities. Furthermore, the research conducted by Irma Dani examines the role of mass media in the dynamics of law enforcement in the information era. The focus of that article is to analyse the role of mass media in the dynamics of law enforcement in the digital age by assessing both the positive and negative impacts of media involvement in legal processes.<sup>18</sup> This

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<sup>14</sup> Ika Dewi Sartika Saimima and Mochammad Syafruddin Rezky Sanaky, ‘Justice Connectivity in the Criminal Prosecution of Human Trafficking’, *SASI*, 30.1 (2024), 75 <https://doi.org/10.47268/sasi.v30i1.1828>

<sup>15</sup> Arni Yusuf, ‘Strategic Issues in the Reform of the Criminal Procedure Code towards an Inclusive and Effective Criminal Justice System’, *Journal of Law Science*, 7.1 (2025), 105–12 <https://doi.org/10.35335/jls.v7i1.5874>

<sup>16</sup> Lubis and others.

<sup>17</sup> Rohman Rohman and others, ‘Sistem Pembuktian Dalam Hukum Pidana Indonesia Dan Tantangan Dalam Proses Peradilan’, *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1.3 (2024), 279–92 <https://doi.org/10.71153/jimmi.v1i3.146>

<sup>18</sup> Irma Dani, Armadila Armadila, and Reno Andika, ‘The Role of Mass Media in the Dynamics of Law Enforcement in the Information Age’, *Journal of Islamic Communication and Journalism*, 1.2 (2025), 30–39 <https://doi.org/10.56895/plr.v13i2.24331>



article places greater emphasis on the influence of mass media on public opinion as well as on the independence of judges in deciding criminal cases. Several studies indicate that media coverage can shape public perceptions of a particular case and potentially generate public pressure on judicial institutions. Nevertheless, studies that specifically examine the possible construction of mass media reporting as part of the development of the criminal evidentiary system remain relatively limited. Accordingly, this research places greater emphasis on analysing the evidentiary system within criminal procedure law following the enactment of Law No. 20 of 2025, particularly in the context of the potential expansion of factual sources of evidence.

The discussion establishes an academic necessity to examine comprehensively the position and potential recognition of mass media reporting as part of the evidentiary construction within Indonesian criminal procedure law, particularly after the enactment of Law No. 20 of 2025 on the Criminal Procedure Code, which expands the system of admissible evidence and adopts a more open evidentiary approach. This study evaluates the extent to which media reporting that satisfies standards of journalistic objectivity may serve as a relevant source of factual information in the criminal evidentiary process while maintaining the principles of due process of law, the presumption of innocence, and the guarantee of a fair trial. This study addresses a gap in the existing literature by analysing the construction of mass media reporting as an extension of factual sources of criminal proof within the Indonesian criminal procedural law system through a normative legal approach supported by philosophical and sociological perspectives. It further formulates a conceptual framework for developing an evidentiary system that adapts to the advancement of information technology and supports the implementation of judicial proceedings that operate in an expeditious, simple, and cost-efficient manner while preserving the principles of justice and legal certainty.

## METHOD

This study employs a descriptive socio-legal research method to analyse the development of the evidentiary system in Indonesian criminal procedure law following the enactment of Law No. 20 of 2025 on the Criminal Procedure Code (KUHAP), particularly in the context of the possible construction of mass media reporting as part of factual sources within the criminal evidentiary process. This approach views law not merely as a set of prescriptive norms but also as a social practice shaped by the dynamics of information technology, the development of mass media, and the interaction between the criminal justice system and the public sphere. Grounded in a constructivist paradigm, the research integrates normative legal analysis with a law in action approach through hermeneutic and analytical interpretation of legal provisions governing evidence, press freedom, and the practice of utilising digital information in law enforcement processes.<sup>19</sup>

Qualitative data in this study were obtained through a systematic literature review of primary and secondary legal materials, including statutory regulations relating to the criminal evidentiary system, legal doctrines, academic literature, and previous research concerning digital evidence, the role of mass media, and the dynamics of law

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<sup>19</sup> Maria Stoyanova, 'The Impact of Media Publicity on the Presumption of Innocence', 2025, 269–93 [https://doi.org/10.1007/978-3-031-80593-6\\_11](https://doi.org/10.1007/978-3-031-80593-6_11)



enforcement in the information era.<sup>20</sup> All data were subsequently analysed in a descriptive and critical manner to assess the development of the evidentiary system under the 2025 Criminal Procedure Code (KUHP), to identify normative gaps and implementation challenges, and to explain the limitations and potential use of mass media reporting as a supporting factual source in criminal proof. Through this analysis, the study also seeks to formulate a conceptual framework capable of strengthening the adaptation of the criminal evidentiary system to the advancement of information technology, while safeguarding the principles of due process of law, the presumption of innocence, and the guarantee of a fair trial within the Indonesian criminal justice system.<sup>21</sup>

## RESULT AND DISCUSSION

### *Criminal Evidence Reform and the Regulation of Mass Media Reporting*

The development of the evidentiary system in Indonesian criminal procedure law has undergone a significant transformation following the enactment of Law of the Republic of Indonesia No. 20 of 2025 on the Criminal Procedure Code (KUHP). This reform constitutes part of the broader transformation of the national criminal justice system, aimed at aligning criminal procedural law with societal developments, advancements in information technology, and the increasing complexity of modern crime.<sup>22</sup> Within the framework of criminal procedure law, proof constitutes a highly determinative stage, as it is through the evidentiary process that judges obtain the basis for forming their conviction regarding the occurrence or non-occurrence of a criminal act and the involvement of the defendant therein. Therefore, the evidentiary system is not merely concerned with techniques of proof, but is also closely related to the protection of human rights, the assurance of legal certainty, and the principle of a fair trial.<sup>23</sup>

Historically, the evidentiary system in Indonesian criminal procedure law was previously regulated under Law No. 8 of 1981 on the Criminal Procedure Code (KUHP), particularly in Articles 183 and 184. Article 183 stipulates that a judge shall not impose a criminal sentence upon a person unless, based on at least two legally admissible forms of evidence, the judge acquires the conviction that a criminal offence has indeed occurred and that the defendant is guilty of committing it. This provision indicates that the evidentiary system adopted is the negative statutory evidentiary system (*negatief wettelijk bewijs theorie*), namely a system that combines proof based on legally recognised forms of evidence prescribed by law with the judge's personal conviction.<sup>24</sup> Article 184 paragraph (1) of the Criminal Procedure Code determines

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<sup>20</sup> Ebenezer Kojo Gyasi Mensah, 'Assessing the Role of Media Influence and Public Perception in Legal Decision-Making', *SSRN Electronic Journal*, 2024 <https://doi.org/10.2139/ssrn.4811277>

<sup>21</sup> Muhammad Saleh and others, 'Interaksi Komunikasi Antara Hukum Dan Media Massa: Pengenalan Konsep Dan Implikasi', *ENCOMMUNICATION: Journal of Communication Studies*, 1.2 (2023), 96–107 <https://doi.org/10.71036/ejcs.v1i2.160>

<sup>22</sup> Tjhia and Budianto.

<sup>23</sup> Aristo M. Pangaribuan, 'Truth, Bias, and Abuse of Power: How Indonesia's Evidentiary Threshold Shapes Criminal Justice', *International Journal of Evidence and Proof*, 2025 <https://doi.org/10.1177/13657127251389628>

<sup>24</sup> Faisal and others, 'Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code', *Cogent Social Sciences*, 10.1 (2024), 2301634 <https://doi.org/10.1080/23311886.2023.2301634>



five types of legally admissible evidence, namely witness testimony, expert testimony, documentary evidence, indications, and the defendant's statement, and it establishes a closed evidentiary system to ensure legal certainty and to prevent judges from relying on forms of evidence whose validity remains unclear in criminal proceedings.<sup>25</sup>

Nevertheless, developments in society and information technology demonstrate that such a closed evidentiary system is no longer fully capable of addressing the evidentiary needs of modern criminal cases. The advancement of digital technology has generated various new forms of evidence, such as electronic recordings, digital communications, internet data, surveillance camera footage, and other forms of digital documentation, which often possess significant probative value in revealing the occurrence of a criminal offence.<sup>26</sup> In practice, the recognition of electronic evidence had previously been accommodated only to a limited extent through Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016, particularly under Article 5 paragraph (1), which stipulates that electronic information and/or electronic documents, along with their printed outputs, constitute legally admissible evidence.<sup>27</sup> Nevertheless, such regulation remained sectoral in nature and had not yet been fully integrated into the criminal procedural law system in a comprehensive manner.

In response to these requirements, the legislature subsequently enacted reforms through Law Number 20 of 2025 concerning the Criminal Procedure Code, which introduces a reformulation of the criminal evidentiary system in Indonesia.<sup>28</sup> Under this Law, provisions regarding evidence are governed by Article 235, which substantially expands the types of evidence admissible in criminal proceedings. Article 235(1) stipulates that admissible evidence includes witness testimony, expert testimony, documentary evidence, the defendant's statement, physical evidence, electronic evidence, judicial observations, and any other elements utilised for evidentiary purposes, provided they are obtained lawfully.<sup>29</sup> This provision reflects a paradigmatic shift from a closed evidentiary system towards one that is more open and adaptive to social and technological developments.<sup>30</sup>

The recognition of electronic evidence in the new KUHAP represents a significant step in the modernisation of the criminal evidentiary system. Electronic evidence encompasses various forms of digital information, such as video recordings, audio

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<sup>25</sup> Hudha Bagus Setyadi and Ali Masyhar, 'Legal Politics in the Draft Criminal Procedure Code (KUHAP) in Indonesia', *Journal of Literature Review*, 1.1 (2025), 257–62 <https://doi.org/10.63822/320mhd19>

<sup>26</sup> Yanto Sufriadi, 'The Progress of Indonesian Law Enforcement Reform after 25 Years of the Reform Movement', *Asian Affairs(UK)*, 51.1 (2024), 28–54 <https://doi.org/10.1080/00927678.2023.2268491>

<sup>27</sup> Wilson Gandhi and others, 'Penerapan Asas Praduga Tidak Bersalah Terhadap Terdakwa Tindak Pidana Penadahan Di Pengadilan Negeri Lubuklinggau', *QOSIM: Jurnal Pendidikan Sosial & Humaniora*, 4.1 (2026), 44–53 <https://doi.org/10.61104/jq.v4i1.4561>

<sup>28</sup> Angelika Permata Adam and others, 'Peranan Alat Bukti Elektronik Dalam Meningkatkan Efektivitas Pembuktian Tindak Pidana Korupsi', *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4.1 (2026), 572–79 <https://doi.org/10.61104/ALZ.V4I1.3110>

<sup>29</sup> Muhamad Abdul Kholik and Rena Zulfaidah, 'Analisis Praktik Pinjam Pakai Barang Bukti Dalam Ranah Peradilan: Studi Lapangan Di Pengadilan Negeri Temanggung', *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4.1 (2026), 1333–40 <https://doi.org/10.30999/mjn.v12i2.2739>

<sup>30</sup> Saifuddin Zuhri and Cholid Fadil, 'Peran Media Digital Dalam Penegakan Hukum Di Masyarakat', *Crossroad Research Journal*, 1.4 (2024), 118–39 <https://doi.org/10.61402/CRJ.V1I4.182>



recordings, electronic messages, digital communication data, and other digital documentation that can clarify the circumstances of a criminal event.<sup>31</sup> With this recognition, law enforcement authorities and the courts now have a stronger legal basis to utilise digital evidence in the evidentiary process without relying on sectoral regulations outside the KUHAP. Furthermore, the inclusion of physical evidence as a distinct category within the types of admissible evidence also reinforces the position of tangible objects directly related to a criminal offence as part of the evidentiary process in court proceedings.<sup>32</sup>

The expansion of evidentiary categories is also accompanied by a strengthening of the principle of legality in the collection and use of evidence. Article 235 paragraph (5) of Law No. 20 of 2025 stipulates that evidence deemed inauthentic or obtained unlawfully cannot be admitted in court proceedings. This provision reflects the application of the exclusionary rule, a principle that excludes unlawfully obtained evidence from the evidentiary process.<sup>33</sup> This principle serves an important function in preventing the abuse of authority by law enforcement officials while simultaneously protecting the rights of suspects and defendants within criminal judicial proceedings.<sup>34</sup> The inclusion of the evidentiary category described as “anything that may be utilised for evidentiary purposes provided that it is obtained lawfully” indicates a more open approach to sources of factual information in the criminal judicial process.<sup>35</sup> This provision allows judges to consider various forms of information that are relevant to a criminal event, provided that their veracity can be verified and that they are obtained lawfully. Consequently, the evidentiary system under the new KUHAP is no longer entirely confined to traditional forms of evidence but also permits the integration of diverse sources of information that emerge within modern society.<sup>36</sup>

In the context of developments in information and communication technology, the expansion of the evidentiary system carries significant implications for the potential use of information circulating in the public sphere, including information disseminated through mass media and social media platforms.<sup>37</sup> Mass media and digital platforms today possess extensive capabilities for documenting and

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<sup>31</sup> Maergy Putri Lianti and Anza Ronaza Bangun, ‘Analisis Yuridis Kedudukan Barang Bukti Yang Diperoleh Melalui Penyidikan Yang Diduga Melanggar Kode Etik’, *Media Hukum Indonesia (MHI)*, 4.1 (2026) <https://doi.org/10.30999/mjn.v12i2.2739>

<sup>32</sup> Angelika Permata Adam and others, ‘Penerapan Asas Due Process Of Law Dalam Hukum Acara Pidana Di Indonesia’, *Jurnal Hukum Bisnis (J-KUMBIS)*, 4.1 (2026), 16–27 <https://doi.org/10.37606/J-KUMBIS.V4I1.408>

<sup>33</sup> Muhamad Abdul Kholik and Rena Zulfaidah, ‘Asas Praduga Tak Bersalah Sebagai Prinsip Konstitusional Dalam Penegakan Hukum Pidana’, *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 4.1 (2026), 672–86 <https://doi.org/10.30999/mjn.v12i2.2739>

<sup>34</sup> Lanae Spruce and Kaitlyn Leaf, ‘Social Media for Social Justice’, *Journal of Museum Education*, 42.1 (2017), 41–53 <https://doi.org/10.1080/10598650.2016.1265852>

<sup>35</sup> Muhammad Attar Rabbiefashya and Hudi Yusuf, ‘Kedudukan Barang Bukti Dalam Pembuktian Perkara Pidana Menurut KUHAP’, *Jurnal Intelek Dan Cendekiawan Nusantara*, 2.5 (2025), 9433–44 <https://jicnusantara.com/index.php/jicn/article/view/5393>

<sup>36</sup> Cindra Kartika Mokodompit, ‘Celah Kritis Dalam Modernisasi Hukum Acara Pidana: Dekonstruksi Definisi Sistem Elektronik Dan Dampaknya Terhadap Kepastian Hukum Pembuktian’, *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 4.1 (2026), 3597–3612 <https://doi.org/10.61104/ALZ.V4I1.3705>

<sup>37</sup> Roy Rolando Andarek, ‘Penerapan Forensic Science Dalam Proses Penyidikan Kasus Pembunuhan Vina Dan Risky: Antara Bukti Ilmiah Dan Keadilan Substantif’, *Jurnal Sosial Teknologi*, 5.5 (2025), 1568–1589 <https://doi.org/10.59188/jurnalsostech.v5i5.32152>



disseminating information, often serving as a means of recording various social events, including those related to criminal acts.<sup>38</sup> Therefore, the existence of a more open evidentiary system in KUHAP 2025 can be regarded as a normative basis that enables further study on the potential integration of public information as part of the factual sources in the criminal evidentiary process.<sup>39</sup>

Thus, the reform of the evidentiary system under Law No. 20 of 2025 on the Criminal Procedure Code (KUHAP) not only reflects an effort to update criminal procedural law normatively but also demonstrates the adaptation of the legal system to social realities and advancements in information technology.<sup>40</sup> The expansion of evidentiary categories, along with the recognition of various forms of modern evidence, provides an opportunity for the criminal justice system to become more responsive to the dynamics of contemporary crime.<sup>41</sup> At the same time, the reform maintains the fundamental principles of criminal procedure law, such as the presumption of innocence, due process of law, and the guarantee of a fair trial, thereby ensuring a balance between the effectiveness of law enforcement and the protection of human rights.<sup>42</sup>

### ***The Role of Mass Media and Social Media in Shaping Public Legal Narratives***

The rise of the information society in the digital era has brought about significant changes in the relationship between mass media, social media, and the criminal justice system.<sup>43</sup> In the context of a democratic state, mass media serves a strategic function as a means of information dissemination, public education, and a mechanism of social control over the exercise of state power, including within the process of criminal law enforcement.<sup>44</sup> This function is grounded constitutionally in Article 28F of the 1945 Constitution of the Republic of Indonesia, which states that every person has the right to communicate and to access information for the development of themselves and their social environment, as well as the right to seek, obtain, possess, store, process, and convey information through all available channels. This constitutional provision demonstrates that the freedom to obtain and disseminate information constitutes a

<sup>38</sup> Muhamad Abdul Kholik and Rena Zulfaidah, 'Asas Praduga Tak Bersalah Sebagai Prinsip Konstitusional Dalam Penegakan Hukum Pidana', *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 4.1 (2026), 672–86 <https://doi.org/10.30999/mjn.v12i2.2739>

<sup>39</sup> Angelika Permata Adam and others, 'Penerapan Asas Due Process Of Law Dalam Hukum Acara Pidana Di Indonesia', *Jurnal Hukum Bisnis (J-KUMBIS)*, 4.1 (2026), 16–27 <https://doi.org/10.37606/J-KUMBIS.V4I1.408>

<sup>40</sup> Jamaludin Jamaludin and Tata Eliestiana Dyah A, 'Komentar Netizen Menjadi Hakim: Krisis Objektivitas Penegakan Hukum Pidana Akibat Dominasi Opini Publik', *Retorika: Journal of Law, Social, and Humanities*, 4.2 (2026), 59–75 <https://doi.org/10.1017/psrm.2024.31>

<sup>41</sup> Namira Chairunisa and others, 'Analisis Persepsi Khalayak Pada Media Sosial Twitter Dalam Film "Ice Cold: Murder, Coffee and Jessica Wongso"', *INOMATEC: Jurnal Inovasi Dan Kajian Multidisipliner Kontemporer*, 1.03 (2026), 3123–5573 <https://portalpublikasi.com/index.php/inomatec/article/view/956>

<sup>42</sup> Marco Alcocer, 'Increasing Intergovernmental Coordination to Fight Crime: Evidence from Mexico', *Political Science Research and Methods*, 13.3 (2025), 745–54 <https://doi.org/10.1017/psrm.2024.31>

<sup>43</sup> Merlina Maria Barbara Apul, Grishiella Patricia Liwang, and Putra Aditya Lapalelo, 'Konstruksi Prahara Sambo: Jurnalisme Viral Dalam Bingkai Media Online', *Scriptura*, 14.2 (2024), 163–76 <https://doi.org/10.9744/scriptura.14.2.163-176>

<sup>44</sup> Muhammad Zulfiqri, Budi Bahreisy, and Romi Asmara, 'Kekuatan Hukum Pembuktian Terhadap Keterangan Saksi De Auditu Dalam Hukum Acara Pidana', *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh*, 8.2 (2025), 131–51 <https://doi.org/10.29103/jimfh.v8i2.21767>



part of human rights guaranteed by the state.<sup>45</sup> At a more operational level, this freedom is further regulated under Law No. 40 of 1999 on the Press, which affirms that the national press plays an important role in democratic life through its functions of information dissemination, education, entertainment, and social control.<sup>46</sup>

Within the national legal system, mass media is essentially not explicitly recognised as part of the evidentiary mechanism in criminal procedure law.<sup>47</sup> Historically, the evidentiary system in Indonesian criminal procedure law was regulated under Articles 183 and 184 of Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP), which stipulate that a judge may impose a criminal sentence only if there are at least two legally admissible forms of evidence and, based on such evidence, the judge acquires the conviction that a criminal offence has indeed occurred and that the defendant is guilty of committing it.<sup>48</sup> Furthermore, Article 184 paragraph (1) of the KUHAP limitatively identifies five types of legally admissible evidence, namely witness testimony, expert testimony, documentary evidence, indications, and the defendant's statement. This closed evidentiary structure was initially intended to ensure legal certainty and to limit the possibility of relying on evidence whose validity was unclear in criminal judicial proceedings.<sup>49</sup> Within this framework, mass media reporting is not directly categorised as an independent form of evidence within the criminal evidentiary system.<sup>50</sup>

The information contained in mass media reporting is related to several categories of evidence recognised under criminal procedure law.<sup>51</sup> In the context of documentary evidence, for example, Article 187 letter c of the KUHAP provides that a document may take the form of a certificate from an authorised official containing information regarding a matter or circumstance experienced by them or known to them by virtue of their authority.<sup>52</sup> In journalistic practice, media reports often include official statements from public officials, such as police investigators, public

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<sup>45</sup> Shelma Shetty Pinem, 'Pengaruh Pengadilan Oleh Media Terhadap Proses Peradilan Pidana Pada Kasus Pembunuhan Wayan Mirna Dan Ferdy Sambo', *Padjadjaran Law Review*, 13.2 (2025), 15–27 <https://doi.org/10.56895/plr.v13i2.2441>

<sup>46</sup> Wanson Noventa Purba and Fitria Ramadhani Siregar, 'Pengaruh Media Massa Terhadap Penegakan Hukum Pidana', *Locus Journal of Academic Literature Review*, 4.3 (2025), 217–22 <https://doi.org/10.56128/ljoalr.v4i3.505>

<sup>47</sup> Abdul Wahab and others, 'Media Trials and Political Justice: The Role of Television and Social Media in Influencing Criminal Case Outcomes', *Social Science Review Archives*, 3.4 (2025), 3167–80 <https://doi.org/10.70670/sra.v3i4.1094>

<sup>48</sup> Heril Anwar and Eny Kusdarini, 'The Role of Mass Media in Strengthening the Modern Legal State', *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)*, 6.1 (2024), 168–78 <https://doi.org/10.47006/ijierm.v6i1.290>

<sup>49</sup> David Saputra, 'Wacana Penegakan Hukum Di Media Sosial: Analisis Komunikasi Hukum Mahfud MD Dan Yusril Ihza Mahendra', *Regula Justice: Jurnal Ilmu Hukum*, 1.2 (2026), 65–77 <https://ejournal.tmpublisher.id/index.php/rejust/article/view/62>

<sup>50</sup> M. Saeful Amri, Agus Irfan, and Wahyu Aji Pratama, 'Protection of Human Rights in the Legal Process Involving Celebrities in Indonesia: A Top Socio-Legal Study, The Trial by Media Phenomenon', *Journal Of Legal Studies Judex Praetor*, 1.2 (2025), 131–43 <https://doi.org/10.35671/JUDEX.V1I2.118>

<sup>51</sup> Dani, Armadila, and Andika.

<sup>52</sup> Salwa Aidah<sup>1</sup>, Aida Restu Amalia<sup>2</sup>, and Alifia Aqida<sup>3</sup>, 'Media Massa Dan Pembentukan Pandangan Politik Di Era Digital', *Indonesian Character Journal*, 3.1 (2026), 33–44 <https://doi.org/10.21512/icj.v3i1.14481>



prosecutors, or authorised officials from state institutions.<sup>53</sup> Under such circumstances, the information contained in media reporting can essentially reflect documents or official statements that possess characteristics similar to documentary evidence as referred to in the relevant provisions.<sup>54</sup> In addition, media reporting that documents a criminal event for example, through photographs or visual recordings can also relate to the concept of indications as regulated in Article 188 paragraph (1) of the KUHAP, which states that an indication is an act, event, or circumstance that, due to its correlation, either with one another or with the criminal act itself, signals that a criminal offence has occurred and identifies the perpetrator.<sup>55</sup> Furthermore, Article 188 paragraph (2) of the KUHAP stipulates that indications can only be derived from witness testimony, documents, and the defendant's statement. Systematically, this means that the information contained in media reporting can function as a means to reinforce or clarify existing evidence within the evidentiary process.<sup>56</sup>

The influence of social media in shaping public opinion on legal matters can be analysed through several dimensions. First, social media plays a role in shaping society's perception of justice and legal norms. Second, social media contributes to influencing public opinion regarding ongoing legal cases. Third, the dynamics that emerge on social media also have the potential to impact the direction of legal policy and the development of statutory regulations.<sup>57</sup> Developments in information technology over the past few decades have increasingly expanded the role of the media in shaping public narratives regarding criminal cases.<sup>58</sup> The emergence of digital platforms and social media enables information about a legal event to disseminate rapidly and widely to the public.<sup>59</sup> In this context, the media functions not only as a conveyor of information but also as a discursive space that shapes public perception of a criminal case.<sup>60</sup> This function aligns with Article 6 of Law No. 40 of 1999 on the Press, which states that the national press carries out its role, among others, to fulfil

<sup>53</sup> Widhy Andrian Pratama, 'Penegakan Hukum Terhadap Korupsi Di Era Modernisasi Digital', *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum*, 3.1 (2024), 91–104 <https://doi.org/10.55681/seikat.v3i1.1227>

<sup>54</sup> Jurnal Ilmu Hukum and others, 'Analisis Penegakan Hukum Pidana Dalam Menangani Ujaran Kebencian Berbasis SARA Di Platform Media Sosial', *Legal Standing: Jurnal Ilmu Hukum*, 10.1 (2026), 1–17 <https://doi.org/10.24269/lis.v10i1.12589>

<sup>55</sup> Mark Van Hoecke, 'Methodology of Comparative Legal Research', *Recht En Methode in Onderzoek En Onderwijs*, 2016 <https://doi.org/10.5553/rem/.000010>

<sup>56</sup> Vivi Lutfia, 'Optimalisasi Penegakan Hukum Terhadap Penyelenggaraan Peradilan Melalui E-Court Dalam Mewujudkan Keadilan Bagi Masyarakat Di Era Digitalisasi', *Jurnal Lex Renaissance*, 6.4 (2021) <https://doi.org/10.20885/jlr.vol6.iss4.art3>

<sup>57</sup> Fuad Hasyim, 'Implementasi Asas Peradilan Sederhana, Cepat Dan Biaya Murah Melalui E-Court', *Syariat: Jurnal Studi Al-Qur'an Dan Hukum*, 8.2 (2023), 255–68 <https://doi.org/10.32699/syariat.v8i2.4069>

<sup>58</sup> Ni Made Trisna Dewi and Ni Made Rai Sukardi, 'Kekuatan Hukum Tanda Tangan Digital Dalam Pembuktian Sengketa Perdata Menurut Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik', *Jurnal Ilmiah Raad Kertha*, 6.2 (2023), 37–44 <https://doi.org/10.47532/jirk.v6i2.927>

<sup>59</sup> Diana Berlian Nurjanah and Masrukhin Masrukhin, 'Penanganan Tindak Pidana Penipuan Online Melalui Alat Bukti Digital Di Kepolisian Surakarta: Perspektif Hukum Positif Dan Hukum Islam', *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam*, 11.1 (2026), 36–52 <https://doi.org/10.32505/legalite.v11i1.13733>

<sup>60</sup> Adinda Farah Anisya, Hafrida Hafrida, and Erwin Erwin, 'Studi Perbandingan Penuntutan Perkara Pidana Dalam Perspektif Sistem Pembuktian Menurut Hukum Acara Pidana Indonesia Dan Thailand', *PAMPAS: Journal of Criminal Law*, 2.3 (2021), 59–75 <https://doi.org/10.22437/pampas.v2i3.14876>



the public's right to be informed, uphold fundamental democratic values, promote the rule of law, and exercise oversight, criticism, correction, and provide recommendations on matters relating to the public interest.<sup>61</sup> Thus, normatively, the press is positioned as a social institution that plays a role in maintaining transparency and accountability in the exercise of state power, including in the field of criminal law enforcement.<sup>62</sup>

The interaction between the media and the criminal justice system also gives rise to complex normative challenges. In practice, media coverage of a criminal case often leads to the phenomenon of trial by the press or trial by social media, a situation in which public opinion regarding an individual's guilt or innocence is shaped through media reporting or digital discourse before a court delivers a final and legally binding judgment.<sup>63</sup> This phenomenon has the potential to generate public pressure on law enforcement officials and judicial institutions, which may ultimately affect the independence of judges in deciding cases, as well as compromise the guarantee of due process of law, which should serve as a fundamental foundation of the criminal justice system.<sup>64</sup> When law enforcement becomes more responsive to public opinion pressure than to legal norms and judicial evidence, the law risks losing its rational and impartial character and may become trapped in the logic of penal populism.<sup>65</sup>

From the perspective of criminal procedure law, such a condition has the potential to contravene the presumption of innocence, which constitutes a fundamental principle in the modern criminal justice system.<sup>66</sup> This principle is normatively reflected in Article 8 paragraph (1) of Law No. 48 of 2009 on Judicial Power, which stipulates that every person who is suspected, arrested, detained, prosecuted, or brought before a court shall be presumed innocent until a court decision establishing their guilt has been issued and has obtained permanent legal force.<sup>67</sup> On the other hand, the development of criminal procedure law through Law No. 20 of 2025 on the Criminal Procedure Code (KUHAP) demonstrates an effort to align the evidentiary system with advancements in information technology and the social

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<sup>61</sup> Abid Fatur Rahman Ritonga and Faisal Faisal, 'Pengaruh Digitalisasi Proses Hukum Acara Pidana: Studi Komparatif Hukum Indonesia Dan Thailand (Criminal Procedure Code)', *Law Jurnal*, 5.1 (2024), 83–94 <https://doi.org/10.46576/lj.v5i1.5772>

<sup>62</sup> Rohman and others.

<sup>63</sup> Andi Intan Purnamasari and others, 'The Optimizing Digital Evidence: Perspective of the Criminal Procedural Law System', *Proceedings of the 2021 Tadulako's International Conference on Social Sciences (TICoSS 2021)*, 674 (2022), 96–99 <https://doi.org/10.2991/assehr.k.220707.022>

<sup>64</sup> Bambang Sujatmiko and Bambang Soesatyo, 'The Urgency of Using Electronic Evidence in Trials as an Effort to Answer the Challenges of Law Enforcement in the Digital Era and Social Media Dynamics', *Asian Journal of Social and Humanities*, 3.9 (2025), 1604–13 <https://doi.org/10.59888/ajosh.v3i9.567>

<sup>65</sup> Padri Achyarsyah and others, 'The Role of Digital Evidence in Criminal Law Enforcement: Challenges of Authentication and Admissibility in Court', *Research Horizon*, 5.6 (2025), 2987–98 <https://doi.org/10.54518/rh.5.6.2025.950>

<sup>66</sup> Dewa Gede Giri Santosa and Karell Mawla Ibnu Kamali, 'Acquisition And Presentation Of Digital Evidence In Criminal Trial In Indonesia', *Jurnal Hukum Dan Peradilan*, 11.2 (2022), 195 <https://doi.org/10.25216/jhp.11.2.2022.195-218>

<sup>67</sup> Reno Apri Dwijayanto, 'Tinjauan Yuridis Perbandingan KUHP Lama Dan KUHP Baru Dalam Sistem Peradilan Pidana Indonesia', *Jurnal Sosial Teknologi*, 6.2 (2026), 746–754 <https://doi.org/10.59188/jurnalsostech.v6i2.32705>



dynamics of society.<sup>68</sup> In this law, the provisions regarding evidence are expanded under Article 235, which not only recognises conventional forms of evidence such as witness testimony, expert testimony, documents, and the defendant's statement, but also acknowledges physical evidence, electronic evidence, judicial observations, and various other forms of information that may be used for evidentiary purposes, provided they are obtained lawfully.<sup>69</sup> This expansion indicates that the evidentiary system in Indonesian criminal procedure law is beginning to move towards a more open and adaptive approach in response to developments in information technology.<sup>70</sup> Within this context, the documentation of information circulating in the public sphere, including information disseminated through mass media and social media, conceptually holds the potential to serve as a source of social facts that can assist the criminal evidentiary process, provided that its authenticity can be verified and it is obtained lawfully.<sup>71</sup>

The relationship between mass media, social media, and the criminal justice system is essentially dialectical. On one hand, the media functions as a means of information dissemination and a mechanism of social control that can support transparency and accountability in the law enforcement process.<sup>72</sup> On the other hand, media reporting must continue to respect the fundamental principles of criminal procedure law, particularly the presumption of innocence, the independence of the judiciary, and the guarantee of a fair trial.<sup>73</sup> Therefore, in the context of an increasingly complex information society, a normative framework is required that positions the media as an integral part of a constructive justice ecosystem.<sup>74</sup> The media is not merely regarded as an external actor within the criminal justice system, but rather as a social element that can contribute to the disclosure of facts and public oversight of the law enforcement process, provided that it operates within the boundaries of journalistic

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<sup>68</sup> Jeremy Prichard and others, 'Social Media Sentiment Analysis: A New Empirical Tool for Assessing Public Opinion on Crime?', *Current Issues in Criminal Justice*, 27.2 (2015), 217–36 <https://doi.org/10.1080/10345329.2015.12036042>

<sup>69</sup> Ray Surette, 'Methodological Problems In Determining Media Effects On Criminal Justice: A Review And Suggestions For The Future', *Criminal Justice Policy Review*, 6.4 (1992), 291–310 <https://doi.org/10.1177/088740349200600402>

<sup>70</sup> Jennifer K. Robbennolt and Christina A. Studebaker, 'News Media Reporting on Civil Litigation and Its Influence on Civil Justice Decision Making', *Law and Human Behavior*, 27.1 (2003), 5–27 <https://doi.org/10.1023/A:1021622827154>

<sup>71</sup> Leah Findlay, 'Courting Social Media in Australia's Criminal Courtrooms: The Continuing Tension between Promoting Open Justice and Protecting Procedural Integrity', *Current Issues in Criminal Justice*, 27.2 (2015), 237–45 <https://doi.org/10.1080/10345329.2015.12036043>

<sup>72</sup> Deslita Cahya Artanti, M Ruhly, and Kesuma Dinata, 'Transformasi Alat Bukti Di Era Digital: Tinjauan Yuridis Terhadap Penggunaan Data Lokasi Gawai Sebagai Petunjuk Dalam Delik Pasal 365 KUHP', *Locus Journal of Academic Literature Review*, 5.1 (2026), 124–29 <https://doi.org/10.56128/ljoalr.v5i1.830>

<sup>73</sup> Humanities And and Social Sciences Communications |, 'Democratizing the Discourse on Criminal Justice in Social Media: The Activity for Justice for Roman Zadorov as a Case Study', *Humanities and Social Sciences Communications* 2023 10:1, 10.1 (2023), 770- <https://doi.org/10.1057/s41599-023-02302-9>

<sup>74</sup> Ashley B. Batastini and others, 'Perceived Credibility of Social Media Data as a Collateral Source in Criminal Responsibility Evaluations Using an Experimental Design', *International Journal of Forensic Mental Health*, 20.4 (2021), 317–32 <https://doi.org/10.1080/14999013.2021.1880504>



ethics and the legal principles that safeguard human rights and the independence of judicial institutions.<sup>75</sup>

### ***Reassessing Mass Media Reporting as Criminal Evidence in Indonesia toward Social Media Justice***

The revision of the KUHP demonstrates a paradigm shift in the criminal evidentiary system, moving from a previously highly restricted framework to an approach that is more adaptive to developments in information technology and the dynamics of a digital society.<sup>76</sup> Normatively, the fundamental principle of proof remains anchored in the provision that a judge may only impose a criminal penalty if they attain conviction based on admissible evidence.<sup>77</sup> This principle is explicitly enshrined in Article 183 of the 2025 Criminal Procedure Code, which stipulates that a judge shall not impose a criminal penalty upon a person unless, based on at least two pieces of admissible evidence, the judge attains the conviction that a criminal offence has indeed occurred and that the defendant is the one guilty of committing it.<sup>78</sup> This provision maintains the character of the negative statutory evidentiary system (*negatief wettelijk bewijs theorie*); however, in its development, the new Criminal Procedure Code provides broader scope regarding the types and sources of evidence admissible within criminal proceedings.<sup>79</sup>

This expansion is reflected in the provisions concerning evidence, which are no longer solely confined to the classical categories as established in the 1981 Criminal Procedure Code, but also encompass new forms of evidence emerging from developments in digital technology.<sup>80</sup> Article 235 of the 2025 Criminal Procedure Code stipulates that evidence in criminal cases shall include, inter alia, witness testimony, expert testimony, documentary evidence, the defendant's statement, physical evidence, electronic evidence, and judicial observations during the trial. This provision demonstrates that the Indonesian criminal evidentiary system has explicitly recognised electronic information and digital documents as constituent elements of admissible evidence.<sup>81</sup> This expansion aligns with the provisions of Article 5(1) of Law Number 11 of 2008 concerning Electronic Information and Transactions, as most

<sup>75</sup> Justin T. Pickett and others, 'Public (Mis)Understanding of Crime Policy: The Effects of Criminal Justice Experience and Media Reliance', *Criminal Justice Policy Review*, 26.5 (2015), 500–522 <<https://doi.org/10.1177/0887403414526228>>.

<sup>76</sup> Richard L. Fox and Michelle Rose, 'Public Engagement with the Criminal Justice System in the Age of Social Media', 2014 <https://papers.ssrn.com/abstract=2507135>

<sup>77</sup> Yevi Mulyana Erawan and others, 'Kedudukan Hukum Sistem Elektronik Dalam Digital Forensik Berdasarkan Undang-Undang Nomor 1 Tahun 2023 Tentang KUHP', *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4.2 (2026), 3291–3304 <https://doi.org/10.61104/alz.v4i2.4827>

<sup>78</sup> Justin P. Murphy and others, 'Social Media Evidence in Government Investigations and Criminal Proceedings: A Frontier of New Legal Issues', *Richmond Journal of Law & Technology*, 19.3 (2013), 11 <https://scholarship.richmond.edu/jolt/vol19/iss3/4>

<sup>79</sup> Paweł Waszkiewicz, 'Social Media and Law Enforcement Practice in Poland: Insights into Practice Outside Anglophone Countries', *Social Media and Law Enforcement Practice in Poland: Insights into Practice Outside Anglophone Countries*, 2024, 1–120 <https://doi.org/10.4324/9781032680194>

<sup>80</sup> Paweł Waszkiewicz and Krzysztof Worek, 'Social Media Evidence in Criminal Proceedings', *Social Media and Law Enforcement Practice in Poland: Insights into Practice Outside Anglophone Countries*, 2024, 66–92 <https://doi.org/10.4324/9781032680194-5>

<sup>81</sup> Azi Lev-On and Nili Steinfeld, "'Objection, Your Honor": Use of Social Media by Civilians to Challenge the Criminal Justice System', *Social Science Computer Review*, 38.3 (2020), 315–33 <https://doi.org/10.1177/0894439318771523>



recently amended by Law Number 1 of 2024, which stipulates that electronic information and/or electronic documents, including their printouts, constitute admissible legal evidence. Consequently, there is systematic consistency between criminal procedural law and the electronic information legal regime in recognising the validity of digital-based evidence.<sup>82</sup>

Within this context, mass media reports, particularly those published via digital platforms, may be regarded as an integral part of electronic documents possessing potential evidentiary value, provided that certain legal requirements are fulfilled. Theoretically, the evidentiary value of information is determined not merely by its formal manifestation, but also by the degree of credibility and verifiability of its source.<sup>83</sup> Doctrine of the law of evidence advanced by John Henry Wigmore, the probative force of a statement depends upon the proponent's ability to demonstrate the authenticity of the source, the relevance of the information, and its connection to the facts in issue.<sup>84</sup> In the context of mass media reporting, the primary requirements for information to be legally considered are verifiability, authenticity, and relevance to the case. Current developments in digital technology facilitate the fulfilment of these requirements through various electronic tracing mechanisms such as publication timestamps, editorial identities, digital metadata, and online archival systems which enable a more accurate authentication of information sources compared to the era of conventional print media.<sup>85</sup>

When examined from the perspective of Indonesian positive law, mass media reports published online can be categorised as an integral part of electronic documents, as defined under the statutory regulations concerning electronic information.<sup>86</sup> Consequently, media reports containing factual information regarding a criminal event possess the potential to be utilised as auxiliary evidence within criminal proceedings, provided that the veracity of such information is verifiable. This position does not establish news reports as primary, self-standing evidence; rather, they serve as a source of information that may assist in corroborating or clarifying other forms of evidence already recognised within the criminal evidentiary system.<sup>87</sup> In practice, media reports frequently contain quotations of official statements from

<sup>82</sup> Richard V. Erickson, 'Mass Media, Crime, Law, And Justice: An Institutional Approach', *The British Journal of Criminology*, 31.3 (1991), 219–49 <https://doi.org/10.1093/oxfordjournals.bjc.a048114>

<sup>83</sup> Nilma Suryani, Achmad Megantara, and Najmuddin, 'Analisis Perubahan Barang Bukti Menjadi Alat Bukti Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual', *Jurnal Hukum Dassollen*, 10.2 (2024), 86–103 <https://doi.org/10.32520/das-sollen.v10i2.3715>

<sup>84</sup> Gede Andreano Preayogi, Ni Putu Rai Yuliantini, and Dewa Gede Sudika Mangku, 'Pengaturan Asas Praduga Tak Bersalah Terhadap Tersangka Tindak Pidana Kesusilaan Dalam Pemberitaan Media Massa', *Jurnal Komunitas Yustisia*, 4.2 (2021), 658–67 <https://ejournal.undiksha.ac.id/index.php/jatayu/article/view/38162>

<sup>85</sup> Dinda Rama Zulfia and Fery Chofa, 'Pengelolaan Barang Bukti Dan Barang Rampasan Yang Dilakukan Oleh Seksi Pabbb (Pemulihan Aset Pengelolaan Barang Bukti) Di Kejaksaan Negeri Payakumbuh', *COURT REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916)*, 5.06 (2025), 274–79 <https://doi.org/10.69957/cr.v5i06.2435>

<sup>86</sup> Pri Pambudi Teguh, 'Penerapan Kebijakan Penegakan Hukum Terhadap Kasus-Kasus Hukum Terkait Pemberitaan Pers Di Indonesia', *Ilmu Dan Budaya*, 42.1 (2021), 1–40 <https://doi.org/10.47313/jib.v42i1.1164>

<sup>87</sup> Ismail Ismail and Ahmad Nahwiy, 'Pengaruh Trial By The Press Terhadap Penegakan Hukum Pidana Di Indonesia', *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 2.1 (2020), 9–19 <https://doi.org/10.46930/jurnalrectum.v2i1.387>



law enforcement authorities, forensic experts, or parties directly involved in a criminal event.<sup>88</sup> Substantially, such information bears a direct correlation with the categories of documentary evidence, as well as with the concept of circumstantial evidence, which within the criminal evidentiary system is utilised to establish the nexus between facts disclosed during the trial.<sup>89</sup>

In order for mass media reports to be considered a relevant source of legal facts, stringent normative standards are required to prevent the misuse of information or the manipulation of facts.<sup>90</sup> Such standards may be formulated by reference to journalistic principles as regulated under Law Number 40 of 1999 concerning the Press, particularly Article 5(1), which asserts that the national press is obliged to report events and opinions while respecting religious norms, public morality, and the presumption of innocence. This provision demonstrates that journalistic products adhering to professional standards such as accuracy of information, verification of sources, and balanced reporting possess a higher degree of credibility compared to information that is speculative or constitutes mere opinion.<sup>91</sup> Furthermore, the existence of the Journalistic Code of Ethics established by the Press Council serves as a vital instrument in ensuring the integrity and accountability of information published by the mass media.<sup>92</sup>

Within the framework of this research, the concept of 'social media justice' is understood as a condition wherein information circulating in the digital sphere can contribute to the transparency and accountability of the law enforcement process, without neglecting the principles of due process of law and a fair trial.<sup>93</sup> The advent of digital and social media has transformed the manner in which the public acquires and disseminates information regarding criminal cases. Visual documentation, video recordings, and investigative reports published via online media frequently contain preliminary facts that can assist law enforcement authorities in identifying criminal events.<sup>94</sup> In several instances, information initially surfacing within the digital sphere has even served as the starting point for official investigations by law enforcement authorities. This condition demonstrates that the digital public sphere has become an

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<sup>88</sup> Roshita Anggun Trisnaningrum and others, 'Perlindungan Hukum Bagi Pers Dalam Melaksanakan Kebebasan Pers Di Indonesia Dan Australia', *Jurnal Hukum & Pembangunan*, 54.2 (2024), 357–90 <https://doi.org/10.21143/jhp.vol54.no2.1593>

<sup>89</sup> Sonora Gokma Pardede and Febby Mutiara Nelson, 'Pengaruh Trial By The Press Terhadap Penegakan Hukum Pidana Di Indonesia', *LITIGASI*, 24.2 (2023), 165–83 <https://doi.org/10.23969/litigasi.v24i2.10259>

<sup>90</sup> Saleh and others.

<sup>91</sup> Dewi Wahyuni Mustafa, Aprilia, and Winda, 'Analisis Hukum Tentang Pelaksanaan Relas Panggilan Pada Perkara Gaib Yang Dilakukan Oleh Pengadilan Agama Sengkang', *Legal Journal of Law*, 2.1 (2023), 34–42 <https://jurnal.lamaddukelleng.ac.id/index.php/legal/article/view/47>

<sup>92</sup> Handar Subhandi Bakhtiar and others, 'The Utilisation of Scientific Crime Investigation Methods and Forensic Evidence in the Criminal Investigation Process in Indonesia', *Egyptian Journal of Forensic Sciences*, 15.1 (2025) <https://doi.org/10.1186/s41935-025-00456-y>

<sup>93</sup> Rila Kusumaningsih, 'Peran Media Dalam Mempengaruhi Opini Publik Tentang Hukum Dan Keadilan', *Jurnal Ilmu Sosial Dan Humaniora*, 3.1 (2024), 27–40 <https://doi.org/10.57248/jishum.v3i1.459>

<sup>94</sup> Budiyo Budiyo, 'Pemanfaatan Media Massa Oleh Penegak Hukum Dalam Penanggulangan Tindak Pidana Korupsi', *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan*, 18.1 (2013), 1–13 <https://doi.org/10.30742/perspektif.v18i1.28>



integral part of a social ecosystem that generates facts relevant to the law enforcement process.<sup>95</sup>

The utilisation of media information as a source of evidence must remain situated within the framework of the principle of legal prudence.<sup>96</sup> This is imperative to prevent the emergence of 'trial by media' or 'trial by social media conditions wherein public opinion is shaped to influence perceptions of an individual's guilt prior to a legally binding court judgment. Such phenomena potentially contravene the principle of the presumption of innocence guaranteed under Article 8(1) of Law Number 48 of 2009 concerning Judicial Power, which asserts that any person suspected, arrested, detained, prosecuted, or brought before a court must be presumed innocent until a court judgment declares their guilt in a lawful manner and attains permanent legal force.<sup>97</sup> This is regulated within the 2025 Criminal Code. Specifically, Article 1(1)(a) of the 2025 Criminal Code explicitly defines and recognises the presumption of innocence as a fundamental principle within the criminal justice system, stating that 'every person suspected, arrested, detained, prosecuted, and/or brought before a court session, must be presumed innocent until there is a court judgment declaring their guilt which has attained permanent legal force (*inkracht van gewijsde*). This recognition represents a significant development, demonstrating that the presumption of innocence is acknowledged not merely as a procedural principle, but as a fundamental value that must be consistently applied at all stages of criminal law enforcement. Consequently, the use of media reports as part of the evidentiary process must undergo a rigorous verification mechanism by both law enforcement authorities and the presiding judge during trial.<sup>98</sup>

From the perspective of legal reform, the notion of constructing mass media reports as a source of evidence represents a form of adaptation by the legal system to the evolution of the information society.<sup>99</sup> A responsive legal system functions not only to maintain legal certainty but must also be capable of responding to social changes that influence the manner in which legal facts emerge and are documented within society. In this context, criminal procedural law must provide a space for interpretation that permits the use of verifiable public information as an integral part of the quest for material truth.<sup>100</sup> This approach aligns with the concept of Progressive

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<sup>95</sup> Hasnawati Hasnawati and Mohammad Safrin, 'Kedudukan Alat Bukti Elektronik Dalam Pembuktian Tindak Pidana', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5.2 (2023), 1207–14 <https://doi.org/10.37680/almanhaj.v5i2.2878>

<sup>96</sup> Shaila M. Miranda, Amber Young, and Emre Yetgin, 'Are Social Media Emancipatory or Hegemonic? Societal Effects of Mass Media Digitization in the Case of the SOPA Discourse', *Management Information Systems Quarterly*, 40.2 (2016), 303–29 <https://doi.org/10.25300/MISQ/2016/40.2.02>

<sup>97</sup> Sundas Jabeen Mirza and others, 'The Role of Social Media Analytic in Crafting International Political Narrative', *The Critical Review of Social Sciences Studies*, 3.2 (2025), 2456–68 <https://doi.org/10.59075/gft9jn19>

<sup>98</sup> Ranti Fortuna Pertiwi, 'Analysis of the Impact of Social Media on Shaping Public Perception of Legal Cases', *Priviet Social Sciences Journal*, 5.9 (2025), 232–39 <https://doi.org/10.55942/psj.v5i9.614>

<sup>99</sup> Charles Okechukwu, 'Media Influence on Public Opinion and Political Decision-Making', *International Journal of Political Science Studies*, 1.1 (2023), 13–24 <https://forthworthjournals.org/journals/index.php/IJPSS/article/view/17>

<sup>100</sup> Dr. Saba Gulzar, 'The Role of Media in Shaping Public Opinion and Social Discourse', *Contemporary Journal of Social Science Review*, 1.1 (2023), 30–40 <https://contemporaryjournal.com/index.php/14/article/view/23>



Law proposed by Satjipto Rahardjo, which emphasises that the law must be capable of adapting to societal dynamics in order to remain relevant as a means of achieving substantive justice.<sup>101</sup>

A legal construction that positions mass media reports as a source of evidence is not intended to formally introduce a new category of evidence; rather, it seeks to broaden the interpretative scope of evidentiary categories already recognised under the 2025 Criminal Code specifically in the form of electronic documents, digital exhibits, and circumstantial evidence derived from verifiable public information.<sup>102</sup> This approach enables the creation of an evidentiary system that is more adaptive to developments in information technology, while simultaneously maintaining a balance between legal certainty, substantive justice, and legal utility within the Indonesian criminal justice process.

## CONCLUSION

The evolution of the evidentiary system in Indonesian criminal procedural law is indicative of a progressively adaptive approach to the complexity of contemporary crime and the advancement of information technology. Law Number 20 of 2025, which pertains to the Criminal Procedure Code, broadens the scope of admissible evidence from a previously restrictive model to a more expansive framework by acknowledging electronic evidence, physical exhibits, and a variety of pertinent sources of information. This transformation is rooted in the negative statutory evidentiary system, which mandates that judges base their criminal judgments on lawful evidence and their reasoned conviction. In this context, mass media reports and information that circulates within the digital sphere have the potential to serve as sources of verifiable facts and to serve as supporting material in the evidentiary process. Law Number 11 of 2008, which pertains to electronic information and transactions, establishes the normative foundation for the identification of electronic information and documents as lawful evidence. Meanwhile, Law Number 40 of 1999, which pertains to the press, establishes the institutional role of the media in the dissemination of information. Nevertheless, media reports do not meet the criteria for primary evidence and may only serve as pertinent supporting information that must be scrutinized through lawful evidentiary mechanisms. The concept of social media justice, which employs digital information to facilitate the disclosure of legal facts and enhance transparency, includes the integration of media reports into the criminal evidentiary framework. However, in order to guarantee that the expansion of digital media reinforces law enforcement without undermining judicial independence, its application must rigorously adhere to the presumption of innocence, due process of law, and the guarantee of a fair trial.

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<sup>101</sup> Stoyanova.

<sup>102</sup> Mensah.



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