



## Protection of Human Rights in the Legal Process Involving Celebrities in Indonesia: A Top Socio-Legal Study, The Trial by Media Phenomenon

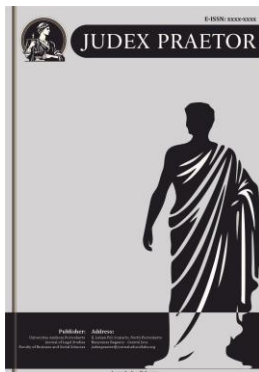
M. Saeful Amri<sup>1\*</sup>, Agus Irfan<sup>2</sup>, Wahyu Aji Pratama<sup>3</sup>

<sup>1</sup> Islamic Family Law Study Program, STAI Al-Hikmah 2 Brebes, Brebes, Indonesia

<sup>2</sup> Faculty of Islamic Studies, Universitas Islam Sultan Agung, Semarang, Indonesia

<sup>3</sup> Islamic Family Law Study Program, STAI Al-Hikmah 2 Brebes, Brebes, Indonesia

### ARTICLE INFO



#### History :

Submit on 13 October 2025

Review on 27 October 2025

Accepted on 11 November 2025

#### Keyword :

Human Rights,  
Celebrities,  
Trial by Media.

### ABSTRACT

The phenomenon of celebrity involvement in legal proceedings in Indonesia often attracts massive public and media attention. This situation raises new issues related to human rights protection, particularly when the media shapes public opinion before the legal process is complete. The practice of trial by media can threaten the principles of presumption of innocence and due process of law, which are key pillars of the rule of law. This study aims to examine human rights protection in legal proceedings involving celebrities in Indonesia through a socio-legal approach. A juridical-normative approach is used to analyze constitutional provisions and laws related to the rights of suspects, press freedom, and procedural justice. Meanwhile, a sociological approach is used to understand the dynamics of media reporting, public opinion, and social judgment practices that occur digitally. The results show that media representations of celebrity cases often emphasize sensational aspects rather than legal substance, resulting in premature public perception of an individual's guilt or innocence. The resulting public pressure can then influence the decisions of law enforcement officials and the communication strategies of judicial institutions. Furthermore, celebrities, especially women, are more vulnerable to moral stigmatization and psychological vulnerability due to excessive public exposure. This research emphasizes the need to strengthen synergy between the judicial system, media oversight bodies, and the public to ensure comprehensive human rights protection. Reforming digital media ethics, improving legal literacy, and establishing reputation restoration mechanisms are crucial steps to ensure substantive justice is maintained in an era of open information.

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\*Corresponding Author: m.saeful.amri.sa@gmail.com





## INTRODUCTION

The phenomenon of celebrity involvement in legal proceedings in Indonesia has become increasingly prominent with the development of information technology and digital media. Legal proceedings, which should have taken place procedurally in the courtroom, have now become public consumption through media coverage and social media interactions. This situation poses a serious challenge to the principles of the rule of law, particularly the presumption of innocence, which emphasizes that no one can be declared guilty before a final and binding court decision. From a human rights perspective, this practice can lead to violations of the right to justice and the personal dignity of individuals facing the law.<sup>1</sup>

Amidst the rapid flow of information, the mass media plays a central role in shaping public opinion regarding celebrities caught up in legal cases. Unfortunately, reporting often prioritizes sensationalism over legal facts, potentially influencing public perception of a suspect's innocence. McQuail states that the media wields symbolic power in constructing social reality through selective and dramatic news presentation.<sup>2</sup> When the legal process is on display as mass entertainment, substantive justice risks being reduced to mere popular narrative.

Furthermore, law enforcement officials are often subject to public pressure when handling celebrity cases. This pressure can shift the orientation of law enforcement from seeking objective truth to fulfilling social expectations. According to Satjipto Rahardjo, the law should side with humans in the dimension of substantive justice, not with formalistic structures that can be influenced by the symbolic power of the public and the media.<sup>3</sup> Thus, public opinion intervention has the potential to create bias in the law enforcement process.

Beyond procedural justice issues, female celebrities face multiple forms of injustice in media coverage. Stereotypical representations of female figures make them more vulnerable to moral judgment than men in similar contexts. Charlesworth explains that the legal system and media often reproduce patriarchal values that position women as objects of social judgment.<sup>4</sup> This gender inequality has direct implications for the protection of human rights, especially the right to dignity and honor.

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<sup>1</sup> Jimly Asshiddiqie, *Konstitusi Dan HAM*, Jakarta: Konstitusi Press, (2005), p. 112.

<sup>2</sup> Denis McQuail, *Media Performance: Mass Communication and the Public Interest*, London: Sage publications, (1992), p. 55.

<sup>3</sup> Satjipto Rahardjo, *Hukum Progresif: Hukum Yang Membebaskan*, Jakarta: Kompas, (2006), p. 34.

<sup>4</sup> Hilary Charlesworth, Christine Chinkin, and Shelley Wright, "Feminist Approaches to International Law," *American Journal of International Law*, Vol. 85, No. 4 (1991), p. 615-619.



Therefore, studying human rights protection in celebrity legal proceedings is crucial to ensure that the state continues to guarantee justice without discrimination. Research using a socio-legal approach is necessary to understand how legal norms interact with social practices in the realm of news reporting and public opinion. Donnelly emphasized that human rights protection must be implemented not only normatively but also implementably in all aspects of national life.<sup>5</sup> Thus, this research seeks to formulate theoretical contributions and practical recommendations to strengthen human rights protection in the Indonesian legal system in the digital era.

## METHOD

This research employs a socio-legal approach that comprehensively combines juridical-normative and sociological analysis. The juridical-normative approach is used to examine the constitutional basis and laws and regulations relating to the rights of suspects, press freedom, procedural justice, and efforts to protect human dignity in celebrity legal proceedings. This perspective allows researchers to identify the extent to which positive legal norms have guaranteed the protection of human rights in the context of the Indonesian legal state.<sup>6</sup>

Furthermore, this research applies a critical sociological approach to understand the dynamics of media reporting, the construction of public opinion, and the practice of trial by media that influence the law enforcement process. Sociological data were obtained through analysis of online media coverage, public opinion on social media, and discourses developing in the digital space. This approach refers to Friedman's view that law is understood not only as written norms but also as institutions and cultures that interact in social reality.<sup>7</sup>

Data collection techniques were conducted through a literature review of relevant legal regulations, academic literature, and news documents. Data analysis was conducted using the Miles and Huberman interactive analysis model, which includes data reduction, data presentation, and simultaneous and continuous conclusion drawing.<sup>8</sup> Data validity was strengthened through source triangulation between legal documents, academic theory, and mass and social media. Thus, this methodology ensured that the research findings

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<sup>5</sup> Jack Donnelly, *Universal Human Rights in Theory Anda Practice*, Ithaca: Cornell University Press, (2013), p. 27.

<sup>6</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta: UI Press, (2008), p. 45.

<sup>7</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspektive*, New York: Russell Sage Foundation, (1975), p. 16.

<sup>8</sup> Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis*, London: Sage publications, (1994), p. 21.



had sufficient analytical depth to holistically and objectively describe human rights protection in celebrity legal proceedings in Indonesia.

## RESULT & DISCUSSION

### A. Trial by Media Practices and Violations of the Presumption of Innocence Principle

Trial by media is a practice where mass media and social media shape public opinion regarding a person's guilt or innocence before a final and binding court decision is issued. In the context of celebrities in Indonesia, the intense media scrutiny causes the public to judge more quickly than by observing the formal legal process. This contradicts the principle of the presumption of innocence guaranteed by national law and international instruments.<sup>9</sup> The media not only conveys information, but also provides assessments through news narratives, choice of diction, and highlighting sensations.

The presumption of innocence is a crucial component of human rights protection in the criminal justice system. When the media presents information in a biased manner, viewers often perceive the celebrity as guilty, even though the legal process is still ongoing. This can negatively impact the defendant's psychological well-being, their family, and their reputation for years to come. In the principle of progressive law, the judicial process not only aims to find the truth, but also to maintain human dignity as an equal legal subject.<sup>10</sup> Thus, the practice of trial by media has the potential to disrupt this equality.

Mass media have symbolic power in shaping the social construction of an event or individual. McQuail explains that media can direct public interpretation through dramatization and framing techniques.<sup>11</sup> This means that the media doesn't simply convey facts, but rather constructs a "story" that can portray certain parties as antagonists or protagonists. In the case of celebrities, the media often emphasizes controversies about their personal lives rather than the legal substance, so public opinion is often formed based on emotional assumptions.

This media misuse has implications for procedural fairness in the justice system. When law enforcement officials respond to public pressure, they risk losing the independence and objectivity of investigations. Friedman emphasized that the law does not operate

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<sup>9</sup> Donnelly, *Op.Cit.*, p. 78.

<sup>10</sup> Rahardjo, *Op.Cit.*, p. 34.

<sup>11</sup> Denis McQuail, *McQuail's Mass Communication Theory*, London: Sage publications, (2010), p. 98.



autonomously but is influenced by the social, cultural, and institutional environment.<sup>12</sup> Therefore, public opinion intervention can change the orientation of law enforcement from seeking the objective truth to managing social perception.

Furthermore, trial by media has the potential to violate the privacy rights of individuals undergoing legal proceedings. Personal information that should be kept within reasonable limits is often overexposed to increase viewership or increase viewer clicks. Nussbaum explained that this form of exposure can undermine a person's dignity and personal integrity.<sup>13</sup> The damage is not easy to repair, even if they are later found not guilty by the court.

The impact of public judgment can be more lasting than formal legal sanctions. In many cases, celebrities experience psychological trauma, lose jobs, and even withdraw from the entertainment industry due to the difficult-to-erase public stigma. The WHO categorizes social pressure and cyberbullying as forms of psychological harassment that have serious consequences for victims' mental health.<sup>14</sup> Therefore, mental-psychological protection is also part of fulfilling human rights.

Media reporting that disregards ethical principles demonstrates the weak implementation of the Journalistic Code of Ethics in Indonesia. The Press Council has actually set standards to prevent violations of the presumption of innocence, but many media outlets prioritize clicks over the accuracy and ethics of information.<sup>15</sup> This situation is triggered by the digital media industry model, which is based on algorithms and competition for information speed.

The misuse of digital public space has led to the spread of wild opinions that have drowned out legal facts. Habermas calls this phenomenon the refeudalization of public space, where rational discourse is replaced by symbolic displays and sensationalism.<sup>16</sup> Consumption of celebrity news then becomes part of an entertainment culture that marginalizes the values of justice and objective legal processes.

In the social media era, digital citizens are not only consumers of information but also producers of opinion. Papacharissi stated that digital spaces allow for the emergence of affective publics, communities

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<sup>12</sup> Friedman, *Loc.Cit.*

<sup>13</sup> Martha C. Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law*, Princeton: Princeton University Press, (2004), p. 52.

<sup>14</sup> World Health Organization, *Mental Health and Human Right Report*, Geneva: WHO, 2018), p. 12.

<sup>15</sup> Dewan Pers Indonesia, *Kode Etik Jurnalistik*, Jakarta: Dewan Pers, (2014), p. 4.

<sup>16</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, Cambridge: MIT Press, (1989), p. 175.





that operate based on collective emotions, not legal logic.<sup>17</sup> This emotional mass reaction is what then puts pressure on legal institutions and further weakens the position of celebrities as parties entitled to fair legal treatment.

Thus, the study's findings confirm that trial by media is a structural problem that requires serious attention in the Indonesian justice system. It not only threatens the human rights of suspects but also increases the risk of institutional bias and errors in legal application. The law must remain upheld as a protector of human dignity, not subject to public euphoria. Therefore, reforms in media literacy, journalistic ethics, and judicial communication policies are needed.<sup>18</sup>

## **B. Vulnerability of Female Celebrity Rights in Media Coverage**

Female celebrities in Indonesia face a higher level of vulnerability in media coverage than male celebrities. The media often highlights aspects of their physical appearance, personal lives, and social behaviors that are linked to gender stereotypes. This representation indicates that female celebrities are treated not only as legal subjects but also as objects of social judgment based on public morality. This unequal representation constitutes a violation of human rights related to dignity and honor, which are protected by the Constitution.<sup>19</sup>

In many cases, the media constructs legal narratives about female celebrities by emphasizing emotional and sensational aspects over objective facts. Charlesworth stated that the legal system often reproduces patriarchal biases that disadvantage women in the judicial process.<sup>20</sup> As a result of these media narratives, female celebrities tend to be associated with negative stigma that outlasts formal legal consequences. This unbalanced narrative contributes to the formation of gender-biased public opinion.

Framing analysis shows that the private lives of female celebrities are often commodified to attract public attention. Thompson explains that modern media fosters a phenomenon of visibility that uses women's bodies and images as tools for information capitalization.<sup>21</sup> When this information is used without ethical boundaries, the right to privacy as

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<sup>17</sup> Zizi Papacharissi, *Affective Publics: Sentiment, Technology, and Politics*, Oxford: Oxford University Press, (2015), p. 24.

<sup>18</sup> Howard Zehr, *The Little Book of Restorative Justice, Intercourse*, PA: Good Books, (2015), p. 48.

<sup>19</sup> Asshiddiqie, *Op.Cit.*, p. 80.

<sup>20</sup> Charlesworth, *Loc.Cit.*

<sup>21</sup> John B. Thompson, *The Media and Modernity*, Cambridge: Polity Press, (1995), p. 120.



part of human rights is neglected, especially when the news is still related to a legal case that has not yet become legally binding.

Furthermore, women's vulnerability in the media also arises from how the media judges celebrities' life choices based on certain societal moral standards. The stereotype that women must appear "modest" and "moral" creates a double standard in reporting. Fakihi emphasized that unequal gender constructions make women more vulnerable to objectification and moral judgment in the public sphere.<sup>22</sup> This practice has the potential to cause symbolic violence, which results in psychological pressure on the victim.

Human rights violations against female celebrities appear not only in the news but also in public comments on social media. Many digital accounts engage in verbal bullying and gender-based harassment, which the WHO defines as gender-based harassment.<sup>23</sup> This kind of harassment can have serious consequences for the mental health, social relationships, and career sustainability of female celebrities in the entertainment industry.

Excessive media scrutiny also impacts the position of female celebrities in the legal process. Law enforcement, which should be objective, can be undermined by public pressure, leading law enforcement officials to be swayed by mass opinion rather than the principles of justice. Rahardjo emphasized that the law must side with human dignity, not be subject to biased public opinion.<sup>24</sup> Thus, media bias has the potential to eliminate equality before the law.

Reputational damage is the greatest risk facing female celebrities. A reputation built over a long career can be instantly destroyed by damaging news coverage. Nussbaum notes that shame and social stigma can undermine an individual's capacity to participate dignifiedly in society.<sup>25</sup> Even when found not guilty, the social impact is difficult to reverse without strong public rehabilitation mechanisms.

The image of women is also often linked to issues of morality, so that small mistakes can be magnified by the media as serious moral violations. Bourdieu explains that symbolic domination often operates through language and representations that marginalize certain groups.<sup>26</sup>

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<sup>22</sup> Mansour Fakihi, *Analisis Gender & Transformasi Sosial*, Yogyakarta: Pustaka Pelajar, (2013), p. 42.

<sup>23</sup> World Health Organization, *Op.Cit.*, p. 35.

<sup>24</sup> Satjipto Rahardjo, *Ilmu Hukum*, Bandung: Citra Aditya Bakti, (2000), p. 54.

<sup>25</sup> Martha C. Nussbaum, *Women And Human Development*, Cambridge: Cambridge University Press, (2000), p. 81.

<sup>26</sup> Pierre Bourdieu, *Masculine Domination*, Stanford: Stanford University Press, (2001), p. 23.



In this context, female celebrities are placed in a position that is vulnerable to structural injustice.

The lack of public education regarding media literacy exacerbates this discriminatory situation. When the public receives information without regard for the validity and ethics of reporting, female celebrities become the easiest objects for judgment. McQuail emphasized the need for media accountability to ensure that press freedom does not violate social justice.<sup>27</sup> Therefore, public literacy skills are an important part of efforts to protect human rights.

Thus, the study's findings indicate that female celebrities are a vulnerable group in the legal process due to the influence of discriminatory and gender-biased media. Human rights protection must be implemented not only within the formal legal realm, but also through improvements in media ethics, oversight of press institutions, and strengthening public awareness of gender equality. Without comprehensive action, the practice of violating women's dignity in media coverage has the potential to continue and erode the principle of substantive justice.<sup>28</sup>

### C. Challenges of Synergy between the Judicial System, Media, and Society in Ensuring Human Rights Protection

Synergy between the judicial system, media, and society is crucial for ensuring the protection of human rights for celebrities undergoing legal proceedings. The judicial system serves to ensure substantive justice, while the media serves as a means of public information. However, when the media prioritizes sensationalism over accuracy, coordination between the two institutions can be disrupted. This results in the public having limited access to information, which is unbalanced and has the potential to give rise to stigma before the legal process is complete.<sup>29</sup>

Law enforcement officials face a dilemma when public opinion in the media exerts pressure on the process of handling a case. Friedman explains that law exists within a social environment, making it vulnerable to external influences, including societal pressure.<sup>30</sup> When the public demands swift decisions based on media narratives, legal officials can lose their independence in objectively assessing evidence. This situation undermines the principle of procedural fairness.

Meanwhile, the media often claims that reporting on celebrity cases is part of press freedom. However, this right must be balanced with social

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<sup>27</sup> Denis McQuail, *Media and Society*, London: Sage publications, (2010), p. 107.

<sup>28</sup> Zehr, *Op.Cit.*, p. 56.

<sup>29</sup> Asshiddiqie, *Op.Cit.*, p. 112.

<sup>30</sup> Friedman, *Op.Cit.*, p. 16.





responsibility to avoid violating an individual's right to dignity and reputation. McQuail emphasized that the media must prioritize media accountability, a mechanism that ensures reporting adheres to ethical and legal standards.<sup>31</sup> Without this balance, trial by media has the potential to repeat itself.

The role of press oversight bodies such as the Press Council is crucial in ensuring that media outlets do not violate the presumption of innocence. However, regulatory implementation is often ineffective because digital news moves rapidly and is difficult to monitor comprehensively. Hildebrandt stated that technological developments have challenged conventional media oversight mechanisms for maintaining fairness in the digital public sphere.<sup>32</sup> This shows the need for more adaptive legal policy innovation.

On the other hand, the public, as consumers of information, plays a role in shaping public opinion, which influences judicial dynamics. Papacharissi emphasized that digital citizens are affective publics, reacting emotionally to certain issues without a strong basis in fact.<sup>33</sup> Lack of media literacy and legal literacy makes the public easily provoked by biased narratives.

The next challenge lies in the lack of reputation restoration mechanisms for individuals who have already been victims of public stigmatization through the media. Even if someone is found not guilty by a court, their reputation in the eyes of the public does not necessarily recover. Zehr stated that humanistic justice must include restoration of dignity, not just procedural resolution in court.<sup>34</sup> Without this aspect, justice becomes unequal.

Furthermore, law enforcement officials must also pay attention to public communication ethics. When officials provide statements that prematurely judge suspects, the credibility of the legal process can be eroded. According to Soekanto, legal civilization must be supported by a legal culture within officials that prioritizes objectivity and caution in communicating with the public.<sup>35</sup> Therefore, the digital communication guidelines for legal institutions must be clarified.

The unpreparedness of legal institutions to deal with media and public pressure can lead to unequal treatment between celebrities and ordinary citizens. Bourdieu explained that the symbolic power of the

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<sup>31</sup> Denis McQuail, *Media Accountability and Freedom of Publication*, Oxford: Oxford University Press, (2003), p. 27.

<sup>32</sup> Mireille Hildebrandt, *Smart Technologies and the End(s) of Law*, Cheltenham: Edward Elgar, (2015), p. 90.

<sup>33</sup> Papacharissi, *Op.Cit.*, p. 24.

<sup>34</sup> Zehr, *Op.Cit.*, p. 48.

<sup>35</sup> Soekanto, *Op.Cit.*, p. 55.



media can influence social structures, including judicial practices.<sup>36</sup> Celebrities tend to experience different treatment due to their status and media exposure, making the principle of equality before the law difficult to apply consistently.

Protecting human rights in this context requires a multidisciplinary approach, not just a legalistic one. Donnelly stated that fulfilling human rights requires commitment from all sectors, both the state and society.<sup>37</sup> This means that effective synergy must include aspects of regulation, education, and strengthening media ethics and the legal culture of society.

Thus, the study's findings indicate that the primary challenge in ensuring human rights protection for celebrities lies in the weak coordination between the judicial system, media ethics oversight, and public legal literacy. Strategic efforts involving digital media policy reform, capacity building of law enforcement officials, and ongoing public education are needed to ensure substantive justice is upheld without biased public opinion.<sup>38</sup>

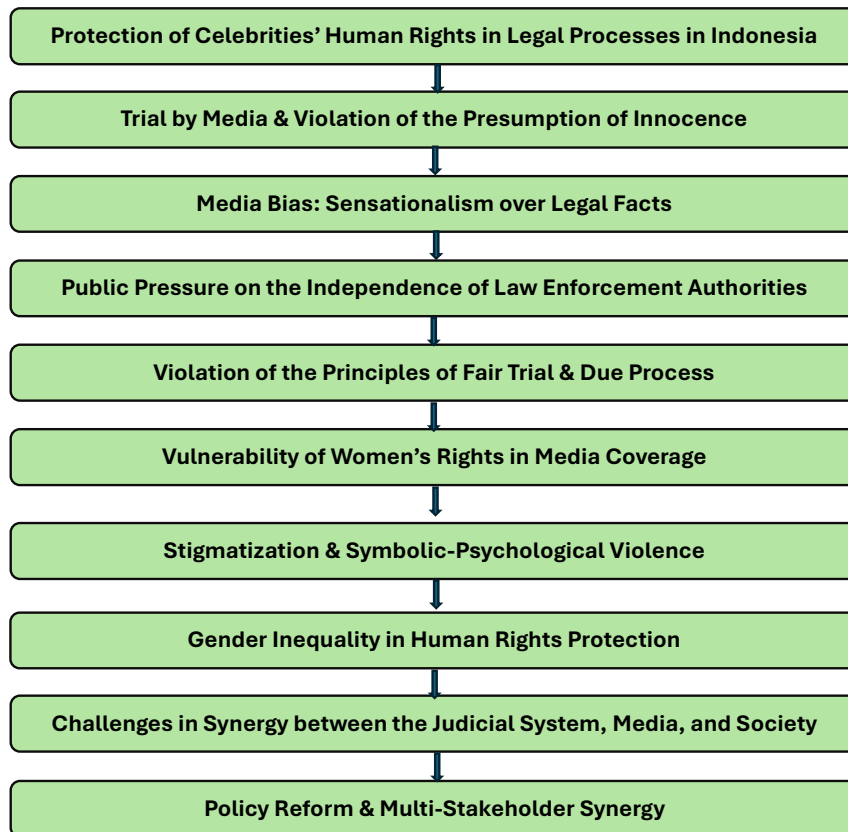
The following chart is compiled to clarify the interrelationships between research findings regarding human rights protection in celebrity legal proceedings in Indonesia:

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<sup>36</sup> Pierre Bourdieu, *On Television*, New York: New Press, (1998), p. 12.

<sup>37</sup> Donnelly, *Op.Cit.*, p. 21.

<sup>38</sup> Satjipto Rahardjo, *Hukum Dan Masyarakat*, Bandung: Angkasa, (1980), p. 44.



## CONCLUTIONS

This research shows that legal processes involving celebrities in Indonesia face serious challenges related to human rights protection, particularly due to the practice of trial by media, which undermines the presumption of innocence as stipulated in the national legal system. This phenomenon stems from the high level of public attention and digital media, which tends to emphasize sensational aspects over accurate legal information, leaving celebrities vulnerable to social judgment before a court decision is issued. This situation confirms the main issue raised in the background, namely that substantive justice is often displaced by the interests of public consumption of controversial narratives.

Through a socio-legal approach that combines juridical-normative and sociological analysis, this study successfully illustrates that the media has significant power in influencing judicial dynamics and public perception. Analysis of legal documents and media coverage reveals structural biases that have a more severe impact on female celebrities, including stigmatization, symbolic violence, and loss of personal dignity. Furthermore, the study's findings highlight the existence of social pressures that influence



the independence of law enforcement officers and weak oversight of media ethics, thus preventing the ideal collaboration between the legal system, the media, and society from being effectively realized.

Thus, this study emphasizes the need for human rights protection reforms that are not solely oriented toward formal legal regulations, but also toward improving the public information ecosystem and the legal culture of digital society. Efforts to improve media and legal literacy, strengthen ethical reporting regulations, and provide reputation restoration mechanisms for affected parties are crucial steps to simultaneously ensure procedural and substantive justice. With greater synergy between the judiciary, the media, and the public, it is hoped that legal proceedings against celebrities in Indonesia can proceed objectively and continue to uphold human rights as a core principle.

The findings indicate a need for stronger regulations that clearly limit media coverage in celebrity legal cases to protect the presumption of innocence, privacy, and human dignity, supported by responsive digital-era oversight and effective sanctions against premature “trial by media.” In practice, media organizations should consistently enforce journalistic ethics through accuracy, balance, and sensitivity, while public media and legal literacy must be strengthened to reduce stigma and psychosocial harm, alongside judicial mechanisms for reputation restoration. Academically, the study contributes to socio-legal, media, and human rights scholarship in Indonesia and recommends broader comparative and more systematic empirical research, including digital content analysis and stakeholder interviews.

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