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Ethical Dilemmas and Legal Responses to Media Trial in the New Media Environment

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Abstract: Digital platforms have broadened public participation in discussions of judicial cases while making it harder to distinguish legitimate oversight from premature adjudication and online abuse. This article examines how media trial should be distinguished from cyberviolence and lawful public-opinion oversight in the Chinese context. It adopts an integrative normative approach that combines a structured narrative literature review, legal and ethical analysis, and illustrative case analysis. Media trial is defined operationally as extrajudicial public judgment of disputed facts, guilt, liability, sentence, or outcome in an unresolved case; cyberviolence concerns harmful online conduct such as insults, defamation, harassment, doxing, and privacy exposure. The categories may overlap, but neither contains the other, and public-opinion pressure does not by itself demonstrate influence on adjudication. The analysis organizes the cases through a three-layer framework of communicative legitimacy, procedural justice, and proportional responsibility, and distinguishes classic, overlapping, boundary, and recent illustrative cases. It finds that effective governance requires conduct-specific and actor-specific responses: professional verification and restraint by journalists, responsible participation by users, proportionate platform safeguards, and timely and factual communication by judicial authorities. The study contributes a clearer conceptual and analytical structure for assessing these risks without treating lawful public scrutiny as harmful or inferring that publicity changed judicial outcomes.

Keywords: media trial; cyberviolence; public-opinion oversight; prejudicial publicity; procedural justice; platform governance

1. Introduction

Mobile internet and social media have widened participation in reporting and commenting on judicial cases. This expansion can support public scrutiny, but it can also accelerate unverified narratives, moral labeling, and demands for particular outcomes before legal proceedings are complete. Existing discussions often describe these phenomena collectively as media trial, cyberviolence, or public-opinion pressure. Treating those terms as interchangeable obscures whether the relevant conduct involves an extrajudicial judgment about a pending case, online harm against an individual, or legitimate oversight based on verified information. The distinction matters because each category activates different ethical duties, legal rules, and institutional remedies.

This article addresses that conceptual problem through an integrative normative study grounded in Chinese legal and media materials. It asks how media trial should be distinguished from cyberviolence and lawful public-opinion oversight, how digital communication changes the risk of prejudgment, and how responsibilities should be allocated among journalists, users, platforms, and judicial authorities. The analysis combines a structured narrative review, normative legal and ethical analysis, and illustrative case analysis. Its contribution is to establish explicit conceptual boundaries, apply a three-layer framework of communicative legitimacy, procedural justice, and proportional responsibility, and assign different analytical roles to the selected cases. Section 2 defines these concepts, explains the framework and methods, and clarifies the function of each case before the article examines manifestations, legal challenges, and governance responses.

2. Core Concepts, Analytical Framework, and Research Design

2.1 Conceptual Boundaries

The expressions trial by media, media trial, and prejudicial publicity overlap, but they are not synonyms. Trial by media commonly describes journalistic or public communication that assumes an adjudicative role, whereas research on prejudicial publicity examines information capable of biasing a fact-finder or threatening the fairness of proceedings.^{1,2} Research on juries identifies a genuine risk from adverse pretrial publicity, including in digital settings, but those findings do not establish

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that Chinese judges are affected in the same manner.³ For this article, media trial is an operational category: public communication concerning a real judicial case that, before the relevant proceedings are finally resolved, makes or promotes an extrajudicial determination of disputed facts, guilt or civil liability, sentence, or the expected judicial outcome. Attention, criticism, misinformation, or abusive language alone is insufficient.

Public-opinion oversight is the normative baseline against which such conduct is assessed. It refers here to fact-based reporting, criticism, or scrutiny directed to matters of public concern and carried out within applicable ethical and legal limits. International journalism standards emphasize verification, a clear distinction between fact and comment, an opportunity to reply, and respect for dignity and privacy.⁴ Chinese law likewise protects public-interest reporting and oversight while withholding protection when facts are fabricated or distorted, reasonable verification is absent, or insulting language is used.^{5, 6} Xia Xiaofei similarly distinguishes the legitimate supervisory role of media from role displacement and premature adjudicative labeling.⁷ Public-opinion pressure denotes a possible effect of communication on participants or institutions; it is not a separate category of conduct and does not by itself prove interference with adjudication.

Cyberviolence is a broader and less settled term. The Council of Europe uses a working definition covering the use of computer systems to cause, facilitate, or threaten physical, sexual, psychological, or economic harm, while expressly noting that the definition remains broad and requires further development.⁸ The Chinese Provisions on the Governance of Cyber Violence Information define regulated information by reference to specified forms of harmful conduct and separately exclude lawful reporting and public-opinion oversight.⁹ In this article, cyberviolence is therefore used as a context-specific umbrella for online insults, defamation, threats, harassment, doxing, privacy exposure, and comparable harmful conduct. This usage reflects the Chinese legal and policy category; it is not presented as an internationally uniform definition.

Cyberbullying is used more narrowly. Research commonly associates it with targeted hostile or aggressive conduct through digital media, often involving repetition and a power imbalance, particularly in studies of children or peer groups.^{10, 11} Definitions are not uniform, partly because a single online post can be recirculated and cause repeated harm. The term is used only when the facts and cited source support that narrower characterization; online abuse is used when repetition or a bullying relationship cannot be established. Media trial and cyberviolence may overlap, but neither necessarily contains the other. The classification used below asks whether there is a real judicial connection, whether proceedings remain unresolved, whether the communication makes a premature adjudicative claim, whether online harm occurs, what procedural risk is alleged, and what the legal status of the conduct is.

2.2 Integrated Normative Framework

To organize the normative analysis, this study develops a three-layer analytical framework of communicative legitimacy, procedural justice, and proportional responsibility. The framework is an analytical device developed for this article. It neither reproduces an established unified theory nor proposes a new grand theory. Each layer instead draws on identifiable principles in journalism ethics, fair-trial protection, and Chinese law.

Communicative legitimacy asks whether reporting or commentary has a defensible public-interest purpose and meets basic standards of factual verification, source transparency, and separation of fact from opinion, while providing an opportunity to respond and respecting privacy and dignity. These requirements distinguish oversight from communication that uses public concern as a pretext for unsupported accusation or humiliation.^{12, 13}

Procedural justice asks when the communication occurred and whether it respected the presumption of innocence, the parties' procedural rights, and the authority of legally constituted decision makers. International standards recognize both the public's interest in information about criminal proceedings and the need to avoid coverage that undermines the presumption of innocence or prejudices a fair trial.^{14, 15} In the Chinese constitutional setting, courts exercise adjudicative power independently in accordance with law.¹⁶ The analysis therefore evaluates procedural risk without assuming that publicity actually changed a judicial outcome.

Proportional responsibility asks whether a response directed at a journalist, media organization, user, influential account, platform, or public authority is proportionate to that actor's conduct, intent, reach, capacity for control, contribution to risk, and ability to mitigate harm. It also distinguishes correction, removal, civil remedies, administrative measures, and criminal liability rather than treating all objectionable speech alike. The Civil Code's rules on personality rights and network-service liability, the 2023 judicial and law-enforcement guidance on online violence, and the 2024 Provisions supply the principal legal reference points.^{17, 18, 19}

2.3 Research Design and Methods

The article is an integrative normative study based on a structured narrative literature review, normative legal and ethical analysis, and illustrative case analysis. The literature component identifies competing definitions and relevant ethical and legal standards rather than estimating an effect size or claiming exhaustive coverage. The normative component evaluates the identified practices through the three layers described above. The cases are used to clarify distinctions and mechanisms; they are not treated as a representative sample from which statistical conclusions can be drawn.

A targeted supplementary search was conducted on 7 September 2026 to support conceptual, normative, and case-specific verification. The search covered CNKI journal portals, Wanfang Data, university catalogue records, publisher pages, reputable news organizations, and the official websites of Chinese legal authorities, the United Nations, the Council of Europe, and the European Court of Human Rights. Search terms included media trial, trial by media, prejudicial publicity, fair trial, presumption of innocence, social media, cyber violence, cyberviolence, cyberbullying, online abuse, public-opinion oversight, and corresponding Chinese terms. The search supplemented the structured narrative review and was not designed as a systematic review.

Sources were included when their authorship and publication details were traceable and when they directly supported a conceptual, legal, or case-specific claim. Priority was given to peer-reviewed scholarship, academic books, official legal instruments, court and prosecutorial materials, and reporting by established news organizations. Search snippets, unattributed reposts, and incomplete bibliographic records were not used to support core claims. Because the review was targeted rather than exhaustive, no corpus size, PRISMA flow diagram, or formal search yield is reported.

The analytical procedure has four steps. First, each communication item is classified according to judicial connection, procedural timing, premature adjudication, online harm, asserted procedural risk, and legal status. Second, conduct meeting the operational definition of media trial is assessed through communicative legitimacy, procedural justice, and proportional responsibility. Third, the cases are compared according to their analytical roles rather than being forced into one category. Fourth, the governance discussion links identified problems to the actors capable of preventing or amplifying those problems and of correcting or remedying the resulting harm.

The cases were selected for their analytical usefulness according to explicit criteria: their relevance to the operational definition of media trial; the existence and procedural stage of a judicial case; evidence of premature judgments about facts, guilt, liability, sentence, or outcome; the presence or absence of cyberviolence; the availability of reliable and traceable sources; and their usefulness in distinguishing analytical types. The selection is purposive and illustrative rather than a formal sampling strategy intended to support statistical generalization.

2.4 Cases and Their Analytical Roles

Table 1 separates the cases by analytical role. Yao Jiaxin is the clearest classic media-trial case in the set. The Fudan poisoning and Jiang Ge cases are overlap cases, although the Jiang Ge analysis distinguishes premature sentencing judgments concerning the defendant from online moral attacks against other related persons. The Hangzhou express-pickup defamation and Liu Xuezhou cases are retained as boundary or comparison cases because they clarify the characteristics of cyberviolence when the defining elements of media trial are absent or secondary. The 2024 Handan juvenile homicide case serves as a recent illustrative media-trial case because reliable sources document demands for a specific punishment before prosecution was approved and judgment was delivered, alongside digital misinformation. The case illustrates sentencing-oriented public prejudgment; no causal effect on the judicial outcome is inferred.

Table 1 Cases and Their Analytical Roles

Case	Year and Procedural Context	Analytical Role	Media-Trial Indicator	Cyberviolence or Other Role
Yao Jiaxin	2010-2011 criminal proceedings	Classic media trial	Public labeling and premature discussion of guilt and sentence during proceedings	Illustrates public-opinion pressure without establishing influence on adjudication
Fudan University poisoning	2013 criminal proceedings	Overlap case	Premature labeling and speculative interpretations of the suspect's motives or character before final adjudication	Privacy exposure, hostile labeling, and online attacks
Jiang Ge	2016-2017 criminal proceedings in Japan	Overlap case	Public campaigning and discussion of the defendant's punishment before the proceedings concluded	Moral attacks and privacy exposure directed at Liu Xin must be analyzed separately
Hangzhou express-pickup defamation	2020-2021 defamation investigation and prosecution	Cyberviolence boundary and comparison case	The initial online harm was not a premature judgment about a pending judicial case	Fabrication, defamation, privacy and reputational harm; later proceedings were a legal response
Liu Xuezhou	2021-2022 online abuse; later civil litigation	Cyberviolence boundary and comparison case	The central online abuse did not concern adjudication of an unresolved judicial case	Targeted insults, harassment, privacy harm, and difficulties of distributed accountability
Handan juvenile homicide	2024 investigation, prosecution, and first-instance trial	Recent illustrative media-trial case	Calls for capital punishment appeared before prosecution was approved and judgment was delivered; no causal	Digital misinformation and hostile labeling; juvenile privacy requires particular caution

Case	Year and Procedural Context	Analytical Role	Media-Trial Indicator	Cyberviolence or Other Role
			effect on the outcome is asserted	

Source: Compiled by the authors from the conceptual criteria in Section 2.1 and verified case materials.²⁰

These cases are illustrative rather than statistically representative. Classification concerns each case's analytical role in this article; it does not imply that every report, comment, or online response associated with a case belongs to the same category.

3. Manifestations, Influence Mechanisms, and Ethical Dilemmas of Media Trial in the New Media Environment

3.1 Digital Manifestations Associated with Media Trial

Social media has broadened participation in public discussion of judicial cases. Individuals and self-media accounts can circulate evaluative narratives alongside professional news organizations; Chen Ting's study of cyberviolence notes that activity by self-media accounts broadens participation and diversifies the actors involved in online harm.²¹ Under the operational definition in Section 2.1, such participation becomes media trial only when communication about a real and unresolved judicial case advances an extrajudicial determination of disputed facts, guilt, liability, sentence, or outcome. Harmful online conduct that lacks that adjudicative element is treated instead as cyberviolence or online abuse.

Doxing, moral coercion, and labeled reporting are therefore not automatically manifestations of media trial. They may accompany media trial when directed at an unresolved case and used to support premature adjudication, but they may also constitute cyberviolence independently. The Hangzhou express-pickup defamation case illustrates this boundary. The court found that fabricated chat records and defamatory claims were disseminated online, widely viewed and reposted, and harmed the victim's personality rights, employment, and economic interests; the perpetrators were later convicted of defamation.²² The central wrong was online defamation and the resulting harm to personality rights. The later criminal proceedings were a legal response, not the object of an earlier media trial. Table 2 distinguishes these digital practices by their functions and by their relationship to media trial and cyberviolence.

Table 2 Digital Practices That May Accompany Media Trial or Constitute Cyberviolence

Digital Practice	Actors	Typical Means	Primary Rights or Interests Affected	Relation to Media Trial and Cyberviolence
Doxing	Users, self-media accounts, or coordinated groups	Personal-information exposure, crowdsourced searches, and disclosure of addresses or contact details	Privacy, personal information, reputation, and personal security	Usually cyberviolence; overlaps with media trial only when used to support premature adjudication of an unresolved case
Moral Coercion	Media organizations, influencers, or online participants	Moral labeling, collective condemnation, emotional mobilization, or pressure to conform	Dignity, reputation, and rational public discussion	May create public-opinion pressure; becomes media trial only when it advances an extrajudicial judgment about an unresolved case
Label-Based Reporting	News organizations, self-media accounts, or influencers	Guilt-presuming labels, identity stereotypes, or simplified moral framing	Presumption of innocence, reputation, and fair-trial interests	Can support media trial when labels prejudge facts, guilt, sentence, or outcome; otherwise it may be misleading or abusive communication

Source: Authors' conceptual synthesis based on the operational distinctions in Section 2.1.

3.2 Influence Mechanisms of Media Trial

Agenda setting, emotional resonance, and platform amplification can accelerate the circulation of interpretations of judicial events. Opinion leaders may issue definitive accounts before relevant facts or procedures are complete, while repetition and algorithmic distribution may make those accounts more visible. These processes create a communication environment in which a premature adjudicative claim may develop into media trial. Emotional mobilization may also generate public-opinion pressure on parties or institutions. As defined in Section 2.1, however, pressure is a possible effect, not proof that adjudication has been influenced.

Information fragmentation and repeated circulation of rumors may increase the risk of distorted public understanding. False or incomplete information does not by itself constitute media trial; it does so only when tied to a premature

determination of disputed facts, guilt, sentence, or outcome in an unresolved judicial case. Such communication can narrow rational discussion and harden public expectations, but the material examined in this study does not establish that it changed a judicial decision.

Figure 1 organizes these relationships as analytical risk pathways. It links dissemination mechanisms, including agenda setting, emotional mobilization, and platform amplification, to possible public-opinion pressure and ethical or procedural risks. Where polarized discussion produces premature conclusions about an unresolved case, the media-trial threshold may be met; privacy exposure, harassment, or defamatory attacks may simultaneously constitute cyberviolence. The figure identifies plausible normative risks rather than a tested causal model, and it does not claim that media coverage altered the outcome of a particular judicial proceeding.

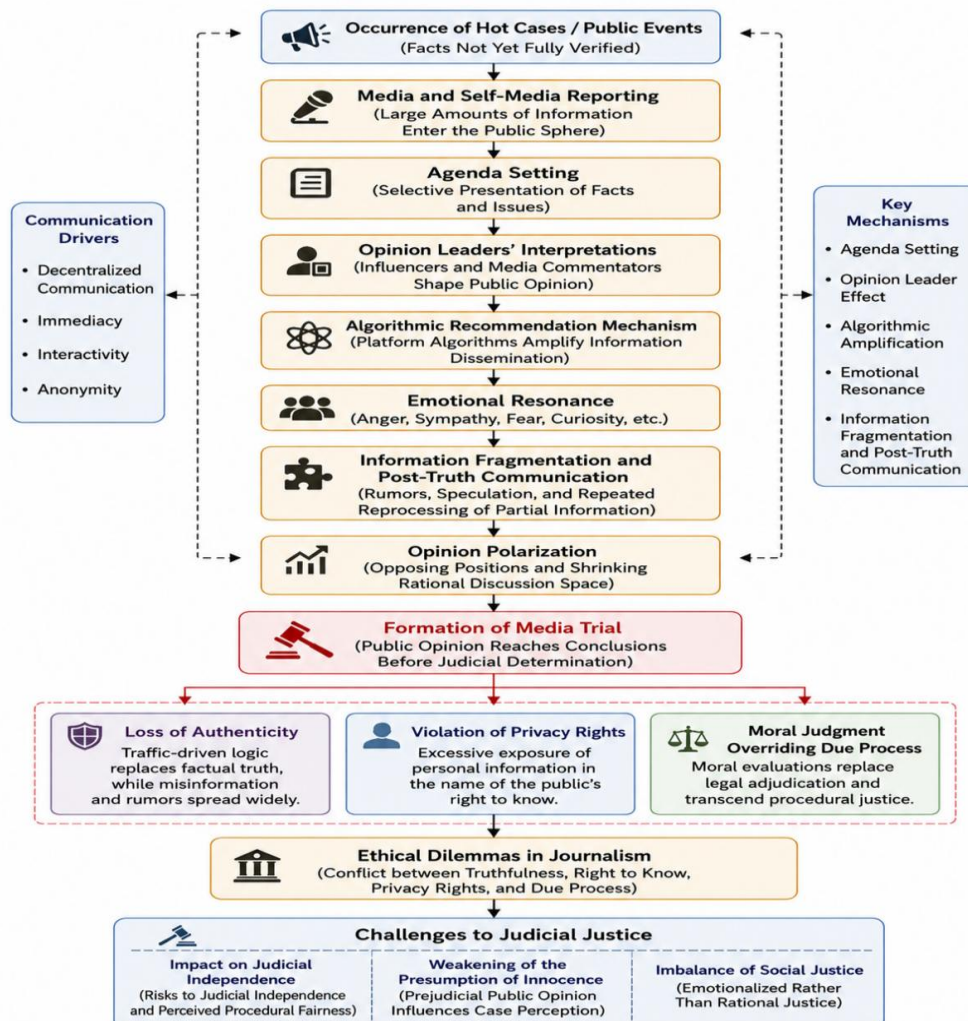


Figure 1 Analytical Risk Pathways of Media Trial in the New Media Environment

Source: Authors' analytical synthesis based on Section 2 and the discussion in Section 3.2.

3.3 Ethical Dilemmas Triggered by Media Trial

3.3.1 Truthfulness and the Tension Between Attention Incentives and Factual Accuracy

Truthfulness is a primary ethical requirement of news communication. International ethical standards require respect for facts, verification before dissemination, and a clear distinction between factual information and commentary.²³ Media-trial risk arises when commercial pressures and competition for attention displace those duties and an unresolved judicial case is framed through guilt-presuming narratives. One-sided reporting, sensational headlines, and commentary presented before relevant facts have been verified can encourage premature public judgments.

3.3.2 Balancing the Public's Right to Know and Individual Privacy

Conflicts over privacy may arise in both media trial and cyberviolence. In digital communication, disclosure by professional media can interact with user-led searches, reposting, and aggregation. In a media-trial context, privacy becomes relevant when personal information is used to construct or intensify a premature judgment about an unresolved judicial case. Independently of a judicial case, doxing or unauthorized exposure may constitute cyberviolence or personality-rights harm. International journalism standards require respect for privacy, while China's Civil Code protects privacy, personal information, reputation, and related personality rights.²⁴ The public's legitimate interest in judicial information does not automatically override those interests; in this study, disclosure is assessed in terms of public interest, necessity, and proportionality.

The Fudan University poisoning case illustrates an overlap rather than an identity between the two categories. While the investigation was ongoing, social-media posts and news coverage circulated speculative motives, used the suspect's microblog activity to infer violent tendencies, applied labels that presumed criminality, and disclosed personal material.²⁵ Premature claims about guilt or punishment fit the operational definition of media trial, whereas privacy exposure and hostile labeling constitute cyberviolence or online abuse. Keeping these dimensions separate clarifies both the procedural risk and the personality-rights harm.

3.3.3 The Displacement of Legal Procedure by Moral Judgment

A central ethical issue in media trial is premature moral adjudication. When coverage or commentary advances a determination of disputed facts, guilt, sentence, or outcome before judicial proceedings are complete, it can conflict with the presumption of innocence and the requirement that evidence be tested through legal procedures. The Jiang Ge case combined two distinct processes. Before the Tokyo trial, a public petition sought a death sentence for Chen Shifeng; media coverage also focused intensely on Jiang Ge's mother, Liu Xin, and their first meeting 294 days after the incident. Subsequent commentary shifted moral blame toward Liu Xin and exposed her and her family to sustained online attacks. Wang Jun's article in *News Lovers* documents the meeting, privacy exposure, online attacks, and pretrial petition, and frames the possible fair-trial effect as a question rather than a demonstrated causal finding.²⁶ A separate legal news report indicated that the petition had no automatic legal effect and was unlikely to be decisive in Japanese sentencing.²⁷ The sentencing demand is relevant to the media-trial analysis; the attacks on Liu Xin are better classified as cyberviolence and moral coercion. The available sources do not show that the court's decision was influenced by either process.

Table 3 Summary of Ethical Dilemmas Triggered by Media Trial

Ethical Issue	Core Manifestations	Underlying Mechanism	Potential Harm
Truthfulness	Rapid publication and commentary can encourage one-sided narratives; verification may be displaced by attention incentives	Commercial pressures and attention metrics take priority over professional standards	Distorted public understanding and premature public judgments
Privacy Protection	Private information is disclosed, aggregated, or used to construct case narratives	Professional reporting interacts with doxing, reposting, and user-led information gathering	Personality-rights harm and a possible narrowing of reasoned public discussion
Moral Judgment	Communication prematurely determines facts, guilt, sentence, or outcome through moral framing	Emotional mobilization and polarized narratives displace procedural evaluation	Risks to procedural fairness, the presumption of innocence, and perceived judicial authority; no causal finding of actual interference

Source: Authors' synthesis of the ethical issues analyzed in Sections 3.3.1-3.3.3.

4. Legal Challenges Posed by Media Trial to the Administration of Justice

4.1 Balancing Judicial Independence and Freedom of Expression

Judicial independence requires adjudicators to decide cases according to law and procedurally tested evidence. Media trial can create external expectations around unresolved cases, but the existence of publicity or public-opinion pressure must be distinguished from proof of actual judicial influence. In the Yao Jiaxin case, a 2012 content analysis of 142 newspaper items reported that 50.7% of the sampled content was negative and identified recurring labels concerning family background and social identity.²⁸ This is a secondary study of newspaper coverage, not data produced by the present study. The pattern supports classifying Yao Jiaxin as a classic media-trial case because coverage combined a pending proceeding with guilt- and sentencing-oriented labels. It also illustrates public-opinion pressure as a possible effect, but it does not establish that judicial discretion was compressed or that the outcome was changed.

The analysis does not treat freedom of expression as inherently problematic. Public-opinion oversight can improve transparency when it focuses on verified facts, lawful criticism, and procedural accountability. Xia Xiaofei frames the boundary in similar terms, distinguishing legitimate media supervision from role displacement and premature adjudicative labeling.²⁹ When communication substitutes premature moral adjudication for judicial determination, it crosses into media trial. The distinction concerns communicative function and procedural timing, rather than a generalized opposition between expression and order. This study therefore evaluates risks to perceived procedural fairness without presuming that judicial decision-makers were actually influenced.

4.2 The Principle of Legality and the Risks of Prejudicial Publicity

The principle of legality and the presumption of innocence require criminal responsibility to be determined through lawful procedure rather than public expectation. Media trial creates a risk in the public sphere when communicators prematurely

conclude the legal characterization, guilt, sentence, or outcome of an unresolved case. Online participants and media organizations ordinarily lack the complete evidentiary record and procedural constraints available to a court, while emotional framing can turn disputed claims into fixed expectations. Expectations formed in this way may weaken the presumption of innocence in public discourse and make a later divergent ruling appear unresponsive or unjust. The existence of this risk does not demonstrate that a court abandoned legal standards or that publicity caused the judgment.

4.3 The Difficulty of Legal Accountability

Accountability difficulties differ according to the conduct involved. Media trial is an analytical category, not a standalone legal offense; liability depends on specific acts and the elements of applicable law. Cyberviolence, including insult, defamation, doxing, harassment, and privacy exposure, may engage civil, administrative, or criminal rules. Anonymity, distributed participation, rapid reposting, evidentiary thresholds, and the allocation of platform and user responsibilities can make identification and attribution difficult. The proportional-responsibility framework in Section 2.2 therefore requires differentiated responses rather than treating every harmful communication as the same wrong.

The Liu Xuezhou case illustrates this boundary and the difficulty of attributing responsibility in distributed online abuse. Liu died by suicide after experiencing sustained online attacks; a later Beijing Internet Court judgment found that statements published by two online influencers constituted cyberviolence and infringed his reputation, and it awarded civil damages.³⁰ The judgment supports classification of the relevant conduct as cyberviolence, not as a core media-trial case. Because many participants remained unidentified and the communication involved numerous statements by dispersed participants, the case also demonstrates practical difficulties in linking specific harms to individual speakers. Neither this study nor the cited judgment treats any single post as the sole cause of Liu's death.

5. Recommendations for Addressing Media Trial and Related Cyberviolence

5.1 Ethical Self-Regulation

Where news organizations produce or amplify media trial, they should first strengthen professional and ethical safeguards. Competitive attention pressures do not displace duties of verification, fairness, and restraint. Reporting on unresolved cases should distinguish verified fact from allegation and comment, provide meaningful opportunities for response, and avoid guilt-presuming or sentencing-oriented language before final disposition. Stronger fact-checking, correction practices, and editorial review can reduce the risk that news coverage becomes a substitute for adjudication.

Responsibility also extends to users, influencers, and self-media accounts. Public participation can support legitimate public-opinion oversight, but it can also circulate premature adjudicative claims or facilitate cyberviolence. Media literacy should therefore help participants distinguish verified scrutiny from claims about guilt or sentencing, and criticism from harassment, doxing, or defamatory attack. This distinction protects both meaningful oversight and the presumption of innocence without treating ordinary participation as inherently harmful.

5.2 Clarifying Legal Boundaries

Ethical self-regulation alone is insufficient when communication causes legally cognizable harm. Legal responses must identify the conduct and the protected interest involved. Media trial principally raises risks to procedural justice and the presumption of innocence; cyberviolence may infringe reputation, privacy, personal information, and other personality rights; overlap cases may engage both sets of concerns. International journalism ethics and European fair-trial guidance provide relevant benchmarks for distinguishing fact from comment and public information from communication that risks prejudicing criminal proceedings.³¹ Clear legal boundaries also require separating protected oversight from unlawful harm and demonstrable conduct from unproven effects on judicial decision-making.

The 2024 Provisions on the Governance of Cyber Violence Information govern cyberviolence information rather than every instance of media trial. They establish governance principles, allocate responsibilities to information-content management authorities and online information-service providers, define the covered category, and exclude specified lawful online reporting, complaints, disclosures, criticism, and suggestions from that category.³² The Provisions therefore form part of the legal response to overlap and boundary cases. Criminal, civil, or administrative liability for particular conduct still depends on other applicable laws and their substantive and evidentiary requirements.

Table 4 Layered Legal Responses to Media Trial and Related Cyberviolence

Response Level	Legal Basis	Applicable Conduct	Consequence or Limit
Criminal Liability	Criminal Law and applicable judicial guidance	Conduct satisfying the elements and thresholds of offenses such as insult, defamation, or unlawful use of personal information	Criminal penalties only where statutory elements and evidentiary requirements are met
Civil or Administrative Liability	Civil Code; current Public Security Administration Punishment Law; other applicable laws	Personality-rights infringements, online defamation, harassment, privacy exposure, or other	Civil remedies or administrative penalties under the law applicable at the relevant time

Response Level	Legal Basis	Applicable Conduct	Consequence or Limit
		punishable misconduct	
Protected Public -Opinion Oversight	Provisions on the Governance of Cyber Violence Information, Article 33; other protections under applicable law	Lawful online reporting, complaints, disclosures, criticism, or suggestions concerning illegal conduct or public power	Excluded from the Provisions' category of cyberviolence information; protection remains subject to other applicable law

Source: Compiled from the Civil Code of the People's Republic of China,³³ the 2023 Guiding Opinions on Punishing Cyberviolence-Related Illegal and Criminal Acts in Accordance with Law,³⁴ and the current Public Security Administration Punishment Law of the People's Republic of China.³⁵

Accordingly, no automatic legal liability follows from labeling communication as media trial. Criminal liability requires proof of the elements and thresholds of a specific offense. Civil remedies or administrative penalties may apply to personality-rights infringements, harassment, defamation, privacy exposure, or other misconduct under the relevant law. Lawful public-opinion oversight should not be equated with either media trial or cyberviolence. These boundaries permit proportionate enforcement while reducing the risks of both under-enforcement and excessive restriction of legitimate expression.

5.3 Strengthening Platform Governance Responsibilities

Platforms can amplify both premature adjudicative narratives and cyberviolence, but the categories and corresponding duties should not be conflated. Zhu Xiaoyan argues that indiscriminate removal of content that is difficult to distinguish from ordinary communication can interfere with freedom of expression and proposes combining individual remedies with platform duties and algorithm-oriented governance.³⁶ The implication here is that platforms should reduce the amplification of clearly harmful content while preserving lawful case discussion and public-opinion oversight.

In practical terms, platforms can improve risk detection, reporting and appeal channels, correction visibility, and privacy protection, and can introduce measures that discourage rapid reposting of disputed claims. Recommendation systems should not repeatedly amplify unverified accusations, humiliating labels, or doxing material merely because they attract engagement. These measures should be transparent and proportionate. They may reduce the circulation and harm of premature adjudication and online abuse, but they do not by themselves eliminate media trial or establish any effect on judicial decisions.

5.4 Proactive Responses by Judicial Authorities

Judicial authorities should also adopt measured communication practices. The 2024 Handan juvenile homicide case illustrates the challenge of misinformation during an ongoing investigation: false images and claims circulated online while the investigation was continuing, and the police issued public corrections.³⁷ This supports timely, verified communication consistent with investigative confidentiality, victim protection, juvenile privacy, and procedural law. Its purpose should be to correct material misinformation and preserve conditions for informed oversight, not to manage criticism or steer public opinion toward a preferred outcome.

Judicial responses alone cannot correct every misconception or public expectation. They should be combined with legal education, responsible reporting, proportionate platform governance, and media literacy among the public. This coordinated approach may reduce premature adjudication and cyberviolence while preserving lawful public-opinion oversight, without assuming that public opinion changed the outcome of a judicial proceeding.

Conclusion

The main findings are that media trial, cyberviolence, and lawful public-opinion oversight require distinct normative assessments. Media trial concerns premature public judgment of disputed facts, guilt, liability, sentence, or outcome in an unresolved judicial case, whereas cyberviolence is defined by harmful online conduct such as insults, defamation, harassment, doxing, and privacy exposure. They may overlap, but neither contains the other. Public-opinion pressure describes a possible communicative effect; it does not establish that publicity altered a judicial decision. The case typology therefore distinguishes classic media trial, overlap cases, cyberviolence boundary cases, and a recent illustrative case.

The analytical contribution lies in conceptual clarification, a three-layer framework of communicative legitimacy, procedural justice, and proportional responsibility developed to organize the normative analysis, a case typology, and a mapping of governance responsibilities to specific actors. Practically, the findings support verified and restrained reporting, responsible user participation, proportionate platform safeguards, and timely official communication while protecting lawful scrutiny of judicial activity.

The study is limited by its targeted structured narrative review, illustrative case selection, China-centered scope, and lack of empirical measurement of judicial influence or platform amplification. Future research should conduct systematic empirical studies, focused cross-jurisdictional comparisons of fair-trial protection and media freedom, and platform- or data-based communication research on recommendation systems, emotional mobilization, and corrective information.

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