

SOCIAL MEDIA TRIALS: Conflicting to the Legal Court Trial?



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"There are however different kinds of laws that may help prohibit unwanted speech or sharing of thoughts and these are the Digital Security Act, The ICT Act and the Pornography Control Act.

The conundrum lies elsewhere—people are frustrated to their core, most of the court cases in our country are pending, because of the lack of 'adequate' evidence. And every day, there are new cases being added to the list. With frustrations reaching their peak and justice being delayed over the years, sometimes people take their frustrations to the digital space, considering it safe. And naturally speaking, judges and police officers are human as well, and sometimes a special case that receives a lot of attention may get a faster verdict because of all the 'attention' it had received in the online space. That is possible, but definitely unfair, to the huge number of pending cases that are yet to see a fruitful ending. In this case, all I would like to say is that social media may seem to be a boon momentarily, but it will definitely pose as a misery in the near future, if it 'cannot be' curtailed in due time and refrained from interfering with the legal system,"

The absence of any strict code of conduct allows people on the social media platforms to be largely active in voicing opinions – especially ones that may have an effective role in framing the opinions of others. Ideally, in a democratic society, it is healthy to have a functioning social

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media for netizens to be able to express opinions freely under the 'Freedom of Speech and Expression' clause.

However, since the term double-edged sword exists to describe the platform, we may as well be a little apprehensive and accept the fact that many of the news in social media' maybe be paid, fabricated and false. Furthermore, these 'fictitious' evidences cause defamation to persons who have been acquitted by the courts based on a legal trial and on the grounds of lack of proof beyond reasonable doubt. Because of social media defamation, the accused-victims in these cases, face difficulty in resurrecting their reputation in society, ultimately jeopardising their rights to a dignified life, causing severe psychological and physical harm.

Moiyen Zalal Chowdhury, Assistant

Professor of Anthropology at BRAC University and also an avid social media researcher, explained the contradictions, saying, "The most interesting discussion about social media is that it 'should not' be reduced or simplified to the description of 'just an online space to express views,' it is so much more. It is a whole society out there, a hybrid society, where everyone from a child to a senior citizen is present, connecting, socialising, learning, educating, informing,

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It can be said in an idealistic situation, the legal system is expected to consider the people's rights (online and offline) to be informed and be able to cover and disseminate information amongst themselves, while playing a facilitator's role. In a similar situation, it is also expected that the latter would pay due diligence and exert extreme caution in reporting stories, helping to ensure a fair and free trial. Until and unless these positions are reached, the scales will continue to be tilted and social media trials will continue to exist as a unique challenge to the 21st century justice system.

By Mehrin Mubdi Chowdhury
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Online Resources:
Research Paper by Ms. Somali Chowdhury, *Media Trials: Contradiction to Media Ethics?*
Research Paper by Barrister Ahmed Ehsanul Kabir, *Media Trial: Prejudicing the Rights of the Parties in Criminal Case*
Research Paper by Ayush Verma, *Social Media Trials: A threat to the society and legal system*

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