

The Influence of Online Public Opinion on Judicial Proceedings: A Comparative Legal Analysis of the Jiang Ge Case and Yao Jiaxin Case

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ABSTRACT

As cyberspace increasingly becomes a "second space" in daily life, the impact of online public opinion on criminal judicial processes has grown significantly. However, online public opinion is often susceptible to manipulation or sensationalism by irresponsible media, ultimately jeopardizing judicial fairness and independence. Under the current framework of advancing the rule of law in China, it is imperative to address how to mitigate the negative effects of online public opinion on criminal justice while harnessing its positive role in promoting fairness. This paper takes the Jiang Ge case and Yao Jiaxin case as focal points, comparing criminal judicial practices in China and Japan from a comparative legal perspective to analyze conflicts between online public opinion and judicial rulings in China.

KEYWORDS

Online Public Opinion; Judicial Fairness; Judicial Independence; Comparative Law; Conflict.

1. INTRODUCTION

With the advent of the Web 3.0 era, the internet has become an increasingly integral part of daily life. Citizens now enjoy diverse and convenient avenues for accessing information and expressing opinions in cyberspace. Against this backdrop, how judicial activities should respond to online public opinion has become an unavoidable issue.

2. ONLINE PUBLIC OPINION

2.1. Definition of Online Public Opinion

From a journalistic perspective, online public opinion refers to collective voices formed through internet-based platforms such as comment sections, forums, chat rooms, polls, blogs, and social media, where individuals freely express views and demands on specific issues. [1] When such opinion intersects with criminal judicial processes, it becomes "online public opinion in criminal justice." [2] Public sentiment in criminal justice arises when the public forms morally charged, consensus-driven views on high-profile cases based on societal values of legal justice.

Under China's Criminal Procedure Law, trials are generally public except for cases involving state secrets, personal privacy, or juvenile defendants. This transparency is crucial for ensuring judicial fairness. While online public opinion can play a constructive role in preventing judicial corruption and arbitrary decision-making, its irrationality-fueled by "group polarization" and sensationalist media—often distorts public understanding of cases, leading to adverse impacts on judicial outcomes.

2.2. Characteristics of Online Public Opinion

Online public opinion in criminal cases exhibits irrationality, impulsivity, moralization, and complexity.

Irrationality: The anonymity and low accountability of online platforms encourage impulsive, emotionally charged commentary. Users often bypass critical analysis, relying instead on sympathy or outrage toward defendants or victims.

Impulsivity: Lacking professional expertise, the public tends to accept media narratives uncritically. Misinformation or selective reporting can easily sway opinions, pressuring judicial outcomes. For example, revelations about a defendant's background or victim's circumstances may trigger abrupt reversals in public sentiment.

Moralization: Unlike legal professionals, the public evaluates cases through a lens of "naïve justice" shaped by social, cultural, and educational factors. This disconnect fosters distrust in judicial procedures, with netizens often misinterpreting evidentiary rigor as opacity and equating delays with injustice. Such skepticism erodes judicial authority (see Luo Yang, *Networks and Justice: Dilemmas and Opportunities-Legal Reflections on the Yao Jiabin Case*, *Hebei Law Science*, Vol. 31, No. 1).

Complexity: With 1.079 billion internet users in China (per the 52nd Statistical Report on Internet Development), online opinion reflects a mosaic of age groups, social experiences, and interests. Divergent perspectives and competing agendas dilute its value as a barometer of societal sentiment.

3. CASE ANALYSES: JIANG GE CASE VS. YAO JIAXIN CASE

3.1. Jiang Ge Case

On November 3, 2016, Chinese international student Jiang Ge was murdered in Tokyo by Chen Shifeng, the ex-boyfriend of her roommate Liu Xin. The case drew widespread attention in China and Japan, with public debate initially focused on whether Japan would impose the death penalty.

Prior to the incident, Chen had confronted Jiang and Liu at their apartment. On the day of the murder, Liu entered the apartment first, leaving Jiang to be fatally stabbed in the hallway. Jiang's mother launched an online petition demanding Chen's execution, garnering over 1.5 million signatures. However, under Japanese law, death sentences are reserved for perpetrators of three or more homicides. Despite public outcry, the Tokyo District Court sentenced Chen to 20 years' imprisonment for murder and intimidation on December 20, 2017.

Japan's lay judge (saiban-in) system integrates public perspectives into trials but strictly limits external influence. Both cases involved intense online public opinion influence. Judges and lay jurors must base decisions solely on courtroom evidence. Scholars note that Japanese courts remain largely insulated from public sentiment in sentencing.

3.2. Yao Jiabin Case

Yao Jiabin, a music student in Xi'an, struck two pedestrians while driving on October 20, 2010. After fatally stabbing one victim eight times, he fled but was apprehended. Despite surrendering voluntarily and expressing remorse, Yao was sentenced to death by the Xi'an Intermediate Court on April 22, 2011. The Shaanxi High Court upheld the verdict, and Yao was executed on June 7, 2011.

The case ignited a firestorm of online. The victim's family, pressured by public outrage, refused financial compensation from Yao's family. Yao's personal information was leaked online, violating his privacy rights. Critics argue that the court's independence was compromised by "trial by public opinion," raising questions about whether the death penalty aligned with procedural justice.

3.3. Comparative Analysis

Both cases involved intense online public opinion, yet outcomes diverged sharply. In Japan, the court resisted public pressure to impose capital punishment, adhering to legal standards. In China, the judiciary appeared swayed by the "lynch-mob" atmosphere, prioritizing "popular anger" over nuanced legal considerations.

Online discourse often exhibits three pitfalls:

Carnivalization: Emotion-driven narratives overshadow facts.

Ritualization: Dissenting views are silenced, turning debates into ideological trials.

Selectivity: Confirmation bias entrenches stereotypes.

These dynamics risk distorting judicial impartiality, effectively "hijacking" legal processes.

4. IMPACT OF ONLINE PUBLIC OPINION ON CRIMINAL JUSTICE

4.1. Japan's Approach

Japan's legal reforms reflect cautious engagement with public sentiment. For instance, the 2010 abolition of statutes of limitations for capital crimes responded to victim advocacy. However, lay judges and professionals are instructed to disregard external public opinion during trials. While emotions of the victim's family members may subtly influence sentencing, judges maintain strict adherence to evidence. Scholars argue that Japan's death penalty system, though retained, emphasizes restraint, with legal elites resisting populist pressures for harsher penalties.

4.2. China's Challenges

Chinese scholars remain divided. Proponents like He Bing (China University of Political Science and Law) advocate integrating public sentiment to reflect legal "popularity, [3]" while critics like Sun Wanhuai (East China University of Political Science and Law) stress judicial independence. The Yao Jiaxin case exemplifies how the frenzy of public opinion risks undermining due process.

5. CONCLUSION

As a new form of public opinion, online public opinion is not exactly equal to public opinion. It has some characteristics that traditional public opinion does not have, such as fast transmission speed and large influence range. It really broadens the channel for democratic participation in justice, but in the process of dealing with the relationship between online public opinion and criminal justice, how to avoid its impact on judicial independence and justice under the condition of ensuring the advantages of online public opinion.

The author believes that the Internet public opinion itself reflects freedom of speech and public opinion supervision. The Internet gives citizens a channel to supervise and express their opinions on judicial trials and criminal cases. But citizens should be restricted to a certain extent in the process of exercising the right of freedom of speech in cyberspace, and the judicial organ should also maintain its own independence in the process of being under the pressure of irrational and unjust public opinion. Professional legal practitioners such as judges and prosecutors, as professional legal persons, should be different from the general public. It is one of the qualities that legal practitioners should have to distinguish the part of online public opinion that is conducive to judicial trial and remove the part of online public opinion that has a negative impact on judicial trial. In the face of the conflict between online public opinion and criminal justice, complete negation and affirmation are not desirable. The evaluation of online public opinion on criminal cases is also a response to the social impact of the

defendant's behavior, which should also be considered by the judge in the sentencing process. Therefore, the criminal justice organ should guide online public opinion to participate in the judicial process in an orderly manner. Under the premise of ensuring procedural justice and judicial independence, the irrational factors in online public opinion should be screened out to solve the conflict between online public opinion and criminal justice, promote the positive interaction between online public opinion and criminal justice, adhere to judicial independence and judicial justice, and promote the positive role of online public opinion in justice.

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