

The Impact of Public Opinion About Crime in The Light of Media Criminal Law

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There is a tendency to see the media as something that is relatively new phenomenon, but the media has been around for a long time. This article provides an overview of crime as portrayed on cable television. Specifically we attend both fictional and nonfictional representation of crime including crime dramas, crime-oriented reality shows and new magazines. The relationship between crime and media is a complex one. Since, media outlets become one of the primary sources by which the public learns about crime, offenders, victims and criminal justice system. Too often the media introduce people of color as criminal offenders and reinforcing generalizations that certain groups of people can and should be considered threats to public safety.

Key words: *Media, Crime, Justice, Public, Safety, Public Opinion, Public Policy.*

Introduction

Themes of crime and justice have become staples in nearly every form of mass media. Novels, comic books and films have a rich history of detailing both fictional and nonfictional interpretations of crime. Television is always more than sole entertainment. Even when it is not deliberately designed to teach, it carries messages about social interactions and about the nature and value of groups in the society that can influence attitudes, values and actions among its viewers (Huston and donnerstein, 1992, 6). Most people watch television regularly, sitting before the small screen in their living rooms for long time. Over the course of daily television reviewing the average consumer, irrespective of their Programming choices, will be exposed to some level crimes and violence. (Ibid, 25).



There is a vast literature outlining the ways in which the media distorts and exaggerates the true crime problem, misrepresents and often stereotypes offenders and victims and offers simplified solutions to complex social Problems (Barak, 1995, 44).

First discourse: Media and crime

It is curious that the media possesses so much Power over who gets arrested, charged or indicted and who gets convicted as well as what kind of treatment a person should expect when he or she is in grips of police officer or correctional personnel. The media can describe motive, opportunity, appearance, and the historical account of an individual who allegedly committed a crime and then justify the behavior of criminal justice Personnel in response to the person whom the media had defined as corrupt and immoral. The popular media plays an important role in understanding criminal justice in five ways:

1. It is dramatic device for representing sociopolitical and economic content in which most events take place and how this contexts influences events.
2. The popular media is comparator that sets the moral benchmark and provides a mark of accuracy or authenticity.
3. The popular media exposes a perspective of criminal justice that is at odds with official descriptions and supports assumptions of Punishment and offers agendas of rehabilitation and Prevention.
4. The popular media socially constructs and defines which real-world experiences and issues are significant and which experiences are irrelevant.
5. The popular media socially interpret and defines gender, race and ethnicity and how those roles characterize the behaviors of being an aggressor, victim or being ineligible for justice sanctions, including trial. (cavender, 1999, 643).

The importance of the media is that it shapes social perspectives or Public opinion and official Policy despite the fact that it is prominent form of Portrayal, particularly of criminal justice Practices and Policy (Barak, 2007, 101).

A distorted perspective about eliminating crime Prevails among many people and their conclusion is often associated with the relationship between the pervasiveness of crime and Potency of the criminal justice system more cops, less crimes.



Second discourse: The media and Public opinion

Criminologists have recognize the importance of the media in shaping Public opinion and influencing Public Policy. Some have argued that public opinion drives Public Policy; others argued that Public Policy shapes and directs public opinion. The media act as the crucial middlemen in the development of Public Policies related to crime. The Public concern about various crime Problems followed, media coverage of those problems.

When reporting on crime reporting on crime and Punishment, the media rely heavily on government sources because they make good official sources and tend to Package information in ways that are useful for dissemination. Through an overreliance on government sources, the media allows these sources to shape the nature of the conversation about crime, criminals and appropriate Punishments. (Beckett, 2008, 37).

Public knowledge and opinion about criminal justice based upon collective representations rather than accurate information, upon culturally given experience of crime rather than the thing itself (Garland, 1999, 158). Regardless of its source, public opinion in order to controlling crime and Punishment is complex. Lack of knowledge about crime is not an isolated domain of ignorance. (cullen, 2004,5).

The Public usually thinks criminal justice Policies are not punitive enough but also frequently lacks knowledge with regard to how Punitive those Policies actually with are.

Even where there is some knowledge, very few people have had direct experience the criminal justice system and so most of the knowledge that the public does have about crime is secondhand.

Crime-based reality Programs are designed as an attempt to present true stories about crimes, criminals and victims (Fishman, Caven, 1998, 4).

Crime_based reality shows sell crime as entertainment by nicely packaging similar to any other fictional entertainment show. (Valverde, 2006, 3).

The media design the show as one in which crime is a battle between white police officers and nonwhite violent offenders (kooistra, Mahoney, 1998, 158).

Third discourse: Labeling Phenomenon

When an offender or a victim is tagged or labeled a "sex offender" or a sexual victim", the labeling phenomenon suggests that the manner in which others interact with the labeled Person can eventually Produce deviant behavior through a self-fulfilling Prophecy, the labeled person



acts out or behaved within the expected constructs of the label regardless of his or her Previous Pattern of behavior. (Alexander, 2004, 346).

Labeling implied that an individual & audience often responds to the individual label rather than to the behavior of individual. For a label to stick, those who provide the label are usually those in authority such police, courts, teachers and parents. The labels most often come from those in authority" especially criminal Justice System. The audience not the actor determines when certain behavior is defined as crime. When the label of sex offender is officially provided by the con Justice community an individual regardless of his or her guilty, is likely to experience confrontational behavior from everyone he or she encounters. Labeling suggests that holds the Power over the labeled person and that professional from correctional staff to police officers respond to this Person as though he a she has the plague. (wakefield, 2006, 141).

That is reality is in the eyes of the beholder and what the eyes see is that sex offenders are universally hated and despised and seen as dangerous sexual Predators unless locked up and kept under surveillance.

Rather than educate the viewer about the reality of law enforcement, these crime-based shows merge crime and entertainment into humiliation media (Benett, Johnson, Triplett, 1998, 146). The media programs package a Particular trial complete with catchphrases and graphics and sell it to the consuming Public. (Kappeler, Potter, 2007, 53).

Much of the criticism of media portrayals of crime and justice focuses on the presence of discriminative approach (Dixon, 2008, 58).

Media Criminal Law

Media criminal law is a set of principles, rules, and regulations that study media crimes and how to punish these crimes. Pays for media crimes regarding media crimes, it should be noted that first, crimes that can be referred to as inherently media crimes or so-called media-specific crimes, in the sense that specific crimes refer to the range of crimes that can only be committed by the media. Crimes at the request of the media are crimes in which the media is involved and can only be committed by the media, for example, the crime related to the licenses of news programs related to news agencies and how to broadcast news related to crimes and broadcast programs related to victims without observing the rules of broadcasting in the media, including written and audio media.

The second spectrum of crimes are crimes that are basically located in the north of public crimes, i.e. crimes that are generally criminalized in criminal law and can be committed by all people, but it was also considered in media law, so in this spectrum of media crimes there are methods. This means that these crimes are not necessarily committed by the media alone, but

the manner in which these crimes are committed may be seen through the media. Bari is studied in a broader sense of media criminal law.

However, it seems that the need to be absolutely sufficient in terms of reporting crimes and determining the limits and limits of these crimes requires that, through narrow interpretation, the scope of criminal law be limited to crimes that can only be relied on by the media. Crimes as a cornerstone of their realization are necessary for the formation of media crime. Thus, in media criminal law, before criminal crimes of its constituent elements and methods of punishment are examined, the necessity of criminal intervention in the field of media should be explained. The discussion of criminal law in the media focuses on determining the value that should be criminally protected, and this leads to criminalization in the field of media.

Lawyers are common in television and film, as they can and do generally appear in any genre. In dramas, they are typically portrayed as attorneys willing to do anything to win the case, even if it is illegal or allows a criminal to walk free. In comedies lawyers are often greedy and take advantage of other characters. Lawyers used to be portrayed as honest, moral individuals, but the rise of divorce and the verdict of the OJ Simpson trial changed their depiction. Divorce allowed more and more people to come in contact with lawyers, which allowed them to be seen as more every day and less idealistic. The OJ Simpson trial first caused people to see that lawyers can get off suspects that most people would see as clearly guilty, and many trials since have proved the same point. The commonality of lawyers in each genre makes them a prime candidate for false stereotyping. (Werner, 2015: p5)

Few today would suggest that media representations have no influence on their audiences. Rather, the debate is about the nature, extent and significance of that influence. As noted above, the concern on the political right has been that media images glamorize crime and violence, undermining respect for authority and the rule of law and encouraging criminality. On the left it has been that media images of crime and deviance increase public fears and anxieties, helping to win support for authoritarian measures of control and containment. (Greer, 2013: p25)

The need for criminal law intervention in the field of media

Undoubtedly, criminals are always in a position of preference for one right over another. Media rights are based on the right to freedom of expression. Sought as a fundamental human right.

However, it is a question of how much the media, in the light of its reliance on the right to freedom of expression, can broadcast news related to the events of society, and on the other hand, the media is limited and obliged to comply with the rules of media rights. Seeks to criminalize media performance.

The media, especially in countries where the media is basically limited to the public sector and attributed to the government, is to the point that in the literature and writings on media rights,



it is sometimes referred to as the fourth power in society in parallel with other powers. He considered it a unique position compared to other powers and, of course, dominated by them.

From the point of view of media criminal law, it should be said that the media interprets and evaluates criminal events. Better words of the media capture the same image in the public mind of the occurrence of criminals that it believes.

In this way, a media program can cause public concern by inducing a high rate of crime in society, or by attributing the occurrence of crime to a specific spectrum of society, it can turn them into people who are always under suspicion.

The burden of the media under the banner of freedom of expression and information in fact injects its interpretation of criminal events in the form of news about society, so a value called freedom of expression and information becomes something supportive for the media to cover the media in a way Discreetly and selectively broadcast news related to crimes.

However, it creates another value under the title of protecting the public interest so that the media, through the criminal law of the media, has limitations and criteria in its mode of operation, the non-observance of which must guarantee criminal execution. Protects the content of media programs.

What range of criminal behavior is committed in society that can capture the content of a media program? Under the title of freedom of expression to provide media information.

Opponents of media rights argue that the principle of maximum information in society through the media should be recognized. People in the community have the right to be informed of all criminal events that take place in society, and criminal law intervention in the field of media programs leads to deprivation of liberty. Expression will be in the media.

Opponents argue that any criminal intervention in the media is contrary to the public's right to access information, and that the content of media programs should be free from the requirements and restrictions set out in media criminal law.

However, agreeing with the need for criminal intervention in the media, they argue that news agencies, and essentially any media outlet reporting on criminal events, should prioritize the public interest over how to prepare the content of a media program.

Explain that the content of the media should include broadcasting news of crimes that do not cause fear in society, increase the rate of fear of crime among members of society and public concern about the establishment of security in society, otherwise the media has fulfilled its mission. And in the light of the criminal law of the media, in terms of its incorrect performance in the way of covering the news of crimes, it must face the guarantee of criminal execution.



Of course, it should be noted that the intervention of media criminal law in cases where the content of media programs is contrary to the public interest is exceptional and also the principle of freedom of the media to broadcast and provide information about criminal events.

In fact, proponents of media rights seek to strike a balance between the need for criminal intervention in the media on the one hand and the exceptional nature of criminal intervention in the field on the other.

In addition, media criminal law must not only monitor how media programs are allocated to criminal data, but also media interpretations of the phenomenon of crime in society, which in the media law literature is referred to as media value judgments. It is very important.

For example, providing an interpretation of criminal events through television programs that incite the spread of violence in society, or exaggerating a specific range of crimes, should make the media criminally responsible for the content of its programs.

If the media, through its judgment, attributes the commission of certain crimes to a certain segment of society and affixes the label of criminals to them, or presents a picture of the actions of the custodians of the criminal justice system that causes people to turn away from the judiciary.

Must be held criminally liable for these value judgments that are widely reflected in the use of media tools. Otherwise it will face a criminal response.

Rather, the need for participatory legal intervention becomes apparent when the media, through its media tricks and the provocative structures it chooses to broadcast programs about criminals, seeks to make people more skeptical of society by making it appear insecure. Provide a criminal justice system.

In this way, it establishes an exaggerated and far-fetched perception of the prevalence of crime in society in the minds of individuals. It is free of biased content.

Therefore, the abuse of this right by the media or the failure of the media to perform such a duty justifies the necessity of intervening in the criminal law of the media in order to protect and secure the public interest.

Another right that confirms the necessity of intervening in the rights of individual media is the need to protect the privacy of individuals in broadcasting media programs about news and crimes, explaining that protecting the privacy and privacy of individuals is one of the most important justifications for restricting freedom of expression In the field of media.



Whereas in media law the principle is that the disclosure of personal information of the perpetrators of victims of witnesses and informants of the crime or sometimes even law enforcement officers will be responsible, so the criminal law of the media to protect the privacy of criminals and victims of media bans It prescribes a crime regarding the manner of informing about the activists.

Thus, the media is criminally liable for disseminating news of crimes involving the disclosure of the privacy information of criminal actors, except in exceptional cases where disclosure of information about a criminal event is necessary to secure the interests of the criminal justice system, or National security requires it, or violates the privacy of those involved in the crime in order to prevent further crimes or aggravate the situation of criminals.

In this way, the broadcast of any media program whose content includes diminishing is the right to privacy of personal life information of individuals who are in some way related to the event of criminals will be criminalized under certain media rights.

The relevant media can convince the criminal court that the disclosure of such cases, which involved the violation of the privacy of persons involved in the crime, was necessary due to one of the above exceptions.

Therefore, criminal intervention in the field of media, both in terms of public resources and privacy, Acknowledgment undeniable necessity, but it should be noted that defining the border between media crimes and freedom of action in the media to fulfill the mission of the media is difficult. Media watchdogs should explicitly and explicitly define it in a clear and orderly manner by avoiding contenting themselves with broad criminal titles.

The need for media criminal law intervention can be traced back to its dual function. On the one hand, the protection of criminal law and media in order to protect the freedom of the media to collect and provide information and news about crimes without being subject to criminal liability.

On the other hand, the deterrent and punitive aspects of media rights in order to protect the public interest and privacy of individuals against media programs that deprive public security and violate the privacy of individuals involved in criminal events.

Unfortunately, the majority of crimes are not reported to the police and any cross-national comparison strongly depends on the definitions used for different types of crime. Therefore, murders (intentional homicides) are used for comparing between different countries since they are, perhaps, the most reliable way to compare the levels of crime. (Richard, 2020: p57)

Lastly, crime reports either directly or indirectly shape the image of the criminal justice system. This greatly influences public trust in the Justice system. In most cases, where fresh crimes are reported, the media often neglect or most of the time is not concerned with the outcome of the investigation. Hence, such outcomes are not glamorized, thereby giving impression of ineffective justice system. It is for this and other aforementioned issues that the debate on crime reporting needs to be advanced into the mainstream of legal, social and political spheres. This will not only revitalize the roles of the media in crime reporting but also ensures that crime coverage takes into account public interest. In view of the foregoing, there is need for more researches on the impact of crime reporting criminal justice system. This would pave way to addressing other emerging related issues. There is need to more empirical studies on the specific direction of relationship between the media and perceptions of crime and subsequent influence on the criminal justice system. The awareness of such direction would help in mitigating the consequent effects. (Abodunrin and Julius, 2007: p63-75)

The relationship between the media and criminal justice

Die media beskik oor die vermoëns en fasiliteite wat dit in staat stel om op groot skaal die eise en verwagtinge van die beskuldigdes van gearresterde persone of veroordeeldes aan die strafregstelsel te weerspieël. Die strafregstelsel is betrokke.

On the one hand, it reflects the material position of the offender, ie the previous physical characteristics of the offender, and on the other hand, it reflects the manner in which he committed the crime and the crimes that the criminal has the ability and talent to commit from the media point of view.

However, it may come to mind that the principle of media freedom, and in particular the independence of media content, which governs the prohibition of content censorship, requires that the media have the freedom to cover the events of criminals and those who interfere in them. However, it should be noted that the entry of the media in the field of criminal justice is accompanied by harassment and threats that require proper interaction between the media and the criminal justice system.

Sometimes the media's extreme emphasis on an apparent characteristic in the offender, such as magnifying the physiological characteristics of a serial killer, causes its social representation to fuel a certain type of crime in the public mind of a serial killer. In the field of criminal justice, the interaction and the impact that the media can have in this field, we need a balanced criminal policy to consider measures in parallel with non-violation of principles such as freedom of expression in the media and media independence. In the society or the typification of criminals, the consequences of which may not be imagined in the form of stigmatization of criminals.

Thus, the performance of the media in the field of criminal justice should be such that the material position of the accused or offender is immune from media aggression. Media



magnifications to the media, especially in the case of violent or repetitive offenders by portraying the face of the accused or convicted Individuals in the community should be instructed that perpetrators of violent crimes and recurring sexual offenders have such special physical characteristics should be criminalized to guarantee their media with strong and decisive performances in desecration of the accused or offender, even though media tricks in inducing brigade. A particular crime is encountered in the public mind.

It should not be forgotten that the need to protect the material position of the accused or offender in the media should not be interpreted in a broad way that conflicts with the media's mission of informing the public about criminal events.

Moreover, the lack of restrictions on the media in broadcasting the news of criminals and defendants and the widespread reading of media freedom and independence will also lead to this corrupt consequence that not only the dignity of those involved in the criminal justice system is violated through the media's rude actions but also It will also foster a sense of insecurity and fear of crime among members of society.

In addition, in order to attack the material situations of criminals, the media sometimes targets the perpetrator and portrays a criminal who looks more like a monster than a criminal offender that the criminal justice system can. Allow himself to adopt and apply any reaction against him under the pretext of defending society against the perpetrator.

Hence, a discriminatory criminal policy in the field of media criminal law is necessary in order to protect not only the material position of the accused or offender from media attacks, but also the actions of the media that seeks to protect the criminal from the enemy of society. Is and should be excluded from society in any way possible to reflect and criminalize.

Otherwise, it will not be far-fetched to expect that especially in crimes whose perpetrators have targeted public security and, in other words, the integrity of the government, or the crime they have committed or the perpetrators who have committed crimes whose means of crime are the media and therefore The general repercussions of the crime and its destructive effects have been widespread in society, and the politicization of the media has justified the hypocrisy of pretending or not correcting this range of criminals in order to be able to adopt criminal responses against and against human rights.

In fact, by portraying the perpetrator as a monster, the media provides some kind of popular support to society for any inhuman and inhumane reaction against the perpetrator.

Thus, by enlarging the criminal record, the media instills the image of an individual who cannot be reconciled with society in the minds of the people, and thus society views the criminal as a person who must be removed from society in order to regain a sense of security. The news that is spread about criminals by the media should be subject to media censorship if it in any way

causes an attack on the material position of the offender so that its social representation can be seen among the general public.

Therefore, the criminal justice system in dealing with media outlets whose actions are unregulated and without adherence to the persecution of criminal justice should be considered criminal responsibility for the perpetrators or defendants in view of the negative effects of these actions and with this range of media crimes as Crimes deal with absolute responsibility.

Regarding how to commit a crime, there should be considerations related to not creating fear of crime in the society. It should be considered in the performance of the media, explaining that in the field of media powers. It did not provide security and fear of crime in society.

The media can be examined both positively and negatively. In the positive aspect, which refers to the commission of this crime, the media with a positive action should be considered a function of the media that describes the perpetrators, despite the fact that the crime was committed in such a way that For example, portraying it without observing the age restrictions in the media audience will create a wave of fear and anxiety in the society. The media will start broadcasting news about the crime.

For example, a murder committed by mutilating a victim, if portrayed by the media under the pretext and freedom of media news about criminal proceedings, has consequences other than increasing the fear of crime in society and the destructive psychological effects of insecurity in the audience. No media will follow.

Therefore, the media that only seeks to attract the maximum audience, especially in private networks, where having the maximum audience in a media competition with state networks may lead the media to broadcast news about how crimes occur, which increases the fear of crime in The society should be guaranteed criminal executions in order to provide criminal protection to media audiences in the light of a balanced criminal policy in parallel with the principle of independence and the media and the prohibition of content censorship of the film.

The negative aspect of media performance, which is more difficult to criminalize and the possibility of criminal response to the media, which in this way shakes the sense of security in society, refers to situations where the media, although not depicting the crime, but by leaving the act and in fact by not broadcasting how the crime took place and suffice it to say that due to the non-playable image of the crime, especially in crimes where the crime was accompanied by violence.

It raises the perception in the public that the severity of the crime is too high, and thus by not broadcasting news related to the criminal event, not only the negative impact of fear of crime on the media audience is not prevented, but also the feeling of insecurity in society. He does.



Therefore, although the provisions on media criminal law do not conflict between the limits of authority and duties assigned to the media, we will see a conflict in the timely implementation of these provisions regarding the reporting of criminal events.

On the one hand, it creates the duty of the media to provide information that provides accurate and accurate information about criminal events to the public so that the public continues to trust the media not to be censored, and on the other hand, the media should have this authority in the field. Crime news should be avoided if the information about some criminal events increases the fear of crime in the society or is contrary to the general chastity and morality of the society to avoid broadcasting news related to them.

Therefore, the teachings of criminal law and the media require that in such cases, due to the most important issue, this conflict between the limits and limitations of the inherent duties of the media and its powers be removed so that the media does not broadcast news that impairs the sense of security or chastity. It harms the public and the morals of the society, and if they spread such news, they will face criminal guarantees.

The lack of attention of the media authorities to the restrictions imposed by the media criminal law on the way the news of criminal events is broadcast to the media causes the media to interpret the news of crimes sometimes reflecting the cause of the crime to the audience, which is purely person-centered.

Explaining that the media, before questioning the performance of the custodians of the criminal justice system and causing the society to demand accountability of the criminal justice system, tries to highlight the causes and individual causes of crime by justifying the functioning of this system. And introduce the perpetrator to the audience as the main cause of the crime.

Therefore, the accountability of the criminal justice system does not depend on how much crime has occurred in society, but it is related to the image that the media presents of the cause of crime, and thus the criminal justice system as an efficient system. Introduces useful and effective in preventing and combating crime to its audience.

Freedom of expression is considered as a precious legacy, as rightly considered even as a dangerous instrument. It constitutes one of the essential foundations of a democratic society and it is applicable not only for "information" and "ideas" that are favorably received or regarded as inoffensive but also those that offend, shock or disturb. These principles are of particular importance in terms of media. It can be a great source of strength, but, on the other hand, it is open to abuse.

If fear of crime and public punitiveness are thought to be excessive in the United States today, there are reasons to wish for deeper media coverage of crime that routinely seeks to reveal the context in which crimes occur and the background of the individuals who commit crimes. A



full exploration as to how this might be accomplished lies beyond the scope of this Article, area that may merit some attention is reporting on the courts.

The adversarial process that follows the formal filing of charges is designed to generate more complete, balanced information than is available through a police department press release or a police-drafted criminal complaint, which seem to be the main sources of information used by journalists in initially reporting on a crime. Even if a defendant chooses not to contest his or her guilt, a competent defense lawyer will inevitably develop a body of contextualizing/humanizing information for purposes of sentencing. (OHear, 2020: p103)

In criminal law aspects is important because the press, radio, television, and other tools of public information and communication, not only that affected to a large number of people, but by their misuse can be done a number of offenses as for example: inciting hatred, incitement to aggressive war, war crimes or sexual crimes, severe forms of insult, defamation, disclosure or dissemination of personal or family data. These and other offenses that may be committed via the press and other means of public information, usually pose social threats. (Kastrati, 2016: p37)

Conclusion

Media has become one of our most influential, sources of both fictional and nonfictional representations of crime and justice.

Given the extent to which the media both reflects and shapes our social lives, it is imperative that we develop a better understanding of the ways in which the media generally portray crime and justice. The media provides images that misrepresent and distort the crime Problem through the demonization and marginalization of minorities.

The popular media continues its characterization of Targeted groups through archaic war on sex offenders. This war is fueled by the Popular media Promoting aggressive criminal justice Police strategies, glorifying vigilantism among justice Practitioners and advocating fictionalized accounts of crime and the criminal Justice process.



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