



12th International Conference on New Findings in Humanities and Social Sciences

22 – 24 August 2025
Oxford, United Kingdom

Punishing the Self or the Other? Penal Populism, Social Media, and the Erosion of the Presumption of Innocence in Democratic Societies

Mihai Ștefănoaia

Faculty of Law and Administrative Sciences, Ștefan cel Mare University Suceava, Romania

ABSTRACT

This paper examines the growing entanglement between penal populism, the pervasive influence of social media, and the erosion of the presumption of innocence—a foundational principle in democratic legal systems. Penal populism, characterized by a political tendency to promote harsher punishments and swift justice in response to public sentiment rather than empirical evidence, increasingly relies on social media platforms as tools for shaping and amplifying public outrage. In this context, individuals are often "tried" in the court of public opinion before due process unfolds, leading to reputational damage and societal exclusion even in the absence of a legal conviction. The paper explores how viral accusations, cancel culture, and algorithmic amplification contribute to a punitive ethos in which the boundaries between justice and vengeance are blurred. Social media not only fuels mass mobilizations and emotional reactions but also alters perceptions of crime and punishment, shifting from retributive justice anchored in law to performative condemnation rooted in spectacle. Moreover, this phenomenon exacerbates systemic inequalities, as marginalized groups are disproportionately affected by extrajudicial moral judgments. By drawing on interdisciplinary literature in criminology, media studies, and legal theory, the paper argues that the digital age demands renewed safeguards for legal fairness and individual dignity. It concludes by proposing normative and institutional responses aimed at reasserting the presumption of innocence and resisting the corrosive effects of punitive populism amplified through digital platforms.

Keywords: digital justice, democratic erosion, penal populism, presumption of innocence, public opinion, social media