Vol.1 No.8 2020
https://doi.org/10.37420/j.cer.2020.084

The Communication Psychology of Network Public Opinion under the Judicial Background

Shuchen Tang*
Law School, Beijing Normal University, Beijing, China
*Corresponding author, e-mail: bnutorsion@qq.com

Abstract: *In the era of "we media", Network public opinion has become an important factor in judicial activities. Judicature and network public opinion have internal consistency, they both take social fairness and justice as the ultimate value pursuit. However, due to the mismatch between the consciousness of safeguarding rights and legal ability and quality of network supervision, cases of excessive intervention in judicial trials often occur. Based on Laswell's 5w Communication Model, the author made a deep study of the public opinion communication mode under the judicial background, summarized the communication characteristics, and analyzed the network communication psychology and public opinion communication process of such events. Therefore, countermeasures such as publicizing and popularizing the law, raising the legal awareness of the masses and guiding public opinion are put forward to achieve the unity of social effect and legal effect.*

Keywords: *Judicial background; Network public opinion; Laswell's 5w Communication Model; Public opinion guide*

Introduction

In the era of "we media", the public has enjoyed unprecedented right to know and expression by virtue of the rapidity and immediacy of new media communication. The development of "we media" enables the public to grasp the dominant power of information dissemination. Netizens may realize the transformation from "right of dissemination" to "power of dissemination" just through "a network cable". Because of this, people's attention and participation in Internet public events has reached unprecedented breadth and depth. In recent years, many hot Internet public opinion events have been rapidly fermented through the Internet, and newspapers, news, WeChat, Microblog and other channels have followed up and cooperated with each other. Many netizens enthusiastically participate in the discussion, forming network public opinion inconsistent with judicial discretion. Finally influence the development trend of public cases. This phenomenon cannot but cause our attention and reflection.

Research Focus

Take the case of Zhao Yu as an example. In the public outcry, under the great pressure of public opinion and under the guidance of the supreme people's procuratorate, the people's procuratorate of Fujian province instructed the people's procuratorate of Fuzhou to review the case and decided not to prosecute Zhao Yu

Vol.1 No.8 2020
https://doi.org/10.37420/j.cer.2020.084

without charge. Even without considering the damage to judicial authority caused by the retrial of Zhao Yu's case, the appeal to public opinion is enough to show the influence of social opinion on Chinese justice in the Internet era. Slightly for analysis, it is easy to find the current network public opinion generally used low legal consciousness in Internet users and the concept of human rights as the background, some suspicious cases from the non-professional channel information as the prerequisite, the network communication and media as fermentation condition, the so-called people's common will as the shell, the human conflicts with that of justice as the ultimate trigger point. The whole process is vigorous and arouses the attention of all circles, and finally forms the network public opinion that affects the judicial trial. Network public opinion is one-sided, judicial organs in "not innocent enough to anger the public" under the pressure of public opinion, to change their verdict. Is that influence justified? Is this against the pursuit of judicial fairness and justice? Will there be irreconcilable conflicts between the judiciary and the Internet public opinion when the pursuit of justice is obviously violated by the Internet public opinion but is fierce and irresistible?

For judicial branches, although network public opinion is blind and violates legal norms in many cases, it also plays an indispensable supervision role. For netizens, judicial discretion has the function of indoctrination and guidance, and correct discretion can correct the error of public opinion. However, if there is an irreconcilable contradiction between the judicial system and the Internet public opinion, they will eventually fail to reach a harmonious state, which will inevitably affect the political stability and the people's support in China. There is intrinsic consistency between the judicial system and the network public opinion, both of which take social fairness and justice as the ultimate value pursuit. Therefore, in the network era, facing the media communication characteristics and the complex and changeable netizen psychology, how to build a harmonious relationship between the judiciary and network public opinion is a major subject for the judicial branches, which is worthy of our deep study.

Network Public Opinion Dissemination under Judicial Background

With the deepening of the consciousness of network supervision and rights protection in the public concept, the cases of excessive interference in the judicial trial occur from time to time. From Zhao Yu's case, the mob caused by misleading public opinion not only seriously endangers the judicial authority, but also causes great social unrest and affects innocent people. If we can deeply study the mode of public opinion dissemination under the judicial background and guide the network public opinion dissemination correctly, the fairness of judicial judgment will be guaranteed in this aspect.

The research on communication mode is a kind of research on the spatial structure and time series of information transmission, which is represented by "5W" mode proposed by American political scientist H.D. Laswell in 1948. This model interprets communication activities as five links and elements: Who, Says What, In Which Channel, To Whom, With What Effect. The research was based on this model, and some characteristics were Summarized.

WHO

Convergence media era background, in addition to the traditional official media such as television,

newspapers, the vigorous development of the media makes voice to expand, to use the Internet every citizen has the news production and transmission ability. Live video, photos, chat notes, with a few words of feeling, can be the source of news or public opinion. For judicial decision involving the public power of the state, if citizens post them on the Internet and spread them in the public domain or private domain of personal social network, once the readers are convinced and have a sense of identity, they are easy to comment and forward through simple and convenient ways, express their attitudes and become a diffusion node in the communication network.

Says What

The contents of public opinions related to judicial affairs generally include the following five aspects :(1) making up or true basic information of the event, namely time, place, person and content information of the case. (2) the criminal's personal behavior record or privacy information, including whether there is a criminal record or drugs, alcohol, domestic violence and other bad behavior, personal character, daily work and study attitude, behavior, etc. (3) fabricated or verified family backgrounds of criminals, families of rich businessmen and senior officials, strong political backgrounds or financial resources, and improper behaviors of their family members when they were engaged in politics and business, etc. (4) personal information and family background of the victim, work and study performance before the victim, family status, etc. (5) information related to the development of the case, such as whether to ask for compensation, accept settlement, or change intention in the middle of the case.

In Which Channel

The channels of public opinion communication involving judicature are slightly different in generation, development, climax, reversal and extinction.

At the initial stage of the generation and development of judicial public opinion, netizens are the ones who can grasp the information source, release and express their opinions at the first time. From the typical cases such as Li Changkui case and the 15 cases dealing with online public opinion published by the higher people's court of Guangdong province in "judicial justice and online public opinion: the white paper on online public opinion of Guangdong court", it can be seen that most online public opinion originates from private space such as WeChat and QQ, and then turns to public space such as Microblog and Quora. At present, Tik Tok and other short video industries are flourishing, and it is not difficult to predict that short video platforms will gradually become a new channel for the dissemination of public opinions related to justice.

In the middle and later stages of the development of public opinions related to judicial affairs, Microblog is in a strong position in the mass communication channel. Information from different perspectives of the people involved and the case is searched, processed, fabricated and published continuously.

During the climax and reversal period of judicial public opinion, public domain network channels such as microblog are still important. Currently, TV media, newspapers and other paper media intervene as the embodiment of the official discourse power, and continuously follow up the event progress and the trend of

Vol.1 No.8 2020
https://doi.org/10.37420/j.cer.2020.084

public opinion and guide.

With the death period of judicial public opinion, the importance of online communication channels gradually diminishes, and television media, newspapers and magazines and other paper media become the main communication channels, thus eliminating the adverse social influence caused by the event and providing positive guidance.

To Whom

There is no doubt that the audiences of judicial public opinion are netizens. Because the purpose of the communicator at the beginning is to use network public opinion to achieve the purpose of interfering in the judiciary.

Characteristics

From the perspective of emotion orientation in the communication of judication-related public opinions, the following characteristics can be summarized. In the network society and the actual society, the public release their opinions and opinions on events from different perspectives, forming different positions of positive, negative and neutral, and presenting a state of game in mutual communication. Second, the hatred of officials and rich mind is significant. Based on people's psychology of sympathy, people tend to favor vulnerable groups when there are obvious differences in social identities between victims and victims. Since the status of the people in the real society is weaker than that of the businessmen involved in politics and the possessors of wealth, and they are on the weak side, this effect is more obvious when one party is a member of a real or fabricated family of officials or businessmen. In addition, due to the bad atmosphere in ancient times, it is believed that great power and money can influence judicial decisions, resulting in injustice. The conflict between public power and private power accumulated, and citizens' dissatisfaction with judicial decisions in the early period, such feelings tend to gather and erupt after relevant information is produced. The third is believing moral judgment is more just than judicial judgment, and public opinion is justice. There is a certain judge's discretion in judicature, and the conviction and punishment of different types of cases are different in the law, and there is a difference between the moral obligation and the legal obligation, so that the sentencing of cases with great social impact is not necessarily serious, so the moral judgment in the crowd occurs from time to time. Therefore, in the public opinions related to the judicial system, there are few people who know the law. Before the formal trial, "XXX must die", "no death penalty is unacceptable" and other articles of public opinion are flooded with comments.

The following characteristics can be summarized from the perspective of communication narrative in the communication of judication-related public opinions. Based on the restrictions of Microblog, WeChat, short video and other platforms on the number of words, number of pictures and video length, the video text information presented in the public view is limited. Generally, the publisher intentionally edited the video according to his/her position and intention to make the text not fully present the original information, take out of context, deliberately leave it blank, and lead the public opinion to his/her desired direction. Second, WeChat public account, QQ points, the client, Quora and other platform article language exaggeration, multi-

use rendering techniques, narrative stories strong, strong appeal. The authors of such platforms mostly write for the purpose of gaining traffic, that is, reading quantity and forwarding quantity. There are few people who criticize and dialectically view events, while most of them stand by and criticize morality by providing false information in the network public opinion. In order to make their articles more unique in the public eye, they often make up stories based on the original published information, and use inflammatory language, pictures and narrative techniques to make readers believe in the reliability of the information in the articles and spread. Third, there are numerous tidbits irrelevant to the event itself in the communication narrative. On the basis that the information related to the event has been basically clear, the audience's attention to the event has significantly decreased, and only new stimuli can make the event be concerned again. Public opinion manipulators often publish tidbits about people involved according to their positions, leading to the change of public opinion and creating new topics.

As for the perspective of propagation mode, in the early and middle stage of communication, there is a compound split on the topic of public opinion, that is, multiple derived public opinions caused by a single issue. The initial topic of public opinion is based on the event itself, but the change of topic of public opinion is caused by the information from different angles of the case being mined, fabricated and published, or by judicial activities such as judicial judgment and change of intention of the parties. This change makes public opinions change from the main issue to different sub-issues, thus triggering a new communication mode of discussion. In the later stage of communication, public opinion issues show focus convergence, that is, after the dissemination, fermentation and clarification of multiple derived public opinions, they gradually converge from multiple issues to the focus on the core content or judgment of the case. With the deepening of official clarification and public discussion, misleading public opinions gradually fade away, presenting a gathering pattern. The mode of transmission is multidirectional radiation. The generation period of public opinions starts from the release source and spreads into a network, while the development period is led by the opinion leaders of various platforms and expands radially from the dots.

The Process by Which the Psychology of Network Groups Drives Public Opinion

The psychological activities and characteristics of network groups directly lead to the publication of their opinions, while many opinions gathered will form network public opinion, acting on the real world to make events with the color of network public opinion. In this process, the psychology of network group plays a crucial role in the generation of public opinion. The following is an example of "the case of female driver being beaten in Chengdu" to describe the process of network group psychology promoting the development of public opinion.

On the afternoon of May 3, 2015, a video released in Chengdu city showed a male driver, surnamed Zhang, beating a female driver, surnamed Lu. Immediately, various media published articles with the words "men force female drivers to stop" as the headlines. In the immobilized concept and impression of the public, compared with men, women are obviously a vulnerable group, vulnerable to attack by strong groups; At the same time, the event itself, as a model of moral anomie, breaks the relative balance of the public mind. Moreover, even if the speech is completely wrong, there is no responsibility for it. Therefore, with only

Vol.1 No.8 2020
https://doi.org/10.37420/j.cer.2020.084

one video clip, people have expressed their opinions on the Internet platform, most of which are about the immoral and illegal behavior of this phenomenon, sympathy for Lu and abuse against Zhang. In this stage, the network public opinion presents to Lu a "one-sided" trend.

On the evening of May 3, 2015, the video of Lu ignoring traffic regulations, which led to the beating, and the video of Zhang apologizing for his reckless behavior at the police station were exposed on the Internet, and there was a significant change in online public opinion. Currently, people believe that they have the whole truth of the event. Out of a desire to express themselves, they often issue absolute conclusions on the event as judges and argue with other people who disagree with them. In this stage, the network public opinion presents the balanced state of both sides, and often accompanied by the public opinion both sides scold, human flesh search and other network violence.

On May 11, 2015, Lu made a public apology on his microblog, and some media and experts also called for an end to the cyber violence. The public accepted Lu's apology and fully understood the need to "stop cyber violence". Lu's apology is seen by the public as a moral behavior, and people will think that it is their own words that promote Lu's correction of his wrong behavior, to generate satisfaction, balance the heart and gradually reduce the attention to the event. The media and experts are regarded as "spiritual leaders" by the public. The traditional herd mentality will make the public gradually converge with these spiritual leaders and start to think about the harm of "cyber violence", instead of attacking the idea when it was put forward by ordinary people before.

It can be seen from this that the various characteristics of network group psychology interweave together, leading the trend of network public opinion, especially in the judicial field. The public opinion guided by network group psychology sometimes even affects the final judicial judgment and has an important impact on the real judicial justice. Therefore, we must strictly regulate the media, the network environment, the judicial organs and the individuals with social influence, to avoid the psychological effect of the network group caused by their improper speech and behavior, and produce negative effects.

Network Group Psychology

In today's Internet era, many "we media" emerge with the continuous development of science and technology, and its convenience and comprehensive dissemination of information make people's psychological environment and communication mode change. But in the face of this huge amount of information resources and a new mode of life, people gradually build a new network psychological field, that is, the emergence of thinking patterns and psychological characteristics that are quite different from the real world.

The Pursuit of Moral Justice to Achieve Psychological Balance

Lewin, a psychologist and communicator, once put forward the famous theory that "the various regions of people's psychology are always in a relatively balanced state of tension, and the external stimulus will lead to the imbalance of this state and generate tension caused by tension. Faced with this situation, people tend to choose goals that meet their needs and behaviors that release stress in the psychological environment

to restore a relative balance." In the online world, people always focus on some controversial and exciting events. As an external force, these events will give people certain psychological stimulation. Under such stimulation, people including journalists will express different views and emotions on the events according to their respective cognitive levels, thereby releasing their own pressure and restoring their inner balance. Usually, people pay more attention to the moral anomies in the society and the bad work of the state organs. With the increasing awareness of people's rights today, network supervision has become one of the popular ways to exercise people's sovereignty. For some deviant events, people can achieve a greater degree of psychological balance by making righteous remarks. From the perspective of the "expected value" model in psychology, once these remarks are recognized by the public and even have an impact on social correction and moral construction, people will achieve a balance while obtaining the sense of achievement and satisfaction of justice, so as to continuously participate in the network event commentary.

Stereotypes

Stereotypes are people who have fixed ideas about certain things. Based on the analysis of the influential litigation in the past 10 years, most of the cases are simple local criminal cases, and the charges involved are also common in the field of criminal justice, but they have attracted much attention due to the special nature of the public's attention for one factor of the involved personnel. Through data induction can be seen, the focus of people mainly concentrated in the "status" of the people of the officer, "the gap between rich and poor" these aspects about the social class status, and the vast majority of people believe that social class status has important effect to justice, if those involved in the social class in high, on the other hand, will inevitably lead to the judicial injustice. So once people see in online article "rich second generation" and "officer the second generation" and other words, will often according to their own subjective impression of this property to enlarge, even ignore the truth of events, event to trigger and network platform as the carrier, issued a provocative, emotional speech to express dissatisfaction with real life is not fair treatment. Based on such psychological characteristics, some media for the purpose of profit will deliberately take these sensitive words as the title of the article, triggering hot discussion among the public, to improve their popularity and click rate.

The Fear of Isolation Compels People to Accept Popular Ideas

Neumann has suggested that the spiral of silence is "a psychosocial process in which a person seeks support from his surroundings and avoids isolation." the development of the Internet makes it easy for people to know the opinions of other people. Therefore, when one has an idea about a hot issue on the Internet, he will first observe the attitudes of others. If you think like others, you can speak out. But once their own ideas and most people do not agree, even if adhere to the correctness of their own ideas, but also often choose to give up speech because of fear of being attacked by network violence, silent watch. Under the influence of this psychology, the voice of most Suggestions becomes stronger and the voice of few becomes more silent, which may lead to some rational thoughts being denied the chance to express.

Vol.1 No.8 2020
https://doi.org/10.37420/j.cer.2020.084

Think no Responsibility, with Simple and Exaggerated Emotions to Express and Evaluate Things

Internet communication has great anonymity, and in general, personal information on the Internet will not be known by others, thus affecting real life. This anonymity is accompanied by the de-accountability of speech. In other words, except for relevant speech prohibited by national laws, the public can freely express their opinions, and they will not bear relevant legal responsibility for the errors of speech, nor be condemned in reality by other people for some extreme and improper expressions in speech. Therefore, people tend to express themselves on the Internet rather than in real life. Thinking is different from the reality one might be the consequences of, the expression of the people on the Internet is often a wanton comments, with some even for catharsis in reality can't complain, this kind of wanton catharsis by people all of the content, namely due to the excitement of emotional comment incendiary words, content and bolder sharp tone, and so on. Although only as a bystander, people can always bring the social environment they live in into the event, producing simple, straightforward and emotional psychological reactions such as sympathy and anger.

Conformity, Collective Unconsciousness

The traditional herd mentality still occupies a dominant position, and people are vulnerable to group suggestion in the network environment. In the Internet age, it's easy for people to get together and get excited about an event. At this time, what these people present in their hearts is a state of unconsciousness. They have irrational judgments about things around them, and the speech and behavior of others will give them hints, which the public will unconsciously accept. Therefore, it is hard to avoid the herd mentality of human, and it will be more prominent in the network age with a large amount of information. However, when one person's idea is biased, such unconscious suggestion will lead the whole group idea to gradually converge to this biased idea, and eventually form the extreme view of group, namely group polarization.

Coping Strategies

Publicize the Law and Raise People's Legal Awareness

In view of the current situation of education popularization that needs to be improved in China, many people still have simple justice concepts such as "paying death by killing" and "paying debt from father to son", and their legal consciousness is relatively weak. Only when people really begin to understand the meaning and principles behind the judiciary, they will understand and trust the judiciary. However, many netizens are not interested in or even reject the boring law, which is a big obstacle to the popularization of law. In view of this problem, my group proposed a solution -- "let the law live up". Court can use its WeChat number, public official social networking platforms such as Microblog Posting regular open cases, actively communicate with people, spirit will be ruling in judicial and concrete law applicable to convey to the people, for the people to the verdict of doubt and question to carry on the detailed explanation, for people to improve their legal consciousness in the fresh case.

Screen and Regulate the Irrational Expression of the Internet Public

Effective guidance and regulation of network public opinion is inseparable from the purification of network environment. In today's network environment, the main venue for the expression and formation of public opinion lies in various social networking websites and forums, and the administrators know them best. It is necessary to carry out rectification and inventory activities for well-known websites and forums regularly, urge the implementation of administrators' review work in websites and forums by administrative means, timely clean up excessive comments, and establish a platform for website administrators to report inappropriate public opinion information in time, and do a good job in screening and supervision of network public opinion.

Correctly Guide Public Opinion and Promote Its Rational Development

With the vigorous development of "we media", the right to speak has been expanded. Every citizen who USES the Internet can produce and disseminate news. Live videos, photos, chat records and a few words of feelings attached can become the source of news or public opinion. Some microblog "big V" or individual WeChat public accounts assume the identity of "opinion leaders" in the network. These "opinion leaders" play the role of "public media" in a certain level, which can guide fans to form a public opinion with direction. Therefore, these media should conduct self-regulation within the framework of the constitution and laws, cultivate their self-discipline consciousness, and abide by the principle of objective truth in the network environment. They should not create things out of nothing, distort facts, nor copy others' opinions or forward them blindly. The Internet provides Internet users with a public platform for free expression and supervision by public opinion. Everyone is a medium.

Effectively Adopt Public Opinions and Build a Special Platform for the Expression of Public Opinion in Judicial Cases

China is a socialist country where the people are the masters of the country. The positive role of public opinion should not be eliminated. Otherwise, the Internet will inevitably become lifeless and the supervision of judicial work will be weakened. It will inevitably lead to the occurrence of wrongful convictions, which is very dangerous for the country, the people and the party. People are keen to express their opinions and supervise the judicial work because they believe that the trial process is likely to be corrupt and unfair. In this way, the effective adoption of public opinions can be transformed into the judicial department to properly try the case. Relevant departments should encourage the freedom of speech within the legal framework, attach importance to the opinions of the people, work hard on the multi-channel, open and normative expression of public opinions, actively build public opinion surveys and online platforms for political inquiry, collect social conditions and public opinions, and promote judicial fairness.

References

Liang, G.Y. (2019). Public Security Organs Guide the “Police-related” Network Public Opinion Strategy Framework. *Journal of Shanxi Police College*, 27(02), 40-44.

Vol.1 No.8 2020
https://doi.org/10.37420/j.cer.2020.084

Huang, Y.Y. (2019). Research on the communication status of domestic fact-checking news platforms under 5W mode—a case study of Tencent Meizhen platform. *New Media Research*, 5(19), 14-15, 20.

Ji, S.Q, & Wang, R.Y. (2019). Analysis of web celebrity transmission process based on Laswell's "5W" model. *Northern Media Research*, (05), 57-61, 76.

Wang, Y.R. (2016). On the democratization function of Internet in political communication -- based on Laswell's "5W" communication model. *Gansu Academic Journal*, (04), 19-25.

Lu, W. (2019). *Analysis on 5W Mode of Uniqlo Brand Communication in the Era of New Media*. Proceedings of the 2nd International Conference on Contemporary Education, Social Sciences and Ecological Studies (CESSES 2019).

Lu, W. (2019). *Research on the Propagation Mode of Network Self-Produced Variety Show Let's Talk Based on 5W Mode*. Proceedings of the 6th International Conference on Education, Language, Art and Inter-cultural Communication (ICELAIC 2019).

Xia, W.X. (2019). Analysis of the reasons for the popularity of short social videos from the "5W" mode—a case study of Tik Tok. *Drama House*, 36, 229, 231.

Yu, S.F. (2014). A study on government spokesman system in our country under the background of information society. PhD. Dissertation. CHN: Jiangxi Normal University.