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Public Perception of Justice and Its Influence on the Legal System

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ABSTRACT

This paper explores the influence of public perception on the legal system, particularly in democratic nations where public opinion is crucial for legal policy reforms. It evaluates how factors such as issue salience, media portrayal, and sentiment can affect public perceptions of justice, thus influencing legal change. Through examples like the George Floyd, 'Black Lives Matter' movement case, this research reveals that while public opinion can create significant legal reforms, such changes can be fleeting as public focus or salience shifts. Furthermore, the paper delves into the role politics and interest groups play in either strengthening or hindering the influence of public opinion on legal systems. Although a relationship between public opinion and legal change clearly exists, the significance of this influence is still uncertain, emphasising the need for further research.

Keywords: Public Perception, Justice, Influence, Legal System, Law, Ethics

INTRODUCTION

Public perception plays a crucial role in shaping legal systems, influencing not only public policy but also the legitimacy of legal institutions. While laws are often designed to function autonomously, history has demonstrated that shifts in public sentiment can directly impact legal frameworks, government responsiveness, and judicial decision-making. This paper explores whether or not public opinion and perception influences the legal system, to what extent, particularly in democratic societies where public engagement is expected to drive political and legal change.

Researchers have debated the degree of influence that public perception holds over the legal system and public policy change. Paul Burstein (2003) argues that public opinion impacts policy most of the time, with responsiveness increasing when an issue gains salience (p 30). This paper will further discuss the relevance of salience in the public perception's influence of the legal system, along with trends in salience. The relationship between public sentiment and legal outcomes is not always directly proportional. Legal institutions and governments must balance public policy's responsiveness to the public's opinions with its own judicial independence, ensuring that the fairness is not compromised by . Similarly, MacCoun (2001) highlights the role of media and political actors in shaping public discourse on legal issues, further complicating the link between opinion and policy (p 8642).

Key historical moments, likely due to salience, evidently display the influence of public perception on legal change, such as the George Floyd 2020 incident which led to the 'Black Lives Matter' movement.

More recently, national and global movements advocating for criminal justice reform, such as addressing police brutality in the United States of America, have influenced legislative measures and public policy. Moreover, Tankebe (2013) explores how public perceptions of legitimacy impact law enforcement, arguing that trust in legal institutions is essential for compliance with the law (p 125). These cases suggest that while legal institutions strive for fairness and distributive justice, they cannot remain entirely detached from public opinion, despite its subjective and sentimental nature.

The role of media further complicates issue salience. The rise of digital platforms and usage has magnified public discussion on legal matters and cases, with social media creating a world of increased general knowledge yet more confusion with incomplete information and biased views. While increased awareness can create accountability, it also raises concerns about misinformation and mass media perceptions overpowering basic legal principles or laws. As Burstein (2003) notes, while public influence on policy is often strong, its long-term effectiveness depends on various factors, including issue salience, political responsiveness, and the ability of legal institutions to withstand external pressures (p 30).

This paper seeks to understand and elaborate on these complexities by examining the relation between public perception, government responsiveness, and legal decision-making. It would further reveal the lack of recent and specific research, urging more data to be collected.

PUBLIC AWARENESS

1.1 Public Opinions

Public opinions form the foundation of how justice is perceived and, in turn, how it is administered. Although legal institutions are designed to uphold objectivity and consistency, the legal system often works in cooperation with the public. In fact, “opinion changes are important causes of policy change” (Burstein 30), indicating that when public sentiment shifts, the justice system often finds itself pressured to respond, even if that response is slow or partial. This responsiveness, while not always visible in immediate legal outcomes, influences long-term policy changes efforts, public attitudes, and judgments.

However, a critical factor is the emotional nature of public opinion. Public responses to legal matters are often shaped by outrage, fear, empathy, or grief rather than legal principles. This makes them inherently unstable and sometimes biased. While emotional engagement can fuel necessary change, it can also lead to impulsive demands for overly lenient measures, contrasting with the law, which is expected to be rational and consistent. If legal policy is shaped too closely by emotionally reactive public sentiment, it risks compromising fairness and justice. Since public perception is constantly evolving, policies rooted in such opinions may lack long-term sustainability.

Moreover, legal awareness among the general public is limited. As Burstein notes, “most citizens are unable to ascertain whether their interests are being served” (Burstein 30), revealing a gap between public expectations and the internal workings of legal processes. When individuals lack a clear understanding of how justice operates, their perceptions are more likely to be shaped by assumptions or surface-level information. Yet this doesn’t diminish the weight of those opinions. They can still shape collective attitudes about fairness and legitimacy, and can influence the direction in which legal reforms are demanded or debated.

Certain elements of the system command considerable respect. “A strong majority identified the adversarial system as the fairest mechanism” (MacCoun 8461), and “a majority of Americans—of all ethnicities—rate the honesty and ethical standards of judges as high or very high” (MacCoun 8462). However, this high regard does not always align with satisfaction. People may trust the system in general but express disappointment when verdicts or sentences conflict with their personal beliefs or values.

This difference becomes especially clear when people are exposed to different levels of legal detail. “Citizens’ views in actual cases become significantly more lenient when they read lengthy trial descriptions rather than short trial summaries” (MacCoun 8462). In other words, when the public is provided with a fuller picture, including a defendant’s background, motivations, or stressful circumstances, they tend to perceive justice more empathetically. This reveals that public opinions are not inherently harsh or reactionary, they are connected to context. A greater understanding of the human dimensions of a case often softens public judgment, reminding us that perceptions of justice are shaped by real people as much as by legality.

Moreover, the limited opportunities for direct legal experience mean that public opinion is frequently formed from indirect sources. “For many citizens, jury service is their major (or only) direct experience with the court system” (MacCoun 8462), and when this experience does occur, it tends to enhance trust. Jurors report positive evaluations of both the jury process and the legal system overall, suggesting that familiarity builds confidence. However, outside of such rare interactions, public beliefs often stem from distorted or oversimplified representations. “Citizens tend to overestimate the severity of typical crimes and criminals (relative to official statistics), and these misperceptions reliably predict the propensity to see the courts as excessively lenient” (MacCoun 8463). For instance, “citizens given actual newspaper accounts of trials supported harsher criminal sentences than citizens who read actual court documents from the same cases” (MacCoun 8463). This disconnect emphasizes how public judgment is heavily influenced by how information is presented, and reinforces the idea that public perception, accurate or not, can affect how justice is expected to function.

Ultimately, public opinion carries undeniable influence over how justice is imagined, critiqued, and demanded. However, given that it is often rooted in emotion and shaped by limited information, it may not always be the most reliable basis for legal policy. The legal system must engage with public sentiment but also preserve its own principles of objectivity, fairness, and consistency—ensuring that justice is not swayed by the volatility of opinion alone.

1.2 Salience

The influence of public opinion on policy and legal change is often dictated by the salience of an issue, how visible, emotionally charged, and widely discussed it is at a given time. Issues that capture the public's attention in a significant way are more likely to prompt legal and policy reactions, though this impact is often temporary.

As Burstein notes, “Democratic institutions may link opinion and policy on issues that are especially important, relatively simple, and addressed by legislatures straightforwardly, but such issues are few” (Burstein 30). While some issues remain on the public agenda for extended periods, most legal and policy reforms are shaped by a few issues that become salient in the media and command public concern. Jones (1994) argues that the limitations in the cognitive abilities of individuals and the organizational capabilities of legislative bodies mean that responsiveness occurs primarily on the issues that the public cares about most at any given time (Burstein 30). These highly salient issues are often those that are relatively simple to understand and directly affect a large number of people.

Salience, however, does not guarantee long-term change. While policy may shift quickly in response to an issue that is at the forefront of public consciousness, this shift is often temporary. Public attention is, by nature, fickle. Issues that once sparked widespread protest or legislative action can easily be overshadowed by new events or concerns.

This was seen in the public response to the murder of George Floyd, an unarmed Black man killed on May 25, 2020, by Minneapolis police officer Derek Chauvin, while three others, including J. Alexander Kueng, failed to intervene. The graphic footage sparked global protests under the Black Lives Matter movement and led to the proposal of the George Floyd Justice in Policing Act. The bill aimed to lower the threshold for prosecuting police misconduct, restrict qualified immunity, ban chokeholds, and expand federal oversight. This aligns with Burstein's note that “responsiveness is high” (Burstein 30) and that “the combination of salience and substantive public opinion always has an effect” (Burstein 34). Yet the fleeting nature of salience is evident; on January 15, 2025, Kueng was released from prison after serving just over two years, a reminder that the urgency of reform often fades once public attention shifts.

This short-term nature of public opinion-driven legal change highlights a broader challenge: while salience can lead to important, swift reforms, it is not always a reliable foundation for sustainable legal or policy decisions. When public opinion is rooted in emotional responses to specific events, such as police violence or high-profile trials, the resulting legal changes may be more reactive than proactive. As Burstein points out, responsiveness is often strongest when salience is high, but once the issue loses its emotional charge or media coverage wanes, so too does the public's pressure for legal reform (Burstein 30). The loop/cyclical nature of salience means that legal reforms driven by public opinion may not always address deeper, more structural issues, and once the public's attention shifts, the momentum for lasting change can slow down or even disappear.

1.3 Role of Media

For most citizens, direct encounters with the legal system are rare. Therefore, their understanding of legal institutions is largely based on secondary sources, particularly media, including social media, newspapers and television. Even individuals with firsthand experience are continually exposed to indirect information that influences their views (MacCoun 8462). Media, therefore, plays a significant role in shaping public attitudes toward crime and the legal system.

However, the portrayal of legal matters in the media is often inaccurate. As MacCoun states, “mass media promote distorted views of crime” (MacCoun 8462), leading to a disparity between actual events and public perception. This process is outlined as “ACTUAL EVENTS → MEDIA FILTERING AND DISTORTION → BIASED PUBLIC BELIEFS AND OPINIONS” (MacCoun 8462). Across newspapers, television news, reality-based police shows, and fictional portrayals, the media tends to present a consistently blurred and selective image of crime and legal proceedings.

Certain patterns are evident in these representations. Media coverage disproportionately emphasizes violent offenses, portrays defendants as predominantly African American, depicts police officers mainly caucasian, and presents victims as primarily female and largely attacked by strangers (MacCoun 8462; see Warr 1994). These portrayals manipulate public understanding by reinforcing selective stereotypes and ignoring broader trends reflected in official statistics.

The influence of the media extends to public perceptions of legal leniency. Studies show that citizens’ views regarding the courts are significantly shaped by exaggerated media narratives (MacCoun 8462). The public often overestimate both the severity of typical crimes and the dangerousness of criminals, which increases the perception that courts are excessively lenient. Research indicates that individuals exposed to newspaper accounts of trials tend to support harsher criminal sentences compared to those who read actual court documents from the same cases (MacCoun 8462; see Roberts and Stalans 1998). This shows that media portrayals can intensify emotional reactions, leading the public to favor harsher punishments than they would if they were presented with the more balanced and factual information found in official court documents.

Thus, while the media serves as a primary source of information about the legal system, it frequently provides a distorted and selective portrayal. This exposes how external narratives can pressure legal institutions based on minimal or misinformed understanding. It also raises concerns about the reliability of public opinion as a key factor of legal framework changes. The purpose of media is often not to create awareness but to entertain, thus information is quite wildly exaggerated, leaving out the less "interesting" facts that may create a more balanced view. If public perceptions are shaped more by such sources, then public demands for change may be based on emotion or misconceptions rather than informed, rational perspectives. This suggests that relying solely on public opinion for shaping legal policy is risky, potentially leading to sentiment-based changes rather than evidence-based legal reforms.

GOVERNMENT

2.1 Government Responsiveness

Public opinion plays a crucial role in shaping policy, influencing government decisions and legal actions. As Burstein notes, "public opinion influences policy most of the time" (Burstein 29; see Stimson, Mackuen, and Erikson 1995) that democracy operates by ensuring that public officials respond to shifts in public sentiment (Burstein 30). This responsiveness is a key aspect of democratic nations, displaying the dynamic between citizens and the government.

The government’s efforts to increase responsiveness to the public have been continuing. Over time, countless institutional reforms - such as extending the suffrage, regulating political campaign contributions, and allowing for direct participation through primary elections and referenda - have been implemented with the aim of aligning government actions more closely with public wants and demands. As Burstein states, “To the extent that such institutional changes have the effects their proponents intend, government responsiveness to the public should increase” (Burstein 31), suggesting that reforms like increasing voting rights and regulating campaign contributions are expected to improve the government’s ability to respond to public opinions.

These reforms serve as a tool to ensure that public opinion can influence policy decisions more directly, thereby strengthening government's accountability and supporting the public's requirements.

However, the relationship between public opinion and government action is not always straightforward. While responsiveness is often due to public sentiment, the government also implements measures to reduce its direct influence, especially in less salient policy areas. Such efforts allow legislators to make long-term decisions while limiting public pressures based on sentiment, bias or misinformation.

2.2 Trends in responsiveness

The trend of the effectiveness of public opinion in shaping policy isn't always consistent. Burstein's research shows that the impact of public opinion on policy is most impactful when multiple organizations are involved in the decision-making. "The impact of opinion on policy is most likely to be statistically significant when more than one organization is taken into account (83 percent of the time), a bit less likely when one organization is included (78 percent), and least likely when no organizations are included in the analysis (69 percent of the time, 26 of 37 coefficients)" (Burstein 35). This suggests that government responsiveness is more evident when it is backed by a number of organisations advocating for the same policy changes, highlighting the importance of institutional support and bargaining power in turning public opinion into legal change.

While public opinion does influence legal and policy decisions, it is important to recognize that responsiveness can be influenced by the strength and organization of public demands.

2.3 Relevance of Politics

As Burstein states, "the complexity of modern politics makes responsiveness problematic" (Burstein 30), implying that factors beyond public opinion, such as political strategy and influence, often shape the legal system. While the public may be an important factor, it may not always have meaningful political opinions on legal issues, leading to the conclusion that policy is shaped by other forces, such as political parties, interest organizations, and influential bodies (Burstein 30).

Burstein further argues that these groups, particularly interest organizations, hold significant power, as "the resources available to interest organizations and elites may enable them to get what they want, even in opposition to public opinion" (Burstein 30), holding significance in the discussion of politics as well. Political parties, when in power, may prioritize the interests of their supporters over the broader public, revealing a disparity between public demands and changes in the legal framework. Moreover, some political scientists, like Hansen (1991), argue that interest organizations do not reduce responsiveness but actually improve it by providing those making legal reforms, with valuable information about public perception, serving as the middlemen between the government legislators and the public (Burstein 31).

However, despite the supposed benefits of these intermediaries, Burstein also states that "politicians have discovered how to avoid accountability to voters" (Burstein 31). This suggests that while interest groups and organisations may support the impact of public opinion, politicians often manipulate this system, reducing their direct accountability to the public, making decisions based on personal gain. This increases the complicated nature of the already uncertain relationship between public perception and its influence on the legal system.

CONCLUSION

3.1 Complexity

The relationship between public opinion and legal policy is complex, since it is influenced by factors such as education, health, the environment, media, and freedom of expression. These aspects increase the public perceptions' role in influencing the legal system, yet the extent/scope of this influence remains unclear.

As Burstein notes, “policy must be the product of other forces” (Burstein 30), suggesting that while public opinion plays a role, interest groups, political elites, and influential powers often have more influence on legal policies. This suggests that public opinion alone cannot be isolated as the key factor of policy change.

Despite the significant research into this issue, the available data remains inconclusive. As Burstein points out, “It tells us whether there is a relationship (with some uncertainty), but not how strong it is or how important in policy terms” (Burstein 32), elaborating on the challenges researchers currently face in gauging the impact of public perception on the legal system.

While “three-quarters of the relationships between opinion and policy are statistically significant” (Burstein 32), the limited range of locations and issues studied hinder conclusive results. As Burstein further asserts, “Our ability to generalize about the impact of opinion on policy is very much limited by the geographic narrowness of the studies and the range of issues studied” (Burstein 36). Although there is an evident connection between public perception and legal change, the strength and significance of that connection is not certain. As Burstein suggests, “Social scientists are not very good at addressing this kind of question; that is why, after so many studies, some are willing to say only that there is ‘a linkage between public preferences and policy’” (Burstein 33).

3.2 Need for More Research

To better understand the impact of public perception on the legal system, further research is necessary, particularly in creating a system to efficiently measure this relationship. As Burstein suggests, “Were researchers in different policy areas to incorporate each other’s advances in their own work, our understanding of public opinion and public policy would increase more rapidly” (Burstein 38). A more collaborative approach could improve our understanding of this topic.

Current research remains vague, limiting its practical usefulness. Burstein observes that “researchers regularly describe their conclusions in terms too vague to be very useful” (Burstein 30), which impedes the ability to apply these findings meaningfully. As studies become more sophisticated, the predictions have grown “more diffuse” (Burstein 30), making it harder to evaluate any results recorded .

Additionally, there are significant gaps in the range of issues studied. While areas such as environmental policy and taxes may have been explored, other topics have been largely neglected. Burstein highlights that “Only one study each addressed environmental policy, taxes, and health, and none at all considered, for example, education, transportation, agriculture, non-defense aspects of foreign affairs, trade, Social Security, energy, immigration, housing, or technology” (Burstein 36). Widening the scope of research would allow for a more comprehensive understanding of how public opinion can affect various policy areas.

As Tankebe states, “Future studies that address these limitations, among many others, will contribute toward advancing our understanding of legitimacy’s role in citizens’ orientation toward legal authorities and how such an orientation shapes their everyday behavior” (Tankebe 127). Further research is needed to create a more effective system for measuring the relationship between public perception and legal policy, address gaps in the range of issues studied, and improve the clarity and applicability of findings.

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