

The “Ought-to-be” and Limitation of Media’s News Report upon Sub Judice Criminal Cases

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Abstract

Based on the Constitutional freedom of speech and press as well as people’s right to know, media have the responsibility to report problems of crime. At the same time, according to its public institution role in modern society, the content of report should be as true as possible accordingly. Regarding to sub judice cases, it seems that the media’s news reports need much more considerations. These are the concerns of not only the criminals’ fair trial but also the victims’ privacy and reputation. If there are no restriction at all, the media can have unlimited and random report and transfer information no matter true or false. More problems might cause and the media loses its neutral role in modern society. It leads to trial by public or media and the defendant loses his right of fair trial. Besides, if the media is allowed to criticize the judiciary arbitrarily, the consequence of distrust of judiciary may be caused as well. No more disastrous situation is worse than it.

In order to deal with above potential problems, in addition to the self-control of media, the secret principle of investigation and some legal professionals’ ethic are set up to prevent it. Recently, more problems have been caused and these have become hot issues in Judicial Reform council of 2017. However, more measures and actions are required to draw the limitation on criminal report on sub judice cases. They include the coordination of not only media’s inner self-discipline, but also the outer institution such as press council to supervise. Even crimes of contempt of court to punish media are suggested.

In this article, the author desires to deliberate these problems and their present. And referring to other country’s experience, the author tries to provide a

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reasonable resolution and suggestion about criminal report by media, which can both set up the limitation and protect the freedom of press.

Keywords: criminal report, freedom of press, fair trial, secret principle of investigation, crime of contempt of court