

Effective Gatekeeping for Law-Related News—Based on the Gatekeeper Theory

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Abstract: The crisis of public confidence in the judiciary, triggered by reports of individual legal incidents, essentially reflects the lack of judicial credibility. However, whether ignoring the public's doubts and directly calming public opinion with a firm hand or sacrificing judicial autonomy and letting public opinion intervene too much in influencing judicial activities are not the best solutions to the problem, and the solution to this dilemma requires a long-term perspective, and how to reshape the judicial credibility in the reporting of news related to the law is indeed the key to the problem. In the face of the impact of the chaos of law-related news reporting on the credibility of the mainstream media and the credibility of the judiciary in the post-truth era, we should analyze and summarize the deficiencies of the mainstream media and the mass media in reporting the gatekeeping of the law-related news reporting in our country and then put forward the solution paths of further perfecting and enriching the fact-checking mechanism and setting up a unified law-related news reporting to achieve the effective gatekeeping to maximize the solution of the problem. To minimize the crisis of public trust in the judiciary that may be brought at by the public opinion shock of individual cases and to further strengthen the accuracy of judicial information and the Judicial authority, we propose two solution paths to achieve effective gate-keeping.

1. Introduction

Communication scholars Bass divided the news flow process into two parts, news gathering, and news processing, corresponding to the two professions of journalists and editors, where journalists in the first part of the process directly face the sources and gather original information as editors process the materials extracted and refined by journalists in the second part[1]. In the era of traditional media, the former is more critically significant because it is in the initial part of the construction of new truth, that is, to realize the real gatekeeper or the primary gatekeeper of the news. The arrival of the network informatization era has constructed an existing pattern of dual gatekeeping by individual gatekeepers and professional gatekeepers. The flow of news has shifted from a single chain to a network of gatekeepers, among which the individual gatekeepers represented by the self-media often have broader news dissemination power and discussion attention in the new media era compared with the professional gatekeepers led by the traditional mainstream media due to the large number of them and the freedom of writing articles.

While the Internet empowers the public to build news truth, it also brings numerous news reports

that pursue traffic hotspots, lack journalistic quality, and break professional standards, whose impact is more prominent in specific news areas such as law-related news. Compared with the mainstream media, the mass media's coverage of the same law-related news topic shows an unbalanced trend of disorganization and fragmentation, and behind the "explosive articles" that bring huge Internet buzz, there is often an absence of journalistic rationality and legal form rationality. The spurt of similar news and dissemination to the public is undoubtedly far-reaching, which conveys one-sided reports to the audience at the meantime, subconsciously influencing the public's fundamental views on the legal issues closely related to the report content. Even though the law-related news reports the end of the established procedures, the seeds planted in the hearts of the masses have been quietly rooted. Currently, there are many problems in China's law-related news reporting, such as ambiguous language, inconsistencies in the legal content of the reports, inaccuracies, breaking the principle of balance by overly focusing on one side, etc. The public often can not identify the problems in similar news, but related to the contradictions in the news will naturally rise to the rule of law in our country negative emotions, in the long run, easy to make the public produce a worse misunderstanding of the justice, the authority of the judiciary is hard to be guaranteed. Based on this background, this paper analyzes the gatekeeping effectiveness of different gatekeepers in law-related news reports, discusses how to enhance judicial credibility through effective gatekeeping, and realizes the public's general trust and basic understanding of the law.

2. Analysis of gatekeeping performance in law-related news reporting

The media is the citizen's right to information on behalf of the right to judicial information, and its report on the handling of judicial cases is a critical channel for the public to understand the judicial organs and their staff's behavior and business operations [2]. How does judicial justice approach the public's "conceptual justice" through effective gatekeeping and reporting by the media, in which gatekeepers play a crucial role in the analysis of the gatekeeping performance of different gatekeepers in the news related to the law, we can grasp the details of their respective strengths and to be remedied, to put forward long-lasting and targeted measures to solve the problem.

2.1. Performance of professional gatekeepers as gatekeepers

Throughout the events related to the law, CCTV News, China Daily, Rule of Law Daily, and other centralized mainstream media directly under the central government generally hold a relatively objective and impartial attitude towards the relevant reports compared to some mass media. Their reports follow the rhythm of the police investigation and the progress of the judicial trial, whose contents are all official disclosure information without exception, and do not involve family members' or netizens' speculations on the incident, suspicious discussions or even baseless and directional reporting. In the news control, it embodies the patience and confidence of the official investigation, and insists on the fact as the news orientation. The report reflects the patience and confidence in the official investigation and adheres to the facts as the news guide.

However, due to the slow progress of judicial cases and certain confidentiality, the disclosure of factual information about the case often fails to respond to the public's questions about the details of the events timely. Meanwhile, the generation and spread of related rumors prematurely presupposes the framework of conflict, tragedy, and moral emotions for the public and implicitly influences and alters the public's cognition of the relevant events, which further leads to an embarrassing situation in which the public questions the investigation details and trial results disclosed by the officials, and even considers them to be deceiving the public. At the same time, because the mainstream media's reports are almost in step with the investigations and prosecutions of the relevant authorities, they only play a role in strengthening the dissemination of disclosed judicial information in the reporting

of law-related events and fail to make a small contribution to solving the problem of the dissemination of false information about the case that has formed a public opinion in advance of the trial.

In short, the professional gatekeepers represented by the mainstream media play a relatively objective role as gatekeepers in the reporting of law-related events, and their reports are often released or forwarded on time according to the real-time disclosure of information by the administrative/judicial authorities. However, based on the objective limitations brought about by the lagging of the disclosure of judicial information, the mainstream media do not respond promptly to the questions of the public during the reporting of news related to the law, which may easily lead to the embarrassing situation where rumors are first, the official media remain silent for a long time. Currently, there are obvious limitations in the mainstream media's gatekeeping of law-related news, which must begin by examining themselves and seeking ways to improve the timeliness of news responses and effectively dispel rumors. While this process is inseparable from the full cooperation of individual gatekeepers, both of whom should take a cautious approach to reporting on the same topic.

2.2. Gatekeeping performance of individual gatekeepers

Compared with the professional gatekeepers represented by the mainstream media who follow the facts closely, the broadcasting of law-related events by individual gatekeepers has more problems. For example, some individual gatekeepers lack certain journalistic rationality, the language tends to emotional narration, and the remaining speculations and data sources other than the official disclosure information need to be examined. Rather than writing news, it is more akin to writing a novel to guide the audience's emotional thinking.

Individual gatekeepers often write news headlines by labeling the event itself as a hotspot that can arouse the public's novelty and use literary techniques to shape inter-subjective or unconfirmed conflicts and increase their tension, mixing in some unconfirmed statements of the so-called "people in the know" in the content, or even intercepting their literary imaginations and adding them to the news writing as highly probable facts, thus triggering an extensive discussion among netizens. They even directly intercepted stories that were more dramatized or even tragic in their literary imagination and added them to their news writing, reporting them as highly probable facts, which triggered a wide-ranging discussion among netizens. Their behavior certainly has a specific impact on spreading the news about the events related to the law. However, while the catch-all reporting brings traffic, it also irrationally affects the audience's thinking about the reported events and may lead the public to go on a cognitive fork in the road away from the truth of the news and the actual events.

Some legal or media practitioners in the performance of individual gatekeepers better play their professional advantages, with solid knowledge and skills and rigorous logic of thinking for the law-related events triggered by the controversy of several hot spots to be an appropriate explanation. For instance, they list the relevant norms of the legal issues involved in the public's questions in detail, sort out the official disclosure information specifically, translate it into plain language and tell the audience that they should keep rational thinking and wait for the official investigation results. The above behaviors have played a better role in gatekeeping the news and guiding the audience.

To summarize, the individual gatekeepers' coverage of law-related news events is strongly unstable, and they are very susceptible to irrational news output by other unsubstantiated information. Some of the professional practitioners in the group have been effective as their gatekeepers through their professional knowledge and rational thinking, which has promoted their

audience's understanding of the relationship between the judiciary and the media and has effectively strengthened their audience's trust in China's laws and the news media. However, the rest of the individual gatekeepers are often on account of some factors, such as news hotspots, and their reports are more likely to deviate from the truth of the news or even produce enough fake news to attract widespread attention, which has a more acute impact. To solve the problem of ethical misconduct in news reporting by individual gatekeepers represented by self-media, we must start from the gatekeeper of the whole industry broadcasting law-related news and explore how to stereotype the gatekeeper based on guaranteeing freedom of speech of the press, with the principle of truthfulness of the news and maximizing the connection between the justice and the people's perception. At the same time, the individual gatekeepers should appropriately follow the lead of the mainstream media, not make the first characterization of the case before the official result is issued. Not to take the lead in characterizing the case and broadcasting it misleadingly.

3. Exploring the path of gatekeeping effectiveness in law-related news

Because of its specialized nature, the language of law has always kept a relative distance from the life of the public. How can news language and legal language be well connected so that the language of law and legal ideas can be correctly reported by the news, transforming the justice that the public regards as relatively abstract into the justice that can feel? This process is inseparable from the effective control of news.

3.1. Establishment of a sound fact-checking mechanism

The development of media technology has not only contributed to a new type of news ecology in which multiple subjects coexist but has led to a large amount of false information spreading faster and reaching more extensively. Especially in the "post-truth" era, facts are distorted and emotionally coerced in the dissemination, and all kinds of interest-biased disinformation are widespread[3]. For example, in the Hu Xinyu incident, the public security organs of Jiangxi Province combed and mastered the online fabrication of false facts, the production of false scenes, the fabrication of false recordings, the splicing of surveillance video, fake incident parties and other five categories of a total of more than 120 kinds of false information. In the face of ethical misconduct in news reporting, how to go beyond the simple "post-truth" critique and pay attention to the interactive process of truth production and dissemination in the context of a specific media system, ownership structure, political influence, etc., and to operate the fact-checking mechanism and examine its effectiveness in this context[4] is an indispensable path to approaching the truth of news in the post-truth era.

At present, four main types of actors in China participate in news fact-checking: professional media represented by "Fact Paper"; platform media represented by "Tencent Comparison"; We-media represented by "Evidence Verification"; and community media represented by "Verification Record"[5]. Among them, "Fact Paper" and "Evidence Verification" are mainly checking international news, and "Tencent Comparison" and "Verification Record" are primarily focused on domestic media news. The fact-checking mechanism of "Tencent Comparison" is the most mature of the four, which relies on big data and cloud computing technology to screen and rank rumors, debunk topics, and employ experts to check and answer questions with the help of Tencent's platform resource advantages. While opening the network channels for audience's active consultation, the algorithm is used to accurately convey the network users who have been bumped to rumors to achieve the good effect of "passive" accurate refuting rumors. Currently, the Ministry of Public Security attaches great importance to fact-checking law-related news, takes 2024 as the year of specific action for combating and rectifying network rumors and crimes, and carries out

special combating and rectification work throughout the country. In addition, as the influence of law-related news on the public is inevitable, the mainstream media can also communicate and cooperate based on their leading position with the main actors participating in checking the news in our country. The two can jointly set up special projects for refuting rumors and correcting errors in legal news, and the mainstream media can provide professional knowledge and help to screen the topics of refuting rumors, and try their best to cut off the impact of rumors at the initial stage. The establishment of the special project aims to strengthen the rational thinking of the masses, and jointly voice the "truth of legal news" based on fact verification.

Law-related news reports may draw on the "WeChat Announcement on Regulating the Content Labeling of 'We-media' Creators" that requires that "We-media" creators who publish news should clearly label the source in a prominent position in the report, whether it is self-photographed material, technically synthesized material, or reprinted material should indicate where it comes from to promote the clarity of individual gatekeepers for law-related news reports. At the same time, algorithms can be utilized to classify the same legal case event or even the same type of report in the form of a network file and further refine the distinction according to different message sources, to break the fragmentation, one-sidedness, and high content overlap and other problems that exist in the current self-media law-related news reports, so that audiences can understand the law-related news more efficiently, and also to facilitate the operation of the fact-checking mechanism.

3.2. Establishing a unified standard for law-related news reporting

Case reporting is recognized as the most professional knowledge-intensive field in the industry, and such professional reporting needs to be guided by stable and perfect professional norms[6]. However, due to historical and cultural reasons, China's media still lacks sufficient knowledge and attention to law-related news reporting, and the standards for specialized news reporting in this field have yet to be explored and determined. China's current standards for law-related news reporting are only reflected in principle in the Code of Professional Ethics for Chinese Journalists (2019 Revision), such as Article 6, paragraph 2, which deals with the principle of lawful, reasonable, and justified protection of the subject of the interview, and paragraph 4, which deals with the principle that law-related news reporting should be objective and truthful, and should not preempt the principle of the judiciary to take the lead in the trial of public opinion, and so on. Because they are not explicitly enrolled in the law or related regulations, the principle-based constraints of the Guidelines on law-related news reporting are knit by the journalistic conscience of the media and have not had a significant practical impact on the correction of law-related news reporting.

In reality, however, various examples reported in law-related news have profoundly affected the progress of the rule of law in China. For instance, in the case of Li Changkui, the Yunnan court changed the sentence in the second trial with the intention of "setting an innovative benchmark for China's death penalty sentence" and promoting a moratorium on the application of the death penalty. However, due to the influence of public sentiment and the wave of public opinion on the inconsistency of standards for the application of the death penalty, the Yunnan court eventually initiated a retrial and commuted the sentence to immediate execution. This change in the development of the rule of law was partly due to a loss of objectivity and excessive emotional expression in the news reports. Cases such as the above are not without "media trial" and public opinion pressure, but they also greatly affect the public's view and emotional reaction to the case itself, the case of law enforcement officers, and even China's laws. It is necessary to establish a unified standard for law-related news reporting, whose goal is to grasp the shaping and public impact of law-related news on related cases and events.

First, the objective is to adhere to the correct orientation of public opinion, and the principle is to

report objectively and truthfully. This article is the standard baseline for law-related news reports. The news media should be prohibited from making biased reports with obvious indications on the cases that have not been concluded by the court and urged to carefully check the news flow process. Relevant news media should be based on the facts, properly select a prominent part of the case, and make objective and fair reports based on the information disclosed by the court, so as to correctly guide public opinion and establish a clearer understanding of the bill related events, rather than giving literary imagination to cause public sensitivity and excessive speculation.

Secondly, follow the principle of synergy between journalistic and judicial ethics. Law-related news reporting should follow the professional self-discipline of lawyers and journalists, i.e., judicial ethics and journalistic ethics. The reporter in the report of the case is the role of the new media staff, whose news gathering and processing process also needs to act as a legal practitioner's role for the closest to the truth of the material to be screened to the most in line with the legal form of rationality of the language and logic to be broadcast. Only by playing an excellent dual role can we report the relevant law-related news well.

Third, the principle of non-disclosure of the privacy of persons involved in the case and their close relatives is not necessary. In the new media era, information over-exposure, countless do not comply with the principle of objectivity in news reporting, the principle of fairness, "self-media" news to attract the heat will often deviate from the core focus of the case and pay too much attention to the relationship between the parties involved in the case and the privacy of the information that may exist. The right to a name, portrait, reputation, privacy, and other rights are personality rights and interests enjoyed by the persons involved in a case by the law when the reporting of a case does not require disclosure of the privacy of the persons involved, even in the case of criminals, the privacy of the persons involved, as well as the privacy of their close family members, should be protected.

4. Conclusions

Law-related news reporting is a primary link in promoting the transformation of the ideal of the rule of law into the reality of the rule of law. In the post-truth era, the chaos of law-related news reporting is forming an immeasurable negative impact on the credibility of the mainstream media and the judicial credibility. The inquiry into the current situation of the gatekeeping link of law-related news in our country and the roles played by different gatekeepers can provide a window for the return of law-related news to a positive leading role and the establishment of the general credibility of the judiciary.

Currently, China's mainstream media are lagging in their broadcasting of law-related events, with their leading role yet to be realized, and the self-publishing media's reports are relatively devoid of rational thinking and are not sufficiently meticulous in screening the authenticity of their sources. Mainstream media may maintain active exchanges and professional support with principal actors engaged in news fact-checking, which benefits improving fact-checking mechanisms that effectively limit the generation and spread of false information. At the same time, the establishment of a unified standard for law-related news reporting can also benefit the mass media in setting up the gatekeepers for law-related news reporting to strictly guide the non-professional we-media gatekeepers to gradually establish awareness of law-related news ethics. This paper is still at a relatively early stage of discussing the effective gate-keeping paths for law-related news, pending further dynamic observation of the current situation of law-related news broadcasting in the information environment, as well as studying and learning from the helpful experiences of other countries. The positive regulation of law-related news is not the only perspective to explore the effectiveness of gate-keeping, whose full play depends on more targeted opinions.

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