

# Assessing the Impact of Mass Media in Investigation of Cases in the Criminal Justice System of Uganda

Nansubuga Shamim

School of Law, Kampala International University, Uganda

## ABSTRACT

This article assesses the impact of mass media in investigation of cases in the criminal justice system of Uganda. The study reveals that the media, through its depictions of crime, significantly influences public perception and understanding of criminal justice. Moreover, we found that the evolution of technology, specifically social media, plays a substantial role in media criminology. On this note, the article calls for force media liaison officers should be formally members of management teams within serious crime investigations, at least for the initial phase of the investigation when press interest is likely to be at its height. Second, investigators could achieve this by participating in joint exercises with media liaison and exposing them to a variety of media handling scenarios and exercises. Third, we should also consider introducing investigators to the principles of media handling in criminal investigations at an earlier stage in their careers. Fourth, there should be more effort to improve communications between press and media officers, as well as CID. This could be achieved through a combination of workshops and short secondments of junior officers in media offices. Finally, as part of ongoing family liaison, we should monitor and address the media's impact on the relatives of victims. At the earliest opportunity, family liaison officers should provide relatives with copies of all formal press statements.

**Keywords:** Court trial, Crime, Criminal justice system, Investigation, Mass media.

## INTRODUCTION

Mass media refers to different kinds of sources such as newspapers, magazines (print media), the internet, radio, and television (digital media) that carry news and information about various important issues related to politics, finances, renowned personalities, science, and so on. Over the past ten years, mass media has proven to be a highly effective tool for gathering statistics and conducting investigations into specific cases or events. The media has proven to be a highly effective tool for gathering statistics and conducting investigations into specific cases or events. Investigative journalism and the media have become crucial in shedding light on the allegations, reasons, corruption, and consequences of criminal actions. Conducting an investigation with the assistance of the mass media fosters positive social norms and empowers us to confront the challenges posed by the outcomes of our cases. Mass media performs various roles in order to investigate and examine the negative as well as the positive consequences of an incident or event [2]. Newspapers, magazines, and the internet often contain information about people, as well as their financial and social status. Frequently, these sources also disclose their personal records. These pieces of information play an important role in the investigation. Not only do investigations focus on crimes, but also on cases. The primary purpose of this work is education. Case studies are an essential part. We can also conduct analysis of such cases, lawsuits, government records, etc., based on the information available on the internet [3]. Investigations on specialized issues, business perspectives, government issues, debasement, and political issues can also be conducted through announcements, authoritative archives, and individual records available on mass media. Mass media aids in the investigation of social fraud, according to the available information. Social media also broadcasts various interviews and oral statements for investigative purposes. When a legal trial or a social case trial is taking place, mass media helps to collect important links that will support the investigation [4].

Many countries, including Albania and Australia, widely use mass media as a platform for investigations. In Australia, people have yet to embrace mass media as a tool for crime investigation, despite their fascination with it. The mass media has become a crucial component of both the criminal justice system and criminal activity. Several intellectuals have criticized this practice. They assert that the upper class (elites) frequently persuades the media to disseminate the information they desire; consequently, the general public often lacks knowledge of the entire news story, making mass media untrustworthy for investigative purposes [5].

However, both the police and the public can now communicate in a straightforward manner about ongoing events and incidents. This has had significant impacts on both the local and national levels during emergency seasons. By utilising the right to speak freely, an individual can impart his or her perspectives on various issues and may likewise look for the significance of any political issue. However, some judges have also imposed restrictions on the right to speak freely, citing the belief that individuals often perceive this privilege as their own [6]. This article examines the media's influence on the investigation of cases in Uganda's criminal justice system. Scholars have determined that the relationship between mass media, crime, and criminal justice is reciprocal, meaning that crime and justice affect media content and vice versa. The media socially constructs crime through its framing practices, establishes criteria for newsworthiness, contrasts crime content with official data, influences the fear of crime victimization, and scrutinizes cases within the criminal justice system. This article examines the media's influence on the investigation of cases in Uganda's criminal justice system.

#### **Mass Media and Crime**

In *Uganda v. Nyakahuma* [7] and *The Computer Misuse Act, 2011* [8], a "computer" was defined as "an electronic, magnetic, optical, electrochemical, or other data processing device or group of such interconnected or related devices performing logical, arithmetic, or storage functions, as well as any data storage facility or communication facility directly related to or operating in conjunction with such a device or group of such interconnected or related devices."

The relationship between the criminal justice system and the media system has been the subject of research, speculation, and commentary throughout the twentieth century. We can understand this relationship in terms of the dependency relations that operate between these massive systems [9]. Put most simply, neither the media nor the criminal justice system could operate effectively without each. The criminal justice system serves as a valuable resource for the media system, providing one of the most common sources of news and entertainment stories. s. The classical surrogate scout role of the media, whereby they monitor the environment for actual and potential threats to individual and collective welfare, affords a powerful way for the media to attract their audiences [10]. People must constantly update their understanding and ability to orient themselves to the environments in which they act. The media crime stories, whether in the news or entertainment genres, instruct and update these understandings. Commercial media organisations translate this relationship with their audience into advertising revenue. The media system's capacity to reach vast audiences of citizens and policymakers also positions it as an essential resource for the criminal justice system and all of its attendant judicial and law enforcement organizations [11]. For the criminal justice system to operate effectively, it must have the authority that derives from people's willingness to grant it legitimacy, and media storytelling can profoundly affect this process. Allocation of scarce resources to the criminal justice system also depends on success in the struggle to get "its" story positively framed and widely disseminated to media audiences. These macro-dependency relations provide context for investigating specific aspects of media, criminal justice, public, and decision-maker relations [12].

### **LAWS GOVERNING MASS MEDIA IN UGANDA**

#### ***The Constitution***

The Constitution of 1995, as Uganda's supreme law, stipulates in Article 2 that 'if any law or custom is inconsistent with any of the provisions of this constitution, the constitution shall prevail and that other law or custom shall be null and void'. This means that all acts and laws stem from the constitution. **Article 41(1)** gives the right of access to information; it states that every citizen has a right to access information in the possession of the state or any other organ or agency of the state, except where the release of the information is likely to prejudice the security or sovereignty of the state [13].

#### ***The Computer Misuse Act 2 (2011)***

The act aims to ensure the safety and security of electronic and information systems, prevent unauthorized access, abuse, or misuse of these systems, secure the conduct of electronic transactions in a reliable electronic environment, and address other related issues [8].

#### ***The Penal Code Act***

Section 387 of the Penal Code Act provides that any person who attempts to commit a felony or a misdemeanor commits an offence that, unless otherwise stated, is a misdemeanor [14]. According to the Penal Code, the punishment for misdemeanors is a prison sentence not exceeding two years. Since offences under the Computer

<https://rjournals.com/research-in-education/>

Misuse Act (2011) have not explicitly been categorised as felonies or capital offences, it is unnecessary and unjust to sentence a person accused of attempting to commit an offence and a person who actually commits an offence to the same punishment [14].

### **The examination of the adequacy of the policy and regulatory framework towards the assessment of the mass media right in investigating**

Computer technology and the internet have created new opportunities for those who would engage in illegal activities [15]. The U.S. Department of Justice (DOJ) broadly defines computer crimes as "any violations of criminal law that involve knowledge of computer technology for their perpetration, investigation, or prosecution [16]. There are numerous forms of computer and cybercrime, some of which include:

#### ***Spam***

Spam is simply unsolicited junk mail. Spam is an email from an unknown sender that advertises something or expresses an unwarranted opinion. Spam actually targets a group of potential clients or followers, not the recipient, even though it appears in the inbox [17].

According to a study by the Center for Democracy and Technology, email addresses posted on public websites, web discussions, and newsgroups attract the most spammers. According to a Sky News television broadcast, 70% of global e-mail is spam, and the annual cost of combating it is 7 billion pounds [18].

#### ***Intellectual Property Infringement***

This is when an infringer moves within a protected domain to claim rights for the use of someone else's manifestation of an idea without permission from the rights holder. The cyberspace provides a conducive environment for software, music, and print material to be downloaded, copied, and distributed without permission from the copyright owners [19].

#### **The role of mass media in investigation the most prominent cases**

Mass media plays an important role in reaching a large audience. Mass media is a process of one-way communication to reach a vast majority of the general public. Different platforms involved in mass media are newspapers, magazines, electronic media, radio, the internet, etc. People tend to believe everything they learn from mass media sources to be true. These sources also serve as the archives [20].

It would not be inappropriate to say that the world depends on the mass media to get information about the latest happenings or incidents. In the last decade, mass media has been considered very efficient for investigating and acquiring information. The media and investigative journalism have become critical for bringing the allegations, reasons, corruption, and consequences of criminal actions to light. Having an investigation with the help of mass media promotes good practices in society and enables us to face challenges in the consequences of cases [1].

#### ***The role of mass media in investigation***

Mass media includes several sources, such as newspapers, electronic media, radio, and the internet, which contain a variety of information about people, their financial statuses, identities, and other details. Mass media plays an eminent role in extracting such information available on the internet for investigations [21]. We can conduct investigations not just about crimes, but also about specific cases. You can also conduct a case study investigation for educational purposes. Information from various mass media sources can facilitate the analysis of documents such as lawsuits, legal documents, tax records, and government reports. The statements, legal documents, and records of individuals available on mass media can also facilitate investigations into technical issues, business perspectives, government issues, corruption, and political issues [22]. During legal or social case trials, the mass media plays a significant role in gathering and highlighting the maximum number of relevant links. The mass media serves as a prominent platform for exposing the most significant frauds and cases to the public, fostering a comprehensive understanding that enables individuals to form their own opinions about specific cases. Additionally, the role of mass media has significantly impacted the visibility of various digital media frauds, while also encouraging viewers to form their own opinions. For instance, the biggest scandal, Panama Gate, can be considered a trend-setting example in which the mass media role in investigating and exposing fraud is outstanding.

#### ***The media and institutional failure***

The news media is one of those institutions we rely on to investigate politics for us. In a partisan era, we expect the media to act as a non-partisan arbiter of truth. But how realistic is this model? The mass media often publishes unapproved or false information in criminal cases, which distorts the evidence and makes it challenging for investigating officers to uncover the correct information because it has already been disseminated to the public [23]. The media is enduring a favorable deal of criticism lately, particularly with regards to its coverage of politics and elections. But what, exactly, is the media's role in politics? Are we applying unrealistic expectations to an entire industry?

<https://rjournals.com/research-in-education/>

A few weeks ago, political scientists Steven Levitsky and Daniel Ziblatt wrote an important story in the New York Times asking whether Donald Trump was a threat to American democracy. The story included this notable paragraph:

Mr. Trump is not the first American politician with authoritarian tendencies. (Other notable authoritarians include Gov. Huey Long of Louisiana and Senator Joseph McCarthy of Wisconsin.) However, he holds the distinction of being the first elected president in modern American history. This is not necessarily because Americans have grown more authoritarian (the United States electorate has always had an authoritarian streak). Rather, it's because the institutional filters that we assumed would protect us from extremists, like the party nomination system and the news media, failed [24].

This is important because it correctly notes that institutions are neither infallible nor immortal. The venerable Republican Party, which has frustrated the presidential dreams of many would-be authoritarians, did not function in 2016 as it typically has. I have written extensively about this institutional failure elsewhere and likely will continue to do so, but I wanted to focus particularly on the media for this column [24].

The news media is one of those institutions we rely on to investigate politics for us. We know that individual voters, with very few exceptions, are not going to track down campaign finance expenditures, uncover conflicts of interest, or catch politicians in the act of committing crimes. The media should do these things and let us know when something is important enough to worry about or vote on. In a partisan era, we expect the media to act as a non-partisan arbiter of truth [25].

## CHALLENGES TO MASS MEDIA DEVELOPMENT

### *Authoritarian rule*

Despite the formal establishment of democracy in many developing countries, political elites and authoritarian rulers wield power beyond the reach of the majority of people. Therefore, we see a decrease in democracy, an increase in exclusion, and a shift from the rule of law to insecurity, impunity, and a lack of accountability [26].

In these countries, media development organizations are not welcome because they will always question authoritarian rule. This is one reason why they are facing many challenges, especially in reaching the consent of governments, who see clearly that independent media will not only inform the public but will also question their position [27]. At the same time, the work of media development organisations becomes more important, as under these authoritarian regimes, hardly any other societal actors have the capacity to inform citizens and enhance public understanding and participation in politics.

### *Media rights under pressure*

An immediate consequence of greater authoritarian rule is the obstruction of freedom of expression and access to information. Media regulations become stricter, and journalists who are not in line with mainstream elites become more and more endangered, facing possible censorship, intimidation, and even arbitrary arrest and torture [28]. In these situations, protecting reporters, editors, and journalists becomes an important task for media support organizations, and close monitoring of the development of media freedom becomes more relevant. Despite a significant amount of work and the initiation of new creative initiatives, there hasn't been a systematic reflection on these efforts yet.

### *Good media need sound financing*

The economic sustainability of media outlets continues to be a major challenge. Media development funds often support smaller, local media outlets like local or community radio stations. Many media development organisations are managed journalists, who typically dislike media economics, profit, or business, manage many media development organizations. r media outlets' independence from the undue influence of others, be they governments, big corporations, or senior politicians [29]. Developing countries have expanding media markets (although some are only growing slightly). As people escape poverty, they will both consume media and buy consumer products. So, establishing an economically viable medium that provides quality journalism in combination with a strong advertising business seems feasible.

### *Stopping the decline in reporting quality*

Currently, there is no comprehensive study on the quality of journalism in developing countries, although bits and pieces of research here and there confirm there is still much room for improvement. Unfortunately, efforts in training and capacity building do not automatically lead to better quality. Given the current political climate and many governments' frequent disrespect for democratic inclusion, we need to support those who aspire to practice better journalism [30].

### *Rigor in evaluation methodology*

Monitoring and evaluation still lack internal support within media development organizations. The good news is that some organisations are conducting more serious evaluations of media work, and the acceptance of evaluation has considerably improved.

### CONCLUSION

The study reveals that the media, through its depictions of crime, significantly influences public perception and understanding of criminal justice. Moreover, we found that the evolution of technology, specifically social media, plays a substantial role in media criminology.

### Recommendations

This is the basis for the recommendations made in the article:

1. Force media liaison officers should be formally members of management teams within serious crime investigations, at least for the initial phase of the investigation when press interest is likely to be at its height.
2. While experience will always play an important part in the development of SIO media skills, practical training for SIOs in designing effective media strategies should be considered.
3. Investigators could achieve this by participating in joint exercises with media liaison and exposing them to a variety of media handling scenarios and exercises.
4. We should also consider introducing investigators to the principles of media handling in criminal investigations at an earlier stage in their careers.
5. There should be more effort to improve communications between press and media officers, as well as CID. This could be achieved through a combination of workshops and short secondments of junior officers in media offices.
6. As part of ongoing family liaison, we should monitor and address the media's impact on the relatives of victims. At the earliest opportunity, family liaison officers should provide relatives with copies of all formal press statements.

### REFERENCES

1. Happer, C., Philo, G.: The Role of the Media in the Construction of Public Belief and Social Change. *Journal of Social and Political Psychology*. 1, 321–336 (2013). <https://doi.org/10.5964/jspp.v1i1.96>
2. Sulzberger, A.G.: Journalism's Essential Value, [https://www.cjr.org/special\\_report/ag-sulzberger-new-york-times-journalisms-essential-value-objectivity-independence.php/](https://www.cjr.org/special_report/ag-sulzberger-new-york-times-journalisms-essential-value-objectivity-independence.php/)
3. Vermeer, S. et al.: Full article: Online News User Journeys: The Role of social media, News Websites, and Topics, <https://www.tandfonline.com/doi/full/10.1080/21670811.2020.1767509>
4. Admin, A.: Journalist wins landmark access to information case, <https://acme-ug.org/2015/02/17/media-organization-wins-precedent-setting-access-to-information-case/>
5. Asongu, S., Uduji, J., Okolo-Obasi, N.: Homicide and Social Media: Global Empirical Evidence. *Technology in Society*. (2019). <https://doi.org/10.2139/ssrn.3445100>
6. Bell, M.C.: Police Reform and the Dismantling of Legal Estrangement, <https://www.yalelawjournal.org/essay/police-reform-and-the-dismantling-of-legal-estrangement>
7. Nyakahuma Mohamed & Anor v Uganda [2000] UGSC 12 (12 December 2000). (2000)
8. The Computer Misuse Act, 2011 – Ministry of ICT & National Guidance, <https://ict.go.ug/2019/12/03/the-computer-misuse-act-2011/>, (2019)
9. Lee, H.J.: 'I've left enough data': Relations between people and data and the production of surveillance. *Big Data & Society*. 10, 20539517231173904 (2023). <https://doi.org/10.1177/20539517231173904>
10. Gomes, S., Sardá, T., Granja, R.: Crime, Justice and Media: Debating (Mis) representations and Renewed Challenges. *Comunicação e sociedade*. 7–24 (2022)
11. Mass Media and Crime - Journalism, Entertainment, Conclusion, Bibliography, <https://law.jrank.org/pages/1582/Mass-Media-Crime.html>
12. Nascimento, A.M., Andrade, J., Rodrigues, A. de C.: The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review. *Trauma, Violence & Abuse*. 24, 1929 (2023). <https://doi.org/10.1177/15248380221082085>
13. Constitutional history of Uganda, <https://constitutionnet.org/country/uganda>
14. PENAL CODE ACT., <https://www.ugandalaws.com/statutes/principle-legislation/penal-code-act>.
15. Nicola, A. D.: Towards digital organized crime and digital sociology of organized crime - PMC, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9148938/>
16. Cybercrime and the Law: Primer on the Computer Fraud and Abuse Act and Related Statutes, <https://www.everycrsreport.com/reports/R47557.html>

17. Internet Knowledge and Tools - World Wide Web, <https://www.basicknowledge101.com/subjects/internet.html>
18. Abd El Aziz, R., Elbadrawy, R., Hussien, M.: ATM, Internet Banking and Mobile Banking Services in a Digital Environment: The Egyptian Banking Industry. *International Journal of Computer Applications*. 90, 45–52 (2014). <https://doi.org/10.5120/15598-4408>
19. Oswald, M.: Freedom of information in cyberspace: What now for copyright? *International Review of Law, Computers & Technology*. 26, 245–255 (2012). <https://doi.org/10.1080/13600869.2012.698452>
20. Hongcharu, B.: The changing roles of mass media amidst the growth of the digital media. *Cogent Social Sciences*. 10, (2024). <https://doi.org/10.1080/23311886.2023.2297721>
21. Asemah, E.: PDF of Mass Media in Contemporary Society. (2020)
22. A History of Crime: Investigations, Trials and Punishments - Lexology, <https://www.lexology.com/library/detail.aspx?g=9b39aef7-9f6a-4689-9f53-d7d1a4977c16>
23. The Influence of Mass Media on Public Perception of Criminal Cases: A Qualitative Approach, [https://www.researchgate.net/publication/381980977\\_The\\_Influence\\_of\\_Mass\\_Media\\_on\\_Public\\_Perception\\_of\\_Criminal\\_Cases\\_A\\_Qualitative\\_Approach](https://www.researchgate.net/publication/381980977_The_Influence_of_Mass_Media_on_Public_Perception_of_Criminal_Cases_A_Qualitative_Approach)
24. Does this editorial have an ending?, <https://www.tandfonline.com/doi/full/10.1080/00131857.2020.1787093>
25. From Values to Votes (Part III) - Cultural Backlash, <https://www.cambridge.org/core/books/abs/cultural-backlash/from-values-to-votes/D00532424F53089968BBEC6A9B0C5FF4>
26. Constitution-making and liberal democracy: The role of citizens and representative elites | *International Journal of Constitutional Law* | Oxford Academic, <https://academic.oup.com/icon/article/18/1/206/5841488>
27. Scott, M., Bunce, M., Myers, M., Fernandez, M.C.: Whose media freedom is being defended? Norm contestation in international media freedom campaigns. *Journal of Communication*. 73, 87–100 (2023). <https://doi.org/10.1093/joc/jqac045>
28. A Media Minefield: Increased Threats to Freedom of Expression in Uganda | HRW, <https://www.hrw.org/report/2010/05/02/media-minefield/increased-threats-freedom-expression-uganda>
29. Control the money, control the media: How government uses funding to keep media in line, [https://www.researchgate.net/publication/319467884\\_Control\\_the\\_money\\_control\\_the\\_media\\_How\\_government\\_uses\\_funding\\_to\\_keep\\_media\\_in\\_line](https://www.researchgate.net/publication/319467884_Control_the_money_control_the_media_How_government_uses_funding_to_keep_media_in_line)
30. Mwesige, P.G.: Areas of capacity building for journalists: Reflections from the COVID-19 response in Uganda, <https://acme-ug.org/2020/10/16/areas-of-capacity-building-for-journalists-reflections-from-the-covid-19-response-in-uganda/>

**CITE AS: Nansubuga Shamim. (2024). Assessing the Impact of Mass Media in Investigation of Cases in the Criminal Justice System of Uganda. RESEARCH INVENTION JOURNAL OF RESEARCH IN EDUCATION 4(2):43-48. <https://doi.org/10.59298/RIJRE/2024/424348>**