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A Study of Court Precedents in the Judicial Decision-Making Process

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ABSTRACT

The present study explores the public opinion-media pressure-judicial decision-making link in the light of high-profile cases in case of Pakistan. The central idea behind it is that while the courts must be guided by law and constitutional principle, in practice they are not operating in a vacuum. In hyper-public litigation, the media and popular opinion and public pressure seldom actually supplant the legal doctrine, but it does influence the atmosphere in which it occurs. The research method used is qualitative with the approach of doctrinal and socio-legal. It examines the independence and accountability of the judiciary from a both a constitutional and a theoretical perspective, in proposing that the judiciary be equally protected from unwarranted interference while simultaneously being open to principled questioning. The analysis is then expanded by a socio-legal lens that looks at the practices of electronic media, social media, agenda-setting, framing and trial by media in popular perceptions of justice. Based on three illustrative cases (the blasphemy prosecution of Asiya Noreen, the murder trial against Noor Mukadam, and the transnational defamation trial between Johnny Depp and Amber Heard), the article concludes that, given the current media environment, judicial independence is not undermined by direct interference, but rather by the ongoing normalisation of adjudication in the context of ongoing opinion formation. Their answer is not secrecy, but neither is its populist responsiveness, it is a principled balancing of transparency, due process, responsible reporting and institutional resilience.

Keywords: Judicial Decision Making, Judicial Precedents, Judicial Independence, Media Trial, Public Opinion, Pakistan

1. Introduction

In the traditional image, the judicial function is a legalized exercise of reasoning, where judges are expected to interpret the law, rules and principles of the constitution, and precedent, in the case outlined. The rule of law, and reasons and independence of the court is, in theory, more powerful than popular opinion. In theory, the power of a court is not based on popular opinion, but on the rule of law, reasoned argument, and institutional independence (Shapiro, 1981; Barak, 2006). However, constitutional adjudication is not typically a completely insulated process in a constitutional democracy. Judicial institutions are located in a setting of mass media, political debate, and people's demand. This is especially problematic in a country like Pakistan, where as soon as news of a high-profile case is reported, it is being discussed on television screens, in newspapers, blogs, and social media feeds and timelines (Barak, 2006). The thesis advanced here is based on the premise that the judiciary should be independent but that independence should not come at the expense of invisibility to social forces. Judges are not machines; they are not outsiders to the constitutional community. They act in a politics of life that is a politics of law, social legitimacy and institutional power. So, the question is, why

aren't judges informed of public opinion or of media coverage, since they are. The question of whether these stories change the “tone” of the judiciary in some way that affects the nature of the language, timing, emphasis, care, assertiveness, or final decisions in adjudication are harder to answer. The question is particularly salient in Pakistan, where it is sometimes fraught with a legal battle and an election battle, civil–military friction, accountability issues, faith-based questions, constitutional uncertainty and a widespread popular scepticism towards political establishments (Bingham, 2010; Constitution of the Islamic Republic of Pakistan, 1973).

One more aspect should be stressed at the beginning. The connection between courts and the public has not only been strengthened, but also changed. Gone are the days of adjudication that is reported and mediated; these days, audiences are subject to litigation in real time, and often in an active, as opposed to passive, role. In the digital public sphere, the gap between courtroom and citizen is bridged, with hearings and comments from the bench and interlocutory orders shared, commented on and challenged in hours. This immediacy alters the temporal trajectory of adjudication whereby the court is acting in the awareness it will be acted upon, framed, and judged as it progresses. The following study is based on this transformation.

1.1 Problem Statement

The question of the legitimacy of public questioning of the courts and illegitimate pressure upon judicial judgment is unclear and is the central problem in this study. Pakistan's Constitution has laid an emphasis on the independence of judiciary but in recent times, in sensitive cases, the atmosphere of decision-making in courts has become more and more media-saturated and polarised. This creates a tension which has not been sufficiently explored in the Pakistani jurisprudence (Friedman, 2009). The challenge is not just that public opinion is present, but that the practices by which it now enters the judiciary (constant live commentary, viral amplification, and coordinated online mobilisation) are not subject to the same process of checks and balances available to adjudicators.

1.2 Research Question

How do judges and courts work to balance independence of the judiciary with the competing demands for accountability and responsiveness to the people? A related question then arises: When will public exposure promote the integrity of adjudication and when will it undermine it?

1.3. Study Aims:

The study aims to achieve the following objectives; The study aims at three goals. Firstly, it examines the sensitivity of the judiciary to extra-legal influences by analysing high profile litigation. Second, it aims to assess the impact of public examination on the integrity of courts, not only as a danger, but also as a means of strengthening it. Second, it attempts to measure the effect of public examination on the integrity of courts not only as a threat, but as a strength as well. Third, it outlines a principled approach to balancing judicial independence and transparency and accountability.

1.4. Significance of Research:

The research carried out by this researcher is significant for a variety of reasons. The study has a theoretical and practical importance. From academic perspective, it adds to the Pakistani legal literature by making a linkage between theory of constitution and socio-legal analysis. Much of the domestic literature on judicial independence focuses on the separation of powers, methods of appointment, executive encroachment or constitutional history (International Commission of Jurists, 1989). These are important issues, but they do not reflect the whole picture of adjudication in a society that has come to treat public opinion as a part of the judicial environment. The present study focuses on this somewhat under-researched aspect. The research has also a normative significance. There has been a long history of crises of legality in

Pakistan and there has been a long history of crises of trust in Pakistan. Media campaigns, organized pressure and perception of "partisan" courts reduce their power. However, if they were to be entirely separated from social responsibility, they would run the risk of seeming opaque and elitist. The goal is not to minimize the importance of public discussion, but to establish boundaries for it in a principled way, as part of a constitutional obligation to principled adjudication.

1.5 Methodology:

The study has a qualitative doctrinal and socio-legal approach. It considers selected judgments not only in terms of their findings, but also in terms of their reasoning, tone, phrasing of issues of institutional role, the extent to which they speak in the language of moral responsibility, their approach to questions of legitimacy, and their reactions to public controversy. Media material is not analysed as an alternative to law but as one of the contexts in which law is received and contested. Such a combination is especially well suited where the research question itself is one that asks a question about the connection between doctrine and social context. The method of analysis is deliberately cautious. Correlation is not considered as influence. The study doesn't assume that a decision made in a very mediated case is a result of pressure. Instead, it raises the question of whether there are any noticeable signs that public narratives had an impact on the adjudicative environment. This will maintain analytical caution while working on the problem. Three cases are discussed here as examples and not as representative: they are selected for their ability to highlight different ways in which the public voice arrives at the ideological scene of adjudication intimidation, mobilized grief and outrage, and viral digital spectacle and for their capacity to be compared across doctrinal spaces and jurisdictions.

2. Independence of Judiciary and Accountability:

Whether courts can be independent in the face of intense social contestation can only be judged in the context of the specific case at hand and in the context of judicial power at large. The slogan of independence isn't just an institutional slogan. It is a condition of adjudication that is in effect. Judges in all constitutional systems are expected to decide on the basis of the law, reason and principle and not on the basis of political expediencies or popular opinion. Judicial power is exercised, however, in practice, within the context of expectations, criticism, political debate, and conflicting notions of legitimacy. In Pakistan the independence of judiciary is not just a legal term, but the measure of the constitutional order itself, as this independence has been a recurrent theme of constitutional struggles in the country. In this section, the constitutional and theoretical background of the study is explained. It highlights the nature of judicial independence, its importance and the inseparability of independence from accountability. It is the claim that independence and accountability are enemies are not natural to it. Instead, each is essential to preserve public confidence in adjudication. The real problem occurs when the word "accountability" is equated with "responsiveness to short-term popular pressure", or when "independence" is used as a cover to evade criticism of the courts, which is principled. The real problem is when the term "accountability" is confused with "accountability to immediate popular pressure" or when the term "independence" is substituted to avoid principled criticism of the courts. Given the focus of this study on public opinion and media pressure in high-profile cases in Pakistan, this component sets the criteria for the later analysis to determine the extent to which the court is actually doctrinally independent while acting under public pressures.

2.1 Concept of judicial independence:

It has been stated informally, that judicial independence is freedom from external influences. The statement is true but limited. The concept has several interrelated dimensions at least. The first relates to institutional independence the place of the judiciary in the larger constitutional framework. Courts must have a stable and secure position under the constitution, security of tenure, financial independence and procedural independence to make sure that they are not dominated by the legislature or the executive. In the absence of such structural guarantees, any commitment to fair adjudication is fragile.

The second dimension is what we can call decisional independence. This is at the heart of the judicial function. A judge must be able to resolve a case that is consistent with the law and with good conscience without being intimidated by political pressure; by media pressure; by official pressure; by popular pressure; or by the pressure of political interest. Hence the independence of decision-making goes far beyond the formal design of the constitution. A judiciary may be institutionally separated in the paper, but also be subject to the implicit influence of pressure that affects reasoning, timing, tone or remedial choice. This second dimension is of particular interest to the present study, because the pressure of public opinion and the media seldom take the form of a direct legal command. It is not a function of the climate of the judgments it produces, but rather of its own climate.

The third dimension is independence within. Judges should not be controlled, not only by others, but also by other judges. The final outcomes should not be determined by any hierarchy or administrative systems or institutional groups in a manner that weakens the individual responsibility of the judges. Where specific benches or leadership formats gain out-of-the-ordinary political prominence, internal independence is particularly important. It helps to prevent adjudication from becoming "legalized managerial compliance.

These dimensions show that judicial independence is a pluralistic constitutionally shaped status, not a single one. It's not just judges that it protects; it's litigants too. Independence is not a privilege for the judge, it is a public good, "the good of impartial adjudication. If someone is brought into court, he/she is entitled to know that the matter will not be settled by the decision of the executive or by the masses. When such confidence is eroded, the rule of law is put to the test.

Independence, however, is not synonymous with isolation. Detached from society, courts are not legitimate. Their authority is based on a culture of the constitution, in which they can be judged, can be reasonably challenged, and are believed to function under law. That is why independence must always be interpreted within the context of restraint, transparency and accountability. It is not a task to create an inoffensive judiciary that cannot be criticized, but rather create a judiciary that will be criticized without it becoming its prisoner.

The Constitution of Pakistan provides for judicial independence in the following manner:

In Pakistan, the independence and centrality of judiciary is formally recognised in the constitution. Judicial power is not a gift of the executive's grace, but a trust of the constitution. The separation of the judiciary from the executive, establishment of superior courts, protection of judicial office and right of judicial review all point towards one conclusion that adjudication must be beyond arbitrariness and the Constitution in this way must be a real check upon the power of the state (Constitution of the Islamic Republic of Pakistan, 1973).

The Constitution's separation is especially relevant for Pakistan where the legal history is riddled with repeated constitutional turmoil, executive excess and institutional imbalance. In such a setting, judicial independence cannot be a matter of mere decoration. It is one of the few safeguards that citizens have against illegal detention, political marginalisation, abuse of power and denial of fundamental rights. The power and vulnerability of the judiciary stems

from its role as an interpreter of the constitution, as a guardian of rights and as a judge in the event of a violation of fundamental rights, while it is also vulnerable to the attacks of state actors, political parties, media houses and mobilised masses (*Al-Jehad Trust v. Federation of Pakistan*, 1996; *Sindh High Court Bar Association v. Federation of Pakistan*, 2009).

The Constitution does not foresee judges representing majority groups of society or judges as moral observers. Courts should make a determination on the merits of a case based on legal reasoning, which is informed by the interpretation of the constitution, statute, precedent, and principle. In this constitutional order, then, there is an assumption that there is a separation between what is done in the public sphere and what is done in the judicial sphere. The citizens, the journalists, the politicians can talk about a case that is awaiting judgement; but the judgement is meant to be, not the result of political noise.

Considering the jurisdiction of super courts of Pakistan, this constitutional expectation is accentuated. A range of election-related, disqualification of office-holders, constitutional crisis, fundamental rights, allegations of corruption, contempt of court, criminality, civil–military tension and issues on democratic transition are routinely before the Supreme Court and the High Courts. Issues in these areas are not usually restricted to the parties involved in the lawsuit. Their judgements are directed to a wider political community. In effect, 'judicial independence' is always being tested against the lived reality of having to be held accountable to the national gaze (*Munir Hussain Bhatti v. Federation of Pakistan*, 2011).

There is also a responsibility to self-discipline in the constitutional principles of independence. A judiciary which claims to be independent of all other powers should be loyal to the method of law. It is a hollow Independence that is used to avoid principled investigation, or to justify inconsistency, or to intervene with no need. Reservations against the system in Pakistan have not always been from the outside; and sometimes they have been based on a justified claim of unfairness in the conduct of institutions. Protection of independence, then, lies in part with the conduct of the judiciary. Judicial independence is not just a matter of respect, it is a matter of good judgment, fair process and evidence of coherence.

The constitutional structure generates two hypotheses for this study. Firstly, it is the constitutional duty of Pakistani judges to come up with a fair judgment. Second, the superior courts' independence is not only a design matter but also one of institutional capacity to fend off pressure from populism and the media; the remarkable public importance of the superior courts is a key factor. The next step in examination, therefore, should be the relationship between independence and accountability, not the two as opposites, but as complementarities.

2.2 Recognizing the importance of the roles of family and community members.

The key to understanding accountability is not that it is the opposite of independence; it is that it is its counterpart. A judiciary that is subject to no authority is open to suspicion, and a judiciary that is subject to every passing sentiment loses its function. The key to the reconciliation is to find the shape for legitimate accountability. Judicial accountability can be best understood as the accountability to law, the accountability to reasoned justification, which involves giving reasons, openness of judicial proceedings, the availability of appeal, and respect for constitutional limits. No, it's not about how strongly people feel in a particular instance. If these two conceptions are misread, the courts tend to gravitate to a conception of legitimacy that operates without taking into account the protection of unpopular litigants and minority rights (Tyler, 2006; Bingham, 2010).

This distinction provides the analytical framework for the following case studies. In each instance, the issue is whether the court has fulfilled its constitutional obligation to act with

accountability, by working out the arguments in a transparent manner and from the evidence, or whether the surrounding context has imposed a populist obligation on the court to be accountable in terms of its adherence to the dominant narrative. This distinction is not easily evident in a judgment and the analysis focuses on such indirect evidence as changes in tone, the shape of institutional role, when the relief is provided and how the evidence is handled under external pressure.

3. Case Laws

3.1 Asia Bibi VS The State

Asiya Noreen, Asia Bibi, got herself charged under section 295-C of the Pakistan Penal Code in the village of Rawalpindi in Punjab in 2009. According to the prosecution, she had a dispute over the drinking water that led to an accusation of making derogatory comments about the Prophet Muhammad (peace be upon him). She rejected the charge from the beginning and throughout that the case was based on malice and false implication and not any criminal act as per Pakistan Penal Code, 1860. She was convicted and sentenced to death in November 2010 by a trial court in Sheikhpura. In October 2014, the Lahore High Court upheld the conviction. Ultimately, the case made its way to Supreme Court of Pakistan where Chief Justice Mian Saqib Nisar, Justice Asif Saeed Khosa and Justice Mazhar Alam Khan Miankhel gave her acquittal on 31 October 2018. The Court was struck by "serious discrepancies in the prosecution case, cross-examination of witnesses, and the basis for the evidence. She was also not able to depart Pakistan immediately even after her acquittal as the state had entered into agreement under pressure from protesting organisations, which effectively suspended her right to enjoy the judgment till the review process was over. She finally left Pakistan in May 2019 (Mst.). Asia Bibi v. The State, 2019).

Media Climate and Public Sentiment

This case had a very negative tone to it. It was not a mere appeal in the Court of Common Pleas but became an issue with a definite religious tinge. Public discussion was influenced by clerical mobilisation, TV reports, street discourse, and violent social media rhetoric. The intensity of the response brought in more general concerns over blasphemy, faith and political legitimacy.

That was an environment that had proved to be deadly before the Supreme Court's ruling. The Governor of Punjab, Salman Taseer, and the Federal Minister for Minorities, Shahbaz Bhatti were assassinated in 2011 for leading reformist discussions on the blasphemy law and advocate for Asia Bibi's right to justice. The murders had an obvious institutional implication: that any public figure connected with any kind of leniency or fairness in a blasphemy case would be portrayed as an enemy of religion, and liable to lethal threats. In 2018, when the Supreme Court acquitted Asiya Noreen, threats against the judges were freely floating. Protest leaders secured the acquittal as an application of the law rather than a failure to meet a moral obligation. The pressure from the case also put the lawyer on defence in danger; both sides were forced to flee Pakistan (International Commission of Jurists, 2015, 2016).

The Judiciary is subject to threats to its independence.

This case is illustrative of the lack of judicial independence at different levels in response to external pressure. The trial court and Lahore High Court confirmed a conviction, which was upheld by the Supreme Court based on material inconsistencies, delay in the filing of a complaint, and an unreliable testimonial process. There was nothing in the evidentiary record between the lower proceedings and the final acquittal that was different. The difference lay in the level of institutional insulation and a willingness of the highest court to face the pressures directly (Ayub Masih v. This is according to the State (2002), and the International Commission of Jurists (2015).

It is hard to imagine discussing the difference between the lower-court ruling and the Supreme Court opinion without describing it as a difference in legal interpretation. It is better seen as an acknowledgement of the different contexts in which judges at various levels operated. Fear does not exist in the abstract in blasphemy litigation. Intimidation, violence can be against counsel, trial judges, witnesses, even acquitting authorities. It is in that sense that judicial independence can be constitutionally entrenched and yet its effectiveness undermined. Where the cost of a lawfully correct verdict could be the institutional collapse or individual death, the formal right to a fair hearing is hard to achieve.

Concurrently, the Supreme Court's acquittal is a remarkable example of courage on the part of the Judges. That decision showed that even the court of last resort can assert doctrinal supremacy when it is ready to demand evidence and constitutional limitations. But the fallout showed the judicial power was restricted too. The sudden willingness of the executive to curtail her exit from Pakistan after intense agitation revealed that popular agitation can thwart the implementation of court decisions, though they may be able to take independent decisions. The broader lesson to be drawn from the ruling: Mob violence and media frenzy can affect the implementation of lower courts' rulings, can threaten and intimidate higher courts, and can affect the implementation of judicial relief even after acquittal.

3.2 The State VS Zahir Zakir Jaffer (Dhaka University)

One of the most closely monitored criminal cases in Pakistan's history was sparked by the July 2021 killing of Noor Mukadam. A former diplomat's daughter, Noor Mukadam, was shot dead at the home of Zahir Jaffer in Islamabad. The charges and the subsequent forensic documentation retrieved a series of brutalities, confinement, sexual assault and decapitations that left the nation in disbelief about the circumstances of the violence against women and the lack of accountability among the elite and of the victims within the criminal justice framework (The State v. Zahir Zakir Jaffar, 2022). Zahir Jaffer was sentenced to death for murder and a long term in prison for rape by the trial court in February 2022. The Islamabad High Court upheld the death sentence and levied a second death sentence for rape in March, 2023. The case was eventually heard by the Supreme Court which ruled on the case in May 2025, dismissing the appeal and affirming the convictions. The case also had doctrinal significance because of how the Court handled digital and photographic evidence, in accordance with the silent witness theory, acknowledging the increased evidentiary value of electronically documented events in significant criminal trials (Zahir Zakir Jaffar v. The State, 2025; Qanun-e-Shahadat Order, 1984).

This case was not about religious rage towards the court like the Asia Bibi case. Instead, its media landscape was characterized by grief, feminist critique and blanket outrage over gender-based violence. Peace hashtags have flooded and news outlets, newspapers, commentators and activists actively covered the case. The case was covered by celebrities, athletes and social media influencers, and became a symbolic gesture that was much bigger than the guilt or innocence of the accused. It evolved into a location where many of its citizens voiced dismay at the slow court system, sexism, and unequal justice for women.

This was a popular mood that was strong enough to resonate with the state's institutions. The Prime Minister of the time publicly stated that the investigation should not be allowed to be hindered. In turn, regulators realized that unregulated coverage could taint the process. The Pakistan Electronic Media Regulatory Authority (PEMRA) has stepped in to stop the airing of leaked footage from the CCTV camera of Noor trying to flee from the court, suggesting that the exposure had already reached a stage to challenge the dignity of a court and that of the defendant, and to impact the fairness of the trial. Hearings have been monitored by social

media users, even at the appellate level, and they have called for the avoidance of delay so that judicial actors were acting under a clear impression that everything was being monitored (Pakistan Electronic Media Regulatory Authority Ordinance, 2002; PEMRA, 2015).

In the case of Asia Bibi, the role of public opinion seems more complicated. In this instance, perhaps some positive effects were achieved due to media coverage. The case moved quickly in the defence of the ordinary slow pace of Pakistan's criminal justice system, where delay leads to doubts, undermines the evidence, and allows for compromise or manipulation. This continued public interest seems to have minimised the chance of it being lost in the usual backlog and time-drag of the system. But it doesn't mean having to do something is normatively harmless because it's done quickly. The rapidity in criminal justice is worthwhile only if it is accompanied by guarantees of a fair trial, the reasonableness of the judgments, and adequate punishment. The Islamabad High Court's decision to impose a harsher sentence is a judgment that has to be analyzed in a context where the court had been repeatedly calling for the toughest measures for the offenders. Even if the legal requirements for enhancement were met, the context matters, for the severity of the law coincided with the public mood of the time. The case was particularly relevant to the study because the defence actually made the claim of prejudice being caused by the media in the review proceedings before the Supreme Court, and not just an academic supposition. That is not proof of any wrongdoing on the part of the courts, but it does show that the involvement of the media pressure was recorded in the legal proceedings. The case is thus a confirmation of the danger of external influence in Pakistan is not merely speculative, confined to academic discussions. It is an institutional feature of high-profile litigation today and can influence the dynamics of the criminal process as to timing, perception, and institutional stance. (Zahir Zakir Jaffar v. The State, 2025).

3.3 Depp v. Heard (Virginia, 2022)

The transnational comparison provided by Depp v. Heard is useful because the two related legal cases are based on similar allegations and involved similar cross-border issues, but were litigated under different procedures, and concluded with very different results, in light of different media conditions. Depp also went to court in England over an article in The Sun which called him a "wife-beater." In November 2020, the High Court of England and Wales determined that the characterisation was 'substantially correct' in relation to a significant number of the alleged incidents following a trial on points of law alone. Permission to appeal was denied by the Court of Appeal, which found that Depp had had a full and fair hearing (2020, 2021).

At the same time, Depp filed a defamation lawsuit in Virginia against Amber Heard for her opinion piece in The Washington Post in which she claimed to be a "public figure for survivors of domestic violence. The trial in Fairfax County in April – June 2022, in front of a lay jury, was aired and broadcasted on a massive scale. The jury sided with Depp on all three of the challenged statements, and awarded him substantial compensatory and punitive damages, the latter of which was held to the statutory limit. Heard was only partially successful on her counterclaim. The claims and appeals were later dropped by the parties (Depp v. Heard, 2022). It serves as an Experiment within the Social Media Machine. It is an Experiment within the Social Media Machine.

What made the Virginia proceedings different from many litigations today is that they were a digital show that involved the audience as a part of the process and not just a spectator. The exchanges and proceedings in the courtroom were recorded in real-time, edited, rated, satirised and shared on TikTok, YouTube, Instagram and Twitter. Depp garnered a lot of support with very little mockery, and Heard received some, but much less, support, and there

was plenty of mockery for him. The case was not just "consumed" by the public; it was actually re-created via humour, commentary, fan mobilisation, and gendered framing of narrative (Bennett, 2022).

That's important because this case, which hinges on credibility, abuse and conflicting accounts of intimate violence, can be particularly distorted when cut up into viral bits. In the social media space, the courtroom characteristic of "disciplined evaluation" is replaced by "performance," "emotional identification," and "algorithmic ridicule." Heard's testimony was turned into entertainment and Depp was embraced by a large online following as the wronged party well before the verdict was reached. The outcome was a highly skewed process where formal proceedings ran in parallel with an informal, but highly effective, parallel trial by the public.

It is this contrast that makes the case of the comparative value. The English trial, conducted by a judge rather than jury and without the pressure of amplification by the media, came to a conclusion different than the televised jury in Virginia, on substantially similar facts. The gap must not be explained solely by the disparities in the legal regime, but also by the differences in the informational contexts of the two tribunals. The elements of pairing judge and jury, and exposure to real-time public reaction can influence not only the experience, but also the outcome of adjudication, for a study interested in the climate of adjudication.

4. Comparative Synthesis

In this study, it is shown that the role of public opinion and media pressure on judicial processes is not uniform but an ambivalent one. In the Asia Bibi case, external pressure has come in the shape of ideological aggression and the threat of physical violence, undermining the practicalities of autonomy. The Noor Mukadam case brought to the fore a demand for accountability, with the publicity creating a climate in which rapid and harsh punishment is a favoured script. The comparative approach shed light on how social media can create a spectacle of adjudication and asymmetries that are hard to reconcile with reasoned legal judgment in the Depp-Heard case. As a whole, these cases argue for the thesis that judicial decision making in important cases is not just about doctrine and formal logic. It also needs to be understood in the media settings in which cases are contested, the general narratives on which those cases operate, and the institutional weaknesses that these narratives reveal. The next one extends the discussion to the broader implications of the dynamics for judicial legitimacy, trust in the judiciary and the future of responsible and independent adjudication in Pakistan.

5. Challenges and Implications – Judicial Legitimacy and public trust:

A set of challenges and implications are raised in the case studies. They ask the questions of how much does media pressure and the popular opinion have to do with judicial legitimacy, public trust, procedural justice and the role of courts in Pakistan? They also need to be found out if the visibility generated by the current media environment strengthens the Judiciary, making it more accountable, or weakens it, making it more vulnerable to populist pressures, selective outrage and narrative distortion. What this is saying is that media scrutiny and public engagement is not necessarily harmful. Rather, the judiciary that is completely removed from the public eye is susceptible to opacity and to a lack of popular legitimacy. The challenges arise as soon as the sphere of publicity becomes a parallel judicial arena where subjects are judged guilty or innocent, constitutional or not, or loyal to the judiciary or not, in advance of the actual trials. In those cases, courts are confronted with a dilemma of legitimacy as they are viewed either as acting with the people or against the people. This paper examines the status of judicial legitimacy in situations of high visibility. This paper explores judicial legitimacy in high

visibility contexts. The legitimacy of the judiciary has more to do than institutional design. The constitution should guarantee tenure, appointment and decisional autonomy, but legitimacy is a matter of perception that courts operate lawfully, on principle, fairly. In ordinary cases, the perception comes mainly from the quality of the legal reasoning and the regularity of the procedure. In more public litigation, however, legitimacy is increasingly constructed through public narrative, which can be only indirectly related to the actual record in front of the court (Gibson, Caldeira, & Baird, 1998). This creates a tension in the structure. When judges rule based on "popular demand," they use a power that they cannot replace. A court that is popular, not legal, is more likely to be applauded in the short term, but to undermine its more fundamental claim to legitimacy of ruling on disputes based on the law, not on force. However, a court that abides by the law with rigid exactitude can still find itself losing popular backing where popular discussion of the situation has already interpreted the case in a highly moralized way and recast any contrary ruling as a matter of weakness, bias or corruption (Friedman, 2009).

In Pakistan, the trust level in institutions is uneven and this tension is particularly stark. Often, courts are called on to decide issues that involve more than legal but political, religious and social issues. Consequently, rulings in "big cases" are not interpreted as legal verdicts but as statements about the moral righteousness of the state, the status of victims, the importance of religion, the need for accountability, or the readiness of elites to defend themselves. The legitimacy of the judiciary is therefore constantly reflected in the layers of expectation which do not necessarily have legal connotations.

5.1 Public Trust between Transparency and Distortion:

Public trust in the judiciary is not enhanced by keeping things a secret. The modern legal system should be open enough so that the citizens can understand how the courts work and what the significance of judgments is. Process coverage, judicial reasoning discussion, and examination of delay/conflict can all be helpful for building trust. Media visibility, therefore, can have a democratic role by highlighting the victims who have been neglected, bringing the issues of legal proceedings to the fore, and making them understandable to a wider audience (Tyler, 2006; Bingham, 2010).

Trust, however, can be easily undermined if the media stops being informative and becomes performative. Today, media attention is drawn to instantaneity, antagonism and moral conviction. Social media amplifies these tendencies by favoring virality over verification. In this environment, the court is not only challenged, but relentlessly attacked by commentators, lobbyists, partisans and anonymous users, this audience of emotionally motivated ones. Legal subtlety is hard to maintain as the advantages of online debate are on the side of the short story: the hero judge, the corrupt judge, the innocent victim denied justice, the protected defendant, the political denial of the court, the court vindicated by vengeance.

Misinformation is not its sole issue. However credible the factually correct reporting may be, a selective or sensational or otherwise unethical or legally unsound reporting can create an exaggerated environment. It makes public trust precarious, as it is based not on institutional understanding but on the court's endorsement of the dominant popular narrative. Where it does, so does trust in the first few moments. The very legitimacy of the court is challenged, where it does, however, sound doctrine of the judgment (Constitution of the Islamic Republic of Pakistan, 1973) is under challenge. Discuss how the concept of a fair trial in an era of narrative pressure evolved. Explain the development of the idea of a fair trial in an age of narrative pressure. The fundamental message of media pressure relates to the right to a fair trial. Article 10-A of the Constitution of Pakistan, guarantees the right to fair trial and due

process. This guarantee is not only about court procedure in a narrow technical sense. It assumes that there is a setting where there is not undue intimidation, prejudgment, and storytelling. The presumption of innocence is also undermined in practice if, although it remains in principle, it is challenged in the media through the construction of the accused as guilty, or the construction of acquittal as a moral betrayal. This risk can work both ways. In some situations, popular outcry generates momentum toward conviction and exemplary punishment. Polarization is also likely to foster hostile sentiments toward complainants, minority litigants, or victims of abuse in others, making it much more difficult for formal access to justice to be translated into real protection. These can be both seen in the case studies explored above. In one, the fear and the mobilising of mobs affected the work of the lower courts as well as the work of the state authorities. In another, publicity seemed to accelerate the process and to magnify the cries for severe punishment. The comparative example shows that high-intensity partisanship online has the potential to create the emotional tone of adjudication in the face of seemingly open and well-documented proceedings. The concept of delay, as it has been understood, is thus widened to encompass the fair-trial challenge. This includes reputational coercion, symbolic expectation, online harassment, trial by clip and selective leaking of evidence, and making litigants into public figures before they've even been adjudicated. These pressures can be exerted against the judges, the prosecutors, defence lawyers, witnesses, and even complainants. An institutionalised justice system under constant pressure of narrative can, and is likely to, be working effectively on the superficial level but at a deeper level of constitutional justice, it can be becoming increasingly ineffective.

5.2 The impacts of the judges' behavior and institutional culture:

But media and public opinion do not always influence final outcomes. Judicial actions and institutional attitudes also play a role in influencing. The judges in the prominent cases might be more cautious, more defensive, more rhetorically expansive, or more performatively responsive. Judgements can be organized to respond to the general public and the legal profession. They could focus on moral condemnation, national values or public reassurance in a way that helps to shore up the reception of the decision (Shetreet & Forsyth, 2012). This adaptation does not always indicate a bad use of the ability. Judgments always have a message beyond the parties and courts, in a sense, are public institutions. The challenge comes in when communication turns into accommodation. Judges become conditioned to expect a backlash, and as a result, become more hesitant to be stating the law, more willing to delay their rulings, and more willing to be less emphatic on what they will pass. When judges begin to anticipate a backlash, and as a result become more hesitant to be stating the law, more willing to delay their rulings, and more willing to be less emphatic on what they will pass, the adjudicative process is no longer purely doctrinal. The change is not made possible by the direct evidence but its institutional consequences are serious.

Such pressures are exacerbated by structural conditions in Pakistan more generally, such as the asymmetric security, the politicisation of discourse, the lack of faith in the executive and the professionalisation of lawsuits as acts of national virtue. Under these circumstances, judges are not just making law, but are often operating in a context of reputational attack, ideological organization, and in some cases, even threats to personal safety. So, judicial independence is not just an abstract issue. It is experienced within the institutional psychology of decision-making (Akhtar, 2022; International Commission of Jurists, 1989).

5.3 The Ambivalent Role of Media Pressure:

There is also a need to recognize that media pressure can be beneficial. Public exposure of procedural abuse may alleviate the invisibility that often is associated with this type of abuse. A

public trial can force investigative agencies to work harder, to stop taking political shortcuts and to make it more difficult for the powerful alleged perpetrators of a crime to use informal power. Media coverage can sometimes be the impetus needed to make institutions want to intervene when there is a gender-based violence, custodial abuse or impunity case (Ali & Shah, 2022; Mezzera & Sial, 2010).

The problem with this, however, is that a positive impact doesn't automatically make the process itself constitutional. Justice based on the media is unequal and unstable. Cases that are capable of attracting attention gain a charge of energy, outrage, speed, but cases of equivalent legal gravity but lesser visibility in society remain lost to the delays of routine. This creates a hierarchy of justice and not by legal principle but by the value of the story. Social pressure can therefore fix some of the errors for the sake of reinforcing and perpetuating another set of problems of asymmetric visibility. The point is that the judiciary cannot count on the practice of publicity to be an informal means of holding the executive accountable. Institutional, principled, and even-handed accountability is necessary. Selective outrage will replace the usual role of the courts as effective enforcers of law, and the courts will be more responsive when the public is watching. This attitude is a corrosive attitude to public trust, for it implies that law can be most effective when it is a show and least effective when it is not.

5.4 Democratic Accountability without Populist Adjudication:

The goal is not to keep courts out of public debate. Courts are not to be immune from criticism in a constitutional democracy. Cases need to be discussed, the press needs to be reporting, and citizens need to be free to take a critical look on their behalf. The real difficulty lies in maintaining accountability without falling into populist responsiveness in adjudication (Bingham, 2010; Friedman, 2009). This necessitates an important distinction. Democratic accountability refers to the fact that courts base their authority on reasoned decisions, fairness in their procedures and limits imposed by the constitution. Populist adjudication, on the other hand, sees the public passion as an education in normativity. It reinforces the idea that court is legitimate if it reflects the prevailing sentiment and illegitimate if it is against it. A system like this is inherently inconsistent with judicial independence, particularly when the rights of minorities, unpopular defendants, or politically sensitive constitutional issues are involved. It is particularly relevant for Pakistan. The courts have been called on to play a more expansive function than mere adjudication, even as a substitute for executive action, and sometimes as a substitute for accountability. This may be beneficial to the short-term legitimacy of the courts, but it leaves them on a high-low roller ride. An overly symbolic approval can eventually hinder the power of a judiciary to remain principled when such approval is reversed.

5.5 Impact on Pakistan's standing in international community:

The overarching issue for Pakistan is that the public faith in the judiciary will remain fragile as long as it is not linked with good institutional performance but occasional big victories. The long-term viability of trust depends on whether normal litigants are given a fair hearing and decisions that are reasoned, and whether justice is delivered on time — something citizens are less likely to observe in a headline case. Media can raise awareness but not build enduring trust when the courts are seen as effective in more visible cases and weak in routine cases (Gibson & Caldeira, 2009). Therefore, it is necessary to consider the media/court relationship as a system. The purpose of the goal cannot be simply to prevent criticism of judges, or simply to ensure transparency for transparency's sake. It needs to be to create environments in which transparency helps and does not hinder the legality. These entail: responsible reporting, a more restrained approach to broadcasting inflammatory content, greater institutional communication by the courts, and a more systematic judicial approach to procedure as basis of

legitimacy. Public confidence is also shaped by the extent to which courts are seen as impartial in various types of litigants. When the framing of the media is split on class, gender, religion or political grounds, courts are further burdened with showing that constitutional justice does not rely on public opinion. The issue of judicial legitimacy for Pakistan is thus not possible to be addressed without consideration of the capacity of the judiciary in Pakistan to ensure the rule of law even in an emotionally charged or ideologically unforgiving social environment.

6. Conclusion:

This study has suggested that the main issue of media discourse and public opinion is not the issue of direct control of the judiciary. What is more troubling is that high-stakes litigation now takes place in a parallel arena of narrative adjudication which can have an impact on the public's trust, the fairness of proceedings, institutional conduct, and the practical reality of judicial independence. Media exposure can reinforce accountability, but it can also undermine legitimacy by demanding the same intensity of actions to courts that it demands of legislatures (Iqbal, 2025). The implications are especially important in Pakistan, where the judiciary works in a politically and socially dynamic environment, and where the courts are often called upon to adjudicate issues that have symbolic significance far greater than what is written in the case papers. The judiciary's proper functioning and legitimacy, in other words, hinges on a careful balance – between transparency and drama, responsibility and fear, and public trust and populist adjudication. The comparative case analysis shows that public visibility can act as a sort of a protective shield or a solvent, depending on whether it reinforces or replaces the disciplined application of law. The following are three general recommendations. First, courts need to invest in principled and consistent institutional communication, making available for public access the reasons behind judicial decisions without engaging courts in a popularity contest. Second, media regulation should be specific and predictable, with a clear emphasis on blocking prejudicial and inflammatory material and not on preventing legitimate reporting and commentary, otherwise it would harm openness that is expected and upon which trust is built. Third, most crucially, character of regular adjudication, which gives judiciary its foundation in legitimacy, is fair and reasoned process, justice in a reasonable time delivered in a consistent manner, both in visible and invisible cases. Only a court that is comfortable in its duty can resist temptation to be taken over by popular mood or to be cut off from it in an extreme case.

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