



Court Law Review

ISSN: 3061-0893

E-ISSN: 3061-0907

Journal homepage <https://courtlawreview-aip.com/>

## Research Article

# THE ROLE OF THE MEDIA IN TRANSITIONAL JUSTICE: A COMPARATIVE ANALYSIS OF TAIWAN AND UKRAINE

Alona Harahata\* and Wei-Hsin Fu

## ABSTRACT

**Background.** *The study explores the key role of the media in the implementation of transitional justice mechanisms, using the example of two different but comparable countries—Ukraine and Taiwan. Both countries have undergone large-scale political transformations: Taiwan from authoritarian control by the Kuomintang party to democratic governance, and Ukraine as a post-Soviet state in a state of armed conflict and simultaneously rethinking its totalitarian past. In both contexts, the media act not only as a channel of information but also as a tool for influencing public opinion, shaping national memory, legitimizing legal processes, and ensuring open dialogue.*

*The objective of this study is to identify similarities and differences in the functioning of the media in transitional justice processes in Ukraine and Taiwan, as well as to determine how they contribute to the achievement of its main objectives: establishing the truth, providing reparations, bringing the perpetrators to justice, and promoting reconciliation.*

### DOI:

<https://doi.org/10.33327/CLR/3061-0907/2025/1-00009>

Date of submission: 13 May 2025

Date of acceptance: 29 Aug 2025

Online First publication: 27 Sep 2025

### Disclaimer:

The authors declare that their opinion and views expressed in this manuscript are free of any impact of any organizations.

### Copyright:

© 2025 Alona Harahata  
& Wei-Hsin Fu



**Methods.** *The methodology of this study is based on an interdisciplinary approach that includes comparative legal analysis of normative acts, content analysis of media publications, a review of scientific literature, and doctrinal studies of the role of the media in legal discourse. The empirical basis consists of official documents, court practice, media materials, and public statements by representatives of transitional justice institutions in each country.*

**Results and conclusions.** *This study highlights the dual nature of the media: on the one hand, they can support processes of reconciliation and public reappraisal of the past; on the other hand, they can become a source of polarization through political bias or the spread of disinformation. In Taiwan, the media actively covered the activities of the Transitional Justice Commission, promoted the memory of the repressed, and created space for public discussion. In Ukraine, the media operates in the context of ongoing war, focusing on documenting war crimes, exposing disinformation, and mobilizing national resistance.*

*The study's conclusions emphasize that successful transitional justice is impossible without the participation of independent and professional media. Taiwan's experience can be useful for Ukraine in terms of memorialization, archiving crimes, public apologies, and supporting victims' rights. At the same time, Ukraine's practice of countering hybrid warfare, especially in the field of information security, is valuable for Taiwan and other states experiencing pressure from authoritarian regimes.*

## 1 INTRODUCTION

The issue of transitional justice has become particularly relevant in today's world due to the need to overcome the consequences of mass human rights violations, come to terms with a totalitarian past, and respond to new armed conflicts. An important element of this process is the media, which not only shapes the information environment but also influences public perceptions of historical memory, the legitimacy of legal procedures, and the prospects for reconciliation. Therefore, analyzing the role of the media in transitional justice mechanisms in various socio-political contexts is relevant and significant for legal science and communication studies.

Transitional justice is a set of measures and mechanisms used by society to overcome the consequences of massive human rights violations, bring perpetrators to justice and restore justice.<sup>1</sup> The success of such measures largely depends on how they are perceived by society, and thus on the role of the information environment. The media can be both a driving force for transitional justice by highlighting the truth and giving voice to victims.

---

1 Anton Korynevych and Tymur Korotkyi, 'Transitional Justice for Ukraine: *Per Asp̄era ad Astra*' (2020) 12 Law of Ukraine 129. doi:10.33498/louu-2020-12-129.

For decades, Taiwan has been postponing the comprehension of its authoritarian past, and only since the mid-2010s has it been actively implementing a policy of transitional justice.<sup>2</sup> In Ukraine there is a need to simultaneously rethink the Soviet authoritarian legacy and ensure justice for the crimes of the modern war. Both societies have an extensive media space where different narratives of memory and justice clash. Therefore, the study of the comparative experience of Taiwan and Ukraine allows for a deeper understanding of how the media influence transitional justice in different socio-political contexts.

Research question. How do the media influence the implementation of transitional justice in Taiwan and Ukraine, including the processes of establishing historical truth, bringing perpetrators to justice, reconciliation, and reparations for victims? What are the common challenges faced by the media in these countries and what lessons can they learn from each other?

In 2018, Taiwan established the Transitional Justice Commission (TJC),<sup>3</sup> an independent government body authorized to investigate crimes committed during the period of 1945-1992, open archives, dismantle authoritarian symbols, and restore the rights of the repressed.<sup>4</sup> Ukraine has faced transitional justice issues in two ways. First, it is *post-totalitarian justice* after the Soviet regime: since 2014-2015, laws on lustration and decommunization have been adopted, KGB archives have been opened, and attempts have been made to rethink historical narratives.<sup>5</sup> Secondly, *post-conflict justice*: the armed conflict that has been going on since 2014 and especially its escalation in 2022 has generated a huge number of war crimes, victims and displaced persons, which requires transitional justice mechanisms even before the end of the wars.<sup>6</sup>

## 2 METHODOLOGY

The research is based on an interdisciplinary approach that combines legal analysis, political science and media studies. The analytical method is used to study the theoretical foundations of transitional justice: scientific definitions, principles and international standards that outline the role of information transparency and public dialogue in

2 C Donovan Smith, 'Taiwan's Transitional Justice in 2021: Accomplishments and Frustrations' (*Ketagalan Media*, 1 March 2021) <<https://ketagalanmedia.com/2021/03/01/taiwan-transitional-justice-2021-accomplishments-frustrations/>> accessed 5 May 2025.

3 *Transitional Justice Commission (TJC Taiwan)* <<https://www.tjc.gov.tw/en>> accessed 5 May 2025.

4 'Veteran Democracy Advocate to Lead Transitional Justice Work' (*Focus Taiwan: CNA English News*, 27 March 2018) <<https://focustaiwan.tw/politics/201803270025>> accessed 5 May 2025.

5 Ilya Nuzov, 'Transitional Justice in Ukraine: Reconciliation or Reconsolidation of Post-Communist Trauma?' (*Justice Info*, 17 October 2016) <<https://www.justiceinfo.net/en/29577-transitional-justice-in-ukraine-national-reconciliation-or-reconsolidation-of-post-communist-trauma.html>> accessed 5 May 2025.

6 Anja Mihr, 'Transitional Justice in Ukraine' in Anja Mihr and Caterina Pierobon (eds), *Polarization, Shifting Borders and Liquid Governance* (Springer 2024). doi:10.1007/978-3-031-44584-2\_25.



transitional justice are analyzed. Normative analysis was used to review legislative initiatives and government policies in Taiwan and Ukraine (such as Taiwan's 2017 Act on Promoting Transitional Justice,<sup>7</sup> Ukraine's 2015 laws on decommunization and on the basis of state policy for the transitional period,<sup>8</sup> draft No. 5844<sup>9</sup>). The comparative method allowed us to compare the two cases, identify commonalities (e.g., the desire to restore historical truth, compensate victims) and differences (historical period, type of conflict, media environment). In addition, international monitoring, such as the RSF Press Freedom Index,<sup>10</sup> shows that in 2025, Taiwan ranks 24th in the world and second in the Asia-Pacific region. At the same time, RSF has documented cases of government pressure on the media (e.g., the removal of a TaiwanPlus report).<sup>11</sup>

A separate media content analysis was used to review media publications and public discourse materials in both countries. In particular, news articles covering the work of the Taiwanese Transitional Justice Commission, scandals and achievements were analyzed. In Ukraine, media materials on the investigation of war crimes (reports from Bucha, Mariupol, etc.), as well as analytical articles on information policy during the war, were reviewed.<sup>12</sup> Furthermore, recent public opinion polls show that between 52% and 69% of Ukrainians supported a negotiated end to the war, illustrating how public expectations shape perceptions of justice mechanisms.<sup>13</sup>

- 
- 7 Law of the Republic of China (Taiwan) 'Act on Promoting Transitional Justice (5 December 2017) <<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030296>> accessed 5 May 2025.
  - 8 Law of Ukraine No 314-VIII 'On the Legal Status and Honoring the Memory of Fighters for Ukraine's Independence in the Twentieth Century' (9 April 2015) <<https://zakon.rada.gov.ua/laws/show/314-19#Text>> accessed 5 May 2025; Law of Ukraine No 315-VIII 'On the Perpetuation of the Victory over Nazism in the Second World War of 1939-1945' (9 April 2015) <<https://zakon.rada.gov.ua/laws/show/315-19#Text>> accessed 5 May 2025; Law of Ukraine No 316-VIII 'On Access to the Archives of Repressive Agencies of the Communist Totalitarian Regime of 1917-1991' (9 April 2015) <<https://zakon.rada.gov.ua/laws/show/316-19#Text>> accessed 5 May 2025; Law of Ukraine No 317-VIII 'On the Condemnation of the Communist and national Socialist (Nazi) Totalitarian Regimes and Prohibition of Propaganda of their Symbols' (9 April 2015) <<https://zakon.rada.gov.ua/laws/show/317-19#Text>> accessed 5 May 2025.
  - 9 Draft Law of Ukraine No 5844 'On the Principles of State Policy for the Transition Period' (9 August 2021) <[http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=72625](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72625)> accessed 5 May 2025.
  - 10 'RSF World Press Freedom Index 2025: Economic Fragility a Leading Threat to Press Freedom' (*RSF Reporters Without Borders*, 3 May 2025) <<https://rsf.org/en/rsf-world-press-freedom-index-2025-economic-fragility-leading-threat-press-freedom>> accessed 5 May 2025.
  - 11 Teng Pei-ju, 'Taiwan Climbs to 24th in World Press Freedom Rankings, Up 3 Spots' (*Focus Taiwan: CNA English News*, 2 May 2025) <<https://focustaiwan.tw/politics/202505020006>> accessed 5 May 2025.
  - 12 Thibaud Oberli, 'What Justice for Ukraine? Information and the Role Played by the Media' (2023) 179 *À Propos* <<https://koff.swisspeace.ch/apropos/554/what-justice-for-ukraine-information-and-the-role-played-by-the-media/>> accessed 5 May 2025.
  - 13 Ben Vigers, 'Ukrainian Support for War Effort Collapses' (*Gallup*, 7 August 2025) <<https://news.gallup.com/poll/693203/ukrainian-support-war-effort-collapses.aspx>> accessed 10 August 2025.

The research was based on the principle of objectivity and a multilateral approach, using sources in Ukrainian, English, and Chinese to present different national narratives.

A limitation of the methodology is the lack of quantitative sociological data on the direct impact of the media on the public's attitude to transitional justice (for example, the level of trust in trials or truth commissions).

### 3 THEORETICAL FOUNDATIONS OF TRANSITIONAL JUSTICE AND THE ROLE OF MEDIA

As defined by the UN, transitional justice encompasses "the full range of processes and mechanisms related to societal efforts to uncover the truth about past massive violations, bring perpetrators to justice, ensure accountability, and achieve reconciliation."<sup>14</sup> The classic elements of transitional justice are:

- Criminal prosecution is the conduct of trials.
- Establishment of the truth (truth commissions).
- Reparations to victims are compensation for damages to victims.
- Institutional reforms and guarantees of non-recurrence.
- Memorialization and public dialogue.

The successful implementation of these measures depends not only on political will and legal frameworks, but also on their legitimization in the eyes of society. This is where the critical role of the media comes into play. The media can influence transitional justice on several levels:

- Informing and educating. Media act as an intermediary between transitional justice institutions (courts, commissions) and the public. As the International Center for Transitional Justice notes, the right to truth is a basic principle of this concept, and its realization depends largely on effective communication.<sup>15</sup>
- Shaping narratives and public opinion. The media have the ability to set the tone for public discussion about the past.

---

14 'Transitional Justice' (*LRI Legal Response International*, 1 May 2013) <<https://legalresponse.org/legaladvice/transitional-justice/>> accessed 5 May 2025.

15 Anna Myriam Roccatello and Alec Knight, 'Truth Telling in Ukraine Amid Widespread Disinformation and a Weakened International System' (*ICTJ International Center for Transitional Justice*, 4 January 2025) <<https://www.ictj.org/latest-news/truth-telling-ukraine-amid-widespread-disinformation-and-weakened-international-system>> accessed 5 May 2025.



- Monitoring and control of the authorities. Journalists perform an important oversight function, preventing possible abuses in transitional justice processes.
- A platform for victims' voices and public dialog. The media can give voice to victims of repression or conflict and tell their stories to the general public.
- Mediating dialog between groups.

It is worth emphasizing that the role of the media is not always positive. In some cases, "the media become agents of conflict" by spreading harmful narratives, disinformation, or one-sided propaganda.<sup>16</sup> Below, we will look at two specific cases - Taiwan and Ukraine - to see how these theoretical positions are implemented in practice.

## 4 MEDIA AND TRANSITIONAL JUSTICE IN TAIWAN

Taiwan went through a long period of authoritarian rule by the KMT (Kuomintang) party after World War II.

Since the 1990s, Taiwan's media have been free to address previously taboo topics.

It was only in 2016 that the Democratic Progressive Party (DPP), led by President Tsai Ing-wen, came to power and declared the comprehensive implementation of transitional justice as one of her priorities.<sup>17</sup> In December 2017, the Legislature (Legislative Yuan) passed the Law on Promoting Transitional Justice,<sup>18</sup> which formed the Transitional Justice Commission in 2018. Its mandate included opening KMT archives, investigating political cases from 1945-1992, annulling illegal sentences, dismantling symbols of the authoritarian era (e.g., renaming streets and removing monuments to Chiang Kai-shek), and preparing a final report with recommendations.<sup>19</sup>

In recent years, President Tsai Ing-wen has emphasized the importance of transitional justice not only through legislation, but also through symbolic and financial measures. Speaking at the 77th anniversary of the 228 Incident in Chiayi County in 2024, Tsai outlined her administration's achievements: public apologies, legislative reforms, and the creation of a Cabinet-level body to promote transitional justice. A foundation established to compensate victims of the 228 Incident and the White Terror has already disbursed over NT\$4 billion (approximately US\$126.7 million) to nearly 2,000 applicants whose properties were illegally confiscated. Significant progress was also made in declassifying national

---

16 Oberli (n 12).

17 Smith (n 2).

18 Law of the Republic of China (Taiwan) (n 7).

19 Thomas J Shattuck, *Transitional Justice in Taiwan: A Belated Reckoning with the White Terror* (FPRI 2022) <<https://www.fpri.org/article/2019/11/transitional-justice-in-taiwan-a-belated-reckoning-with-the-white-terror/>> accessed 5 May 2025.

security archives: amendments to the Political Archives Act now require mandatory declassification after 30 years, thus enhancing transparency. Tsai emphasized that these efforts are not aimed against any political group but are a responsibility to confront the authoritarian past and to heal national wounds. Despite progress, she acknowledged that the scars of history remain painful, stressing the need to "peacefully coexist with the past" and to continue building a more open society.<sup>20</sup>

Taiwan today has one of the highest levels of press freedom in Asia.

Pro-government and liberal media outlets generally supported initiatives like the Truth Commission, emphasizing the moral need to uncover past crimes and restore justice. In contrast, media outlets sympathetic to the KMT were skeptical or hostile to the transitional justice campaign. Their articles often criticized the PPP as using the justice of the past for political revenge, "rewriting history" to undermine the legitimacy of the KMT. As soon as the law was passed, the opposing camp declared that the authorities were conducting a "witch hunt" under the guise of justice.<sup>21</sup> This media polarization reflects deeper societal divisions: "transitional justice" has become part of an ideological confrontation between supporters of Taiwanese identity (and critics of the authoritarian past) and supporters of preserving the Republic of China's heritage, who feel threatened by the revision of "their" history.

Examples of media influence on reconciliation, reparations, and investigations (Taiwan):

- Coverage of the Commission's work and disclosure of the truth. Taiwanese media have been actively reporting on the results of the Transitional Justice Commission's work.
- Discussion about the measures and limits of justice. The media has become a space for debate about how far transitional justice should go. One example is *the debate about the dismantling of monuments to Chiang Kai-shek*. The commission recommended removing symbols of authoritarianism, but the implementation of this was met with opposition. There were arguments in the press for and against.<sup>22</sup>
- The influence of external information warfare. It is worth mentioning that the Taiwanese media space is also influenced by neighboring China (PRC), which sometimes uses media and social networks to spread disinformation. The existence of hostile external media has even consolidated local media: Taiwanese journalists are aware of their special mission to counter disinformation.

---

20 Kayleigh Madjar, 'Tsai Lauds Progress on Justice' *Taipei Times* (Taipei, 28 February 2024). <<https://www.taipeitimes.com/News/taiwan/archives/2024/02/29/2003814242>> accessed 5 May 2025.

21 Yufei Zhang, 'The Swamp of Taiwan's Transitional Justice' (*Democracy & Society*, 5 May 2018) <<https://democracyandsociety.net/2018/05/05/the-swamp-of-taiwans-transitional-justice/>> accessed 5 May 2025.

22 Dominika Remžová, 'Chiang Must Fall? Why Lai Ching-te Won't Topple Chiang Kai-shek' [2024] *Taiwan Insight* <<https://taiwaninsight.org/2024/06/28/chiang-must-fall-why-lai-ching-te-wont-topple-chiang-kai-shek/>> accessed 5 May 2025.



As a result, by the time the Commission's work was completed in 2022, the country had achieved important results: the historical truth was published in several volumes of reports, thousands of unjust convictions were overturned, political prisoners were rehabilitated, and educational and memorial programs were launched.

## 5 MEDIA AND TRANSITIONAL JUSTICE IN UKRAINE

After the declaration of independence in 1991, the state faced the task of rethinking the communist past and establishing historical justice. Only after Euromaidan in 2014 and the flight of President Yanukovich did an active process of decommunization and lustration begin, which can be considered a component of transitional justice. In 2014, a law on lustration was passed;<sup>23</sup> in 2015, a package of four "*decommunization laws*" was adopted,<sup>24</sup> aimed at dismantling the totalitarian legacy: condemnation of the communist and Nazi regimes, opening of archives, renaming of place names, etc.

Proponents considered decommunization necessary to restore historical justice and strengthen national identity, while critics noted that imposing one narrative too sharply could preserve the split between the East and West of Ukraine and even play into Russian propaganda. Throughout the war, the information space has remained an arena of confrontation: documented Russian disinformation campaigns targeting both international and domestic audiences underscore the key role of the media in any justice process (including transitional justice).<sup>25</sup>

The question arose as to how to treat the crimes of this conflict. The Ukrainian state has taken a clear position on bringing the perpetrators to justice, both at the national level and through international courts. After the large-scale invasion of Russia in February 2022, these processes gained even greater momentum: Ukraine is cooperating with the International Criminal Court (ICC), which has already issued an arrest warrant for the Russian president for deporting children.<sup>26</sup> On March 17, 2023, the Pre-Trial Chamber II of the International Criminal Court issued arrest warrants for Vladimir Putin and Maria Lvova-Belova in connection with the illegal deportation of children from the occupied

---

23 Law of Ukraine No 1682-VII 'On Government Cleansing (Lustration)' (16 September 2014) <<https://zakon.rada.gov.ua/laws/show/1682-18#Text>> accessed 5 May 2025.

24 Laws of Ukraine No 314-VIII; No 315-VIII; No 316-VIII; No 317-VIII (n 8).

25 'Tech Companies Should Prioritize Rights in Ukraine: Q&A Document on Social Media, Messaging Platforms' Responsibilities' (*Human Rights Watch*, 16 March 2022) <<https://www.hrw.org/news/2022/03/16/tech-companies-should-prioritize-rights-ukraine>> accessed 5 May 2025.

26 Mihr (n 6).

territories of Ukraine.<sup>27</sup> At the same time, there is a discussion about the concept of transitional justice for the occupied territories: how to reintegrate the population of Donbas and Crimea after de-occupation, how to deal with collaborators, how to ensure truth and reconciliation. The draft law "On the Principles of State Policy for the Transition Period" (No. 5844) was submitted by the government in 2021 but has not yet been adopted.

The Ukrainian media has undergone a significant evolution since independence. Ukraine has freedom of speech, but there are also problems: concentration of ownership in the hands of a few businessmen. Until 2014, Russian TV channels and the print press had a significant audience in Ukraine, promoting a pro-Kremlin interpretation of history (glorification of the "Great Patriotic" War, silencing repressions, branding the Ukrainian liberation movement as "Nazis").<sup>28</sup>

At the same time, Ukrainian journalists and editorial offices have also been professionalized, especially in the genre of war journalism and human rights topics. For example, in 2022, despite the danger, numerous Ukrainian and foreign reporters documented the atrocities of the Russian army in the liberated cities (Bucha, Izium, etc.), collected eyewitness accounts, in effect playing the role of "*field researchers*" for future justice.<sup>29</sup> Thus, unlike Taiwan, where the media focuses mainly on the historical past, in Ukraine, a significant part of media activities in the field of transitional justice is related to the current events of the conflict.

Examples of media influence on reconciliation, reparations, and investigations (Ukraine):

- Documenting crimes and the right to truth. Photos and videos from Bucha, Irpin, and Borodianka went viral. The right to the truth about the current crimes now prevails over the issue of dialogue with those on the other side of the conflict.
- Countering disinformation and information security. The media are forced to act in the face of a large-scale disinformation campaign by Russia, an element of the so-called "hybrid war." According to researchers, Russia's war against Ukraine is accompanied by an "*information war*", a "battle for people's minds and trust".<sup>30</sup> In addition, supporting independent local media in the liberated or frontline areas has

---

27 'Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova: Press release' (ICC International Criminal Court, 17 March 2023) <<https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>> accessed 5 May 2025; Anton Hrushetskyi, 'Dynamics of Trust in President V Zelenskyy in 2019–2025: Press releases' (KIIS Kyiv International Institute of Sociology, 6 August 2025) <<https://www.kiis.com.ua/?cat=reports&id=1542&lang=eng&page=1>> accessed 10 August 2025.

28 Draft Law of Ukraine No 5844 (n 9); 'The Draft Law on transitional Justice Requires Significant Revision – Human Rights Defenders' (ZMINA: Human Rights Center, 20 September 2021) <<https://zmina.ua/event/zakonoprojekt-pro-perehidne-pravosuddya-potrebuye-suttyevogo-dopraczyuvannya-pravozahysnyky/>> accessed 5 May 2025.

29 Mihr (n 6).

30 Oberli (n 12).

become a security issue: international organizations (e.g., Fondation Hirondelle) provide grants and assistance to Ukrainian journalists so that they can continue their work and "bring truthful information to people cut off from official broadcasting."<sup>31</sup> This is also part of transitional justice: ensuring that victims of the conflict have access to the truth and are not influenced by manipulations that can either intimidate them or sow hatred.

- Covering trials and explaining justice. Journalists covering court hearings to explain the significance of these processes to the audience. People believe that evidence should be collected and trials should be held now, even in the absence of the accused, because this will record the truth for history and prepare the ground for inevitable punishment.<sup>32</sup>
- Discourse on collaborators and reconciliation. In 2022-2023, after the liberation of some territories, a wave of trials of collaborators began. Some Ukrainian media outlets emotionally demanded harsh retribution. However, human rights activists and some experts through the media tried to add arguments of prudence: not to punish ordinary people more severely than the main initiators of the aggression. In particular, human rights organizations in the coalition stated the need to develop criteria for accountability and to prevent the collective guilt of the population of the occupied territories.<sup>33</sup> The draft law on the transitional period even provides for amnesty mechanisms. When developing standards for regulating speech, the ECtHR provides guidance on striking a balance between protecting lively public debate and setting limits on "hate speech" — see cases *Handyside v. the United Kingdom*<sup>34</sup> (freedom of expression as a foundation of a democratic society), *Jersild v. Denmark*<sup>35</sup> (journalistic coverage of hate speech and protection of reporters), and *Dink v. Turkey*<sup>36</sup> (positive obligations of the state to protect when expression gives rise to threats).<sup>37</sup>

31 'Supporting Media Resilience' (Fondation Hirondelle, 2025) <<https://www.hirondelle.org>> accessed 5 May 2025.

32 Denis Dzidic, 'In Race for Justice, Ukraine Repeats Bosnia's Mistakes' (*Balkan Transitional Justice*, 22 February 2024) <<https://balkaninsight.com/2024/02/22/in-race-for-justice-ukraine-repeats-bosnias-mistakes/>> accessed 5 May 2025.

33 'The Draft Law on transitional Justice Requires Significant Revision' (n 26).

34 *Handyside v the United Kingdom* App no 5493/72 (ECtHR, 7 December 1976) <<https://hudoc.echr.coe.int/eng?i=001-57499>> accessed 5 May 2025.

35 *Jersild v Denmark* App no 15890/89 (ECtHR, 23 September 1994) <<https://hudoc.echr.coe.int/eng?i=001-57891>> accessed 5 May 2025.

36 *Dink v Turkey* App nos 2668/07, 6102/08, 30079/08, 7072/09, 7124/09 (ECtHR, 14 September 2010) <<https://hudoc.echr.coe.int/?i=001-100383>> accessed 5 May 2025.

37 'Citizens' Assessment of the Situation in the Country. Trust in Social Institutions, Politicians, Officials and Public Figures. Attitude to Holding National Elections in Ukraine Before the End of the War (September 2023)' (*Razumkov Centre*, 15 October 2023) <<https://razumkov.org.ua/en/research-areas/surveys/citizens-assessment-of-the-situation-in-the-country-trust-in-social-institutions->

- Memorialization and the culture of memory. In Ukraine, as in Taiwan, the media are involved in shaping the culture of remembrance of past atrocities. Public recognition of victims through the media is an important component of transitional justice.

However, the foundation is being laid: the truth is being archived, a clear narrative of condemnation of the aggressor is being formed, and mechanisms for dealing with the "difficult legacy" (collaboration) are being partially discussed. The main contribution of the media is to ensure that the facts of violations are preserved and communicated to the public (despite attempts to conceal or distort them). As noted in the Geneva Academy's analytical review, Ukraine's transition process is unique because it is "multi-level and multi-stakeholder, relying on evidence from governmental and non-governmental actors, and fake data and narrative manipulation have been part of this war from day one."<sup>38</sup>

The media appear here both as a stakeholder (collector of evidence) and as a battlefield (information warfare). The success of transitional justice itself will depend on how well the information space is organized and cleansed.

## 6 COMPARATIVE ANALYSIS OF TAIWAN AND UKRAINE

We will present the comparison in a structured form by key aspects:

### 1. The historical nature of transitional justice:

- *Taiwan*: Deals mainly with retrospective justice for the past authoritarian period (1940s-1980s). Transitional justice here focuses on events that are several decades removed from the present.
- *Ukraine*: Combines a retrospective component (Soviet crimes, post-Soviet rights violations) and an actual post-conflict component (crimes of the ongoing war, reintegration issues). The media simultaneously cover history (decommunization) and reports from the battlefield, i.e., they are in a more persistent real-time mode. This complicates the discourse of reconciliation, as society is still experiencing the trauma, not just reflecting on it.
- Common to both cases is the desire to combine "the truth about the past" with institutional guarantees of non-repetition of repression; the difference is that in Taiwan, the retrospective phase predominates, while in Ukraine, the retrospective is superimposed on current war crimes. Lesson: Ukraine can benefit from Taiwan's logic of systematic memorialization and archiving, while Taiwan can benefit from Ukraine's experience of documenting crimes in "real time."

---

politicians-officials-and-public-figures-attitude-to-holding-national-elections-in-ukraine-before-the-end-of-the-war-september-2023> accessed 5 May 2025.

38 Mihr (n 6) 410.



## 2. The state of the media and freedom of speech:

- *Taiwan*: A mature democracy with a high level of press freedom. There is a politically polarized but professional media.
- *Ukraine*: Also a democracy, but in a state of war, press freedom is partially limited by military necessity. The information environment is militarized: the media are mobilized to support the state against the aggressor. The presence of disinformation requires stricter content moderation. This can narrow the pluralism of opinions on reconciliation models (for example, criticism of harsh approaches to collaborators is quieter so as not to erode unity in the face of the enemy).
- Both countries rely on a free press, but the context is different: for Taiwan, political polarization and external influence from China are key issues; for Ukraine, it is the legal framework of wartime and the safety of journalists. The lesson: transparent standards of moderation and self-regulation enhance the legitimacy of discourse on justice.

## 3. Perceptions of transitional justice by different groups and media coverage:

- *Taiwan*: The society is divided along ideological lines (pan-blue (KMT) vs. pan-green (DPP)), which is reflected in the media. For some (most Taiwanese of local identity), transitional justice is a long-awaited justice, and the media of this camp present the topic positively. For others (mostly KMT supporters, part of the older generation of mainlanders), it is a threat to their group memory, and the media in this segment criticize or downplay the need for these measures.<sup>39</sup> Nevertheless, there is a consensus on the condemnation of political repression as such; the differences are rather in the emphasis (whether the PPP has gone too far or is not selectively used).
- *Ukraine*: Perceptions are also heterogeneous, but the lines of division are somewhat different - regionally and in terms of the current role of "victim/aggressor." Thus, the Ukrainian media environment in the issue of transitional justice is divided not so much internally as spatially, between the controlled and occupied territories.
- In both societies, the media reflect value divisions, but in Ukraine these are exacerbated by war and occupation. Lesson: systematic communication about the goals of justice (truth, reparations, guarantees of non-reversion) and careful use of language that avoids hostility reduce polarization.

---

39 Zhang (n 19).

#### 4. Legal consequences of media representation:

- *Taiwan*: Media coverage contributed to the adoption of specific legal decisions. For example, public pressure, amplified by the media, led to the adoption of a law on the return of *misappropriated party assets* (so that the KMT would return property acquired during the dictatorship period).<sup>40</sup> In other words, the media helped institutionalize memory in a legal form.
- *Ukraine*: The information background influences legislative policy. We can already see that as society through the media demands the most severe punishment for war criminals, the Verkhovna Rada has increased criminal liability for collaboration, new articles on war crimes are being introduced, and the state is abandoning the idea of amnesty (at least until the victory).
- In both countries, media discourse is converted into norms—from restitution and renaming (Taiwan) to increased criminal liability (Ukraine). Lesson: the balance between “freedom of expression ↔ protection from hate speech” must be established in accordance with ECHR standards so as not to undermine the legitimacy of justice.

Overall, the comparative analysis demonstrates that the role of the media is critical in any transitional justice scenario, but the specific functions differ: some are more about the past and reconciliation (Taiwan), others about the present and punishment (Ukraine). Both types of roles are equally important.

In Taiwan, the media mainly “archive and reconcile”, while in Ukraine they “document and mobilise”, and in both cases it is the quality of regulatory and editorial standards that determines trust in transitional justice. For further reforms, the joint use of memorialization tools (Taiwan) and documentation/communication practices in wartime (Ukraine) is recommended, based on ECHR standards and ICTJ/OSCE RFoM guidelines.

## 7 DISCUSSION: CHALLENGES, LEGAL IMPLICATIONS AND PROSPECTS

The analysis of the cases of Taiwan and Ukraine highlights a number of legal and societal issues related to the role of media in transitional justice.

1. The impact of media on the rule of law. The media, reflecting the pain and anger of society, can unconsciously push for top-down decisions that contradict international standards. In Ukraine, human rights activists are already criticizing the practice of mass sentences in absentia and the laws on collaborators, saying that this may violate human rights.<sup>41</sup> On the

---

40 Smith (n 2).

41 Dzidic (n 29).



other hand, if you fail to communicate with the population, then disappointment will also have consequences: a sense of injustice can undermine confidence in the new government or peace. So, *the challenge is* for the media to become promoters of the rule of law, explaining why even enemies should be brought to a fair trial, why evidence is needed, not just emotions. In this regard, it is useful to involve legal journalists and experts in broadcasts.

2. Trust in institutions. The media largely builds trust or distrust in transitional justice institutions. If journalists expose corruption or political pressure, it undermines the legitimacy of the process - but also cleanses it. The Taiwanese example showed that a short-term scandal led to a staff renewal and eventually *increased trust* (the commission became more cautious). At the same time, the media should avoid general discrediting of the institutions. The balance is to criticize specific problems but support *the idea of* justice itself. Society, through the media, should remind the authorities of their obligations to the victims.

3. Legal framework for the media. The issue of freedom of speech and media regulation is also important. For example, laws on hate speech: to prevent incitement to hatred of former enemies if the country has chosen a course of reconciliation. Ukraine already has legislation against hate speech, but its application in the post-war context will be a delicate matter. Taiwan did not face the problem of internal hate speech in its trial. Therefore, it is appropriate to think about ethical codes or editorial policies regarding terminology (not to generalize groups, to distinguish between the regime and the population, etc.) The National Council on Television and Radio Broadcasting and journalistic organizations should actively work on standards.

4. Public opinion and willingness to compromise. The media shape public opinion, and political steps depend on it, as we have already noted. If public opinion is categorically against amnesty, even for ordinary forced participants in the events, politicians will not risk including amnesty in the law. Therefore, the media should prepare society for difficult but necessary compromises. This can be done by explaining international experience: showing examples where it would not have been possible to end the war without amnesty.

5. Prospects and recommendations. Based on the study, we can outline the following promising areas:

- International media support. Both Taiwan and Ukraine could benefit from international cooperation in covering transitional justice.
- Academic cooperation between media and experts. Successful coverage of complex processes requires journalists to have a deep understanding of the topic. Therefore, it is worth building a bridge between academics (historians, lawyers, sociologists) and media professionals. This will improve the quality of the content and prevent simplifications or mistakes.

- Involve the media in the reform process. The Ukrainian government is already developing transition policies, and it is important for journalists to be present at these discussions not only as reporters, but also as stakeholders who will make suggestions: how to communicate, what can go wrong in the public sphere. The Taiwanese experience shows that transparency and public involvement (through the media) is the key to better results.<sup>42</sup>
- Monitoring the effectiveness of the media in reconciliation. In the future, sociologists and media experts should monitor how media content affects public attitudes toward reconciliation. For example, conduct regular surveys and compare it with what the media say. Such feedback will help to adjust the media policy.

An opportunity - because a properly constructed information campaign can significantly facilitate the achievement of transitional justice goals (justice, reconciliation, reforms). Responsibility - because mistakes or omissions by the media can harm the process (ignite new conflicts, leave some people unheard, destroy trust). Therefore, both the state and civil society should consider the media as an integral part of transitional justice. No wonder they say that the “right to truth is a prerequisite for the right to justice”.<sup>43</sup> And the right to truth is realized primarily by a free press.

## 8 CONCLUSIONS

Having examined the experience of Taiwan and Ukraine, we can draw several key conclusions about the role of the media in transitional justice mechanisms.

First, the Media act as the main channel for conveying the truth about past crimes to society. Without the active participation of the media, even the most detailed archival research or court decisions will remain highly professional events. A free press serves as a voice that makes transitional justice available to the entire nation. Taiwan has proven this - after the media gained freedom and began to talk about 2-28 and the White Terror. In Ukraine, where the crimes are still ongoing, the media ensure that every episode is recorded, thereby building the foundation for future justice.

Secondly, the media can both stimulate and restrain the political will for reform. A strong public demand generated by the press can force the authorities to act more boldly in restoring justice. In our case, the Ukrainian media are pushing the world to create international mechanisms for justice over Russian aggression. At the same time, the media can also radical or erroneous steps: Taiwanese journalists prevented the Commission from becoming a punitive body for political opponents. Thus, the media is both an engine and a compass for reforms.

---

42 'The Draft Law on transitional Justice Requires Significant Revision (n 26).

43 Roccattello and Knight (n 15).



Third, the role of the media in shaping collective memory and public opinion makes them co-creators of reconciliation. Taiwan has almost come to this point, while Ukraine has yet to do so after the war.

Fourth, the potential of the media to influence the international community increases the chances of successful justice. In a globalized world, transitional justice is not just a domestic matter. International publicity can provide support - financial, expert, and political. As the Ukrainian case shows, the coverage of the war and calls for justice in the global media has led to the creation of a coalition of states that help with investigations and trials (e.g., joint investigation teams, the center in The Hague). Thus, the media - both national and international - create an atmosphere of inevitability of justice: crimes will not go unnoticed, the world is watching. This is especially important when offenders (such as the Russian leadership) are still out of reach the courts - the media exerts pressure, shapes public opinion, which is then transformed into political action (sanctions, international warrants).

Fifth, in order to effectively utilize the potential of the media, certain reforms and investments in the media sector itself are needed. If we want the media to help with transitional justice, they must be *independent, professional and sustainable*. Independence - to be trusted. Professionalism - so that they do not do harm by misinformation or misunderstanding. Resilience - to withstand economic pressure (especially in post-war Ukraine, the media will be weakened). Therefore, the state and society should invest in media literacy, in supporting local media, and in training journalists. This will pay off a hundredfold, because strong media is a powerful tool for change.

In conclusion, the experience of Taiwan and Ukraine shows that although the circumstances are different. To paraphrase a famous saying, "*If you want peace, prepare the truth.*" And it is the media that help society prepare and present this truth. Their role is not secondary, but central. Realizing this is the key to a successful, just and peaceful future for both Taiwan and Ukraine.

## REFERENCES

1. Dzidic D, 'In Race for Justice, Ukraine Repeats Bosnia's Mistakes' (*Balkan Transitional Justice*, 22 February 2024) <<https://balkaninsight.com/2024/02/22/in-race-for-justice-ukraine-repeats-bosnias-mistakes/>> accessed 5 May 2025.
2. Hrushetskyi A, 'Dynamics of Trust in President V Zelenskyy in 2019-2025: Press releases' (*KIIS Kyiv International Institute of Sociology*, 6 August 2025) <<https://www.kiis.com.ua/?cat=reports&id=1542&lang=eng&page=1>> accessed 10 August 2025.
3. Korynevych A and Korotkyi T, 'Transitional Justice for Ukraine: *Per Asp̄era ad Astra*' (2020) 12 Law of Ukraine 129. doi:10.33498/louu-2020-12-129

4. Mihr A, 'Transitional Justice in Ukraine' in Mihr A and Pierobon C (eds), *Polarization, Shifting Borders and Liquid Governance* (Springer 2024). doi:10.1007/978-3-031-44584-2\_25
5. Nuzov I, 'Transitional Justice in Ukraine: Reconciliation or Reconsolidation of Post-Communist Trauma?' (*Justice Info*, 17 October 2016) <<https://www.justiceinfo.net/en/29577-transitional-justice-in-ukraine-national-reconciliation-or-reconsolidation-of-post-communist-trauma.html>> accessed 5 May 2025.
6. Oberli T, 'What Justice for Ukraine? Information and the Role Played by the Media' (2023) 179 *À Propos* <<https://koff.swisspeace.ch/apropos/554/what-justice-for-ukraine-information-and-the-role-played-by-the-media/>> accessed 5 May 2025.
7. Remžová D, 'Chiang Must Fall? Why Lai Ching-te Won't Topple Chiang Kai-shek' [2024] *Taiwan Insight* <<https://taiwaninsight.org/2024/06/28/chiang-must-fall-why-lai-ching-te-wont-topple-chiang-kai-shek/>> accessed 5 May 2025.
8. Roccatello AM and Knight A, 'Truth Telling in Ukraine Amid Widespread Disinformation and a Weakened International System' (*ICTJ International Center for Transitional Justice*, 4 January 2025) <<https://www.ictj.org/latest-news/truth-telling-ukraine-amid-widespread-disinformation-and-weakened-international-system>> accessed 5 May 2025.
9. Shattuck TJ, *Transitional Justice in Taiwan: A Belated Reckoning with the White Terror* (FPRI 2022).
10. Smith CD, 'Taiwan's Transitional Justice in 2021: Accomplishments and Frustrations' (*Ketagalan Media*, 1 March 2021) <<https://ketagalanmedia.com/2021/03/01/taiwan-transitional-justice-2021-accomplishments-frustrations/>> accessed 5 May 2025.
11. Vigers B, 'Ukrainian Support for War Effort Collapses' (*Gallup*, 7 August 2025) <<https://news.gallup.com/poll/693203/ukrainian-support-war-effort-collapses.aspx>> accessed 10 August 2025.
12. Zhang Y, 'The Swamp of Taiwan's Transitional Justice' (*Democracy & Society*, 5 May 2018) <<https://democracyandsociety.net/2018/05/05/the-swamp-of-taiwans-transitional-justice/>> accessed 5 May 2025.

## AUTHORS INFORMATION

### Alona Harahata

PhD Student, Department of Theory and History of Law,  
Yaroslav Mudryi National Law University, Ukraine  
a.d.garagata@nlu.edu.ua  
<https://orcid.org/0009-0002-9396-6359>

**Corresponding author**, responsible for conceptualization, data curation, funding acquisition, investigation, methodology, resources, software, visualization, writing – original draft, writing – review & editing.



## Wei-Hsin Fu

Associate Professor, Department of Communication Studies, Tzu Chi University, Taiwan

[fuweihsin@gms.tcu.edu.tw](mailto:fuweihsin@gms.tcu.edu.tw)

<https://www.scopus.com/authid/detail.uri?authorId=57216508809>

**Co-author**, responsible for formal analysis, project administration, supervision, validation.

**Competing interests:** No competing interests were disclosed.

**Disclaimer:** The authors declare that opinion and views expressed in this manuscript are free of any impact of any organizations.

## RIGHTS AND PERMISSIONS

**Copyright:** © 2025 Alona Harahata and Wei-Hsin Fu. This is an open access article distributed under the terms of the Creative Commons Attribution License, (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

## EDITORS

**Managing editor** – Mag. Bohdana Zahrebelna.

## ABOUT THIS ARTICLE

### Cite this article

Harahata A and Fu, W.-H., 'The Role of the Media in Transitional Justice: A Comparative Analysis of Taiwan and Ukraine' (2025) 1(1) Court Law Review 1-20 <<https://doi.org/10.33327/CLR/3061-0907/2025/1-00009>> Published Online 27 Sep 2025

**DOI:** <https://doi.org/10.33327/CLR/3061-0907/2025/1-00009>

**Summary:** 1. Introduction. – 2. Methodology. – 3. Theoretical Foundations of Transitional Justice and the Role of Media. – 4. Media and Transitional Justice in Taiwan. – 5. Media and Transitional Justice in Ukraine. – 6. Comparative Analysis of Taiwan and Ukraine. – 7. Discussion: Challenges, Legal Implications and Prospects. – 8. Conclusions.

**Keywords:** *transitional justice, media, information policy, Taiwan, Ukraine.*

## DETAILS FOR PUBLICATION

Date of submission: 13 May 2025

Date of acceptance: 29 Aug 2025

Date of publication: 27 Sep 2025

Number of reviewer report submitted in first round: 2 reports

Number of revision rounds: 1 round with minor revisions

## Technical tools were used in the editorial process:

**Plagiarism Detection:** All submissions are screened for originality using **iThenticate**, a plagiarism detection service provided by Turnitin.

**Editorial Management:** The submission, peer review, and editorial workflow are managed through Open Journal Systems (OJS).

## АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

### Дослідницька стаття

### РОЛЬ ЗМІ В ПЕРЕХІДНОМУ ПРАВОСУДДІ: ПОРІВНЯЛЬНИЙ АНАЛІЗ ТАЙВАНЮ ТА УКРАЇНИ

**Альона Гарагата та Вей-Сін Фу**

### АНОТАЦІЯ

**Вступ.** Передумовою цього дослідження є ключова роль засобів масової інформації у впровадженні механізмів перехідного правосуддя на прикладі двох різних, але співставних країн — України та Тайваню. Обидві держави зазнали масштабних політичних трансформацій: Тайвань — від авторитарного контролю партії Гоміньдан до демократичного врядування, а Україна — як пострадянська держава, що перебуває у стані збройного конфлікту та водночас переосмислює своє тоталітарне минуле. В обох контекстах ЗМІ виступають не лише каналом інформації, а й інструментом впливу на громадську думку, формування національної пам'яті, легітимізації правових процесів та забезпечення відкритого діалогу.

Метою цього дослідження є виявлення подібностей і відмінностей у функціонуванні ЗМІ в процесах перехідного правосуддя в Україні та на Тайвані, а також визначення того, як вони сприяють досягненню його основних завдань: встановленню правди, наданню репарацій, притягненню винних до відповідальності та сприянню примиренню.



**Методи.** Методологія базується на міждисциплінарному підході, що включає порівняльний правовий аналіз нормативних актів, контент-аналіз медійних публікацій, огляд наукової літератури та доктринальні дослідження ролі медіа у правовому дискурсі. Емпіричну базу становлять офіційні документи, судова практика, матеріали ЗМІ та публічні заяви представників інституцій перехідного правосуддя в обох країнах.

**Результати та висновки.** Результати дослідження показують подвійний характер медіа: з одного боку, вони можуть підтримувати процеси примирення та публічного переосмислення минулого, а з іншого — ставати джерелом поляризації через політичну упередженість чи поширення дезінформації. На Тайвані медіа активно висвітлювали діяльність Комісії з питань перехідного правосуддя, популяризували пам'ять про репресованих та створювали простір для суспільної дискусії. В Україні ЗМІ працюють у контексті триваючої війни, зосереджуючись на документуванні воєнних злочинів, викритті дезінформації та мобілізації національного спротиву.

Висновки дослідження підкреслюють, що успішне перехідне правосуддя неможливе без участі незалежних і професійних ЗМІ. Досвід Тайваню може бути корисним для України у сфері меморіалізації, архівування злочинів, публічних вибачень і захисту прав жертв. Водночас українська практика протидії гібридній війні, особливо в інформаційній сфері, є цінним прикладом для Тайваню та інших держав, які перебувають під тиском авторитарних режимів.

**Ключові слова:** перехідне правосуддя; медіа; інформаційна політика; Тайвань; Україна; воєнні злочини.