


Post-Truth Politics and Legal Epistemology: The Erosion of Legal Facts in Polarized Democracies

Jennifer. Lee¹, Bálint. Tóth^{2*}, Emily. Carter³

¹ Department of Political Science, Stanford University, Stanford, USA

² Department of Criminal Law, Eötvös Loránd University, Budapest, Hungary

³ Department of Law, University of Oxford, Oxford, United Kingdom

* Corresponding author email address: balint.toth@elte.hu

Received: 2025-01-20

Revised: 2025-03-07

Accepted: 2025-03-19

Published: 2025-04-01

ABSTRACT

This article explores how post-truth politics undermines legal epistemology and erodes the role of legal facts in polarized democratic societies. Using a scientific narrative review and descriptive analysis method, this study synthesizes interdisciplinary literature from legal theory, political philosophy, media studies, and epistemology published between 2020 and 2024. Relevant peer-reviewed journal articles, legal commentaries, and philosophical texts were selected to examine the influence of post-truth dynamics on legal reasoning. The analysis focused on conceptual clarification, comparative case studies from countries such as the United States, Brazil, Hungary, and the United Kingdom, and critical reflection on mechanisms such as judicial politicization, manipulation of evidence, expert delegitimization, and the impact of algorithmic media systems. The findings reveal that legal systems in polarized democracies are increasingly susceptible to epistemic fragmentation, where multiple conflicting narratives replace a shared understanding of legal facts. The ideal of objectivity in judicial reasoning is collapsing under political pressure, and proof standards are becoming inconsistent due to ideological polarization and cognitive biases. Media trials and disinformation campaigns further distort public understanding of legal outcomes. These dynamics collectively weaken public trust in legal institutions and challenge the ability of courts to function as neutral, evidence-based arbiters. However, the study also identifies pathways for institutional and educational reform, including reinforcing judicial independence, integrating media literacy and epistemology into legal education, enhancing procedural safeguards, and promoting transnational cooperation against disinformation. The post-truth era presents a serious threat to the epistemological foundations of law. To protect the integrity of legal systems, democratic societies must adopt comprehensive strategies that reaffirm truth-seeking as a central value in legal practice and discourse.

Keywords: *Post-truth politics; legal epistemology; judicial independence; legal reasoning; polarized democracies; disinformation; media and law.*

How to cite this article:

Lee, J., Tóth, B., & Carter, E. (2025). Post-Truth Politics and Legal Epistemology: The Erosion of Legal Facts in Polarized Democracies. *Interdisciplinary Studies in Society, Law, and Politics*, 4(2), 248-264. <https://doi.org/10.61838/kman.isslp.4.2.22>

1. Introduction

In recent years, the political landscape across the globe has undergone a significant transformation marked by the emergence and normalization of post-truth politics. This phenomenon, characterized by the primacy of emotional appeal and ideological narratives

over empirical facts, reflects a fundamental shift in the way information is produced, disseminated, and consumed within democratic societies. In post-truth contexts, public discourse is no longer governed by standards of evidence and rational debate, but rather by affective persuasion, cognitive bias, and political



tribalism. The traditional boundaries between opinion and fact have blurred, creating a fertile ground for misinformation, conspiracy theories, and the strategic deployment of “alternative facts.” As Wimberly notes, the post-truth era represents a culmination of a historical trajectory in which propaganda and corporate public relations have gradually replaced deliberative truth with performative rhetoric (Wimberly, 2021). The consequence is not merely epistemic confusion, but a systemic erosion of trust in institutions that were once considered custodians of truth, including the judiciary. The rise of post-truth politics has profound implications for legal epistemology—the branch of legal theory concerned with the nature and justification of knowledge in legal reasoning. Legal systems traditionally rely on a structured process of fact-finding, the evaluation of evidence, and adjudication based on consistent reasoning. However, in polarized democracies where ideological divisions run deep, legal epistemology becomes vulnerable to the same post-truth dynamics that destabilize political communication. In such environments, legal facts themselves are politicized, contested, or reinterpreted to fit partisan narratives. As Capilla explains, post-truth represents not just a distortion of media practices but a fundamental mutation of epistemology that extends to all knowledge-producing domains, including law (Capilla, 2021). The process of legal reasoning, which presumes a shared commitment to truth-seeking, is now increasingly entangled in political agendas that treat facts as malleable and subordinate to ideological ends. This erosion of legal epistemology is particularly acute in polarized democracies, where legal institutions are often caught in the crossfire of political contention. Courts and judges may be portrayed as partisan actors, legal outcomes are framed as politically motivated, and procedural safeguards are recast as obstacles to justice rather than its guarantees. The weaponization of legal discourse—what some have called “judicial populism”—undermines the legitimacy of the judiciary and distorts public understanding of how law operates. In these contexts, the legal system does not merely suffer from external misinformation but may itself become a conduit for post-truth logics. As Prozorov argues, in an era where truth is subject to competing narratives, even legal subjectivity is reshaped by the post-truth condition,

complicating the normative assumptions of objectivity and neutrality (Prozorov, 2021).

One of the central mechanisms by which post-truth politics infiltrates legal reasoning is through the disruption of shared epistemic frameworks. When basic facts are no longer agreed upon, the adversarial system of justice—which depends on fact-based argumentation—becomes increasingly strained. According to Cassam, post-truth environments are characterized by the deliberate propagation of bullshit, propaganda, and epistemic insincerity, all of which erode the foundations of credible legal debate (Cassam, 2021). This shift has direct consequences for fact-finding procedures in courts, as litigants may appeal more to emotional resonance than evidentiary standards, and judges may face increasing pressure to issue rulings that align with dominant political sentiments rather than legal principles. Moreover, the proliferation of digital media platforms has enabled the rapid spread of disinformation, making it difficult for courts to ascertain the authenticity of evidence or the credibility of expert witnesses. As noted by Lutfi and Ja’far, the digital age introduces a new layer of epistemological complexity where legal reasoning must contend with the epistemic chaos of cyberspace (Lutfi & Ja’far, 2023).

In polarized democracies, this problem is exacerbated by the presence of powerful political actors who actively engage in truth manipulation to serve strategic objectives. The use of fake news, information distortion, and media manipulation has become a normalized tool for shaping public opinion and influencing legal outcomes. Sihombing et al. highlight the increasing difficulty of identifying legal truth in an environment where disinformation campaigns blur the line between legitimate and illegitimate legal claims (Sihombing et al., 2024). As a result, the integrity of legal decision-making processes is compromised, and public confidence in the legal system declines. Raburski further explains that the erosion of epistemological norms within legal discourse poses a threat to the very foundations of the democratic rule of law, which depends on the legitimacy of legal reasoning and fact-based adjudication (Raburski, 2022). This article seeks to explore how post-truth politics distorts legal reasoning and what implications this distortion holds for fact-finding and truth-seeking in law. Specifically, it examines the epistemological challenges facing legal systems in polarized democracies, where

ideological divisions and media ecosystems amplify the effects of post-truth discourse. The review also investigates how legal institutions respond—or fail to respond—to these challenges, and what this suggests about the future of law’s relationship to truth. Drawing on interdisciplinary literature from political science, legal theory, epistemology, and media studies, the study aims to develop a conceptual understanding of the post-truth condition as it pertains to the legal domain. In doing so, it addresses two interrelated questions: How does post-truth politics distort legal reasoning? And what are the implications of this distortion for the processes of fact-finding and truth-seeking that underpin the legitimacy of legal systems?

By addressing these questions, the article contributes to an emerging body of scholarship that recognizes the legal domain as not merely resistant to post-truth dynamics, but as one of its central battlegrounds. As Harcourt observes, the crisis of post-truth is not confined to the political arena but extends into the legal realm, where truth itself becomes contested terrain, subject to ideological capture and strategic manipulation (Harcourt, 2021). Similarly, Enroth underscores that the authority of legal institutions depends not only on procedural legitimacy but also on their capacity to represent and produce epistemic truth within a fragmented public sphere (Enroth, 2021). In such an environment, the stakes of defending legal epistemology are higher than ever, as the survival of democratic governance hinges on the ability of legal systems to sustain truth as a public good rather than a partisan commodity.

2. Methodology

This study employs a scientific narrative review design grounded in the descriptive analysis method. The narrative review approach was selected to allow for a comprehensive and integrative exploration of the conceptual and empirical dimensions of post-truth politics and its implications for legal epistemology. Unlike systematic reviews, which prioritize quantifiable data and predefined inclusion criteria, the narrative review enables a more interpretive engagement with complex theoretical material, philosophical debates, and emerging legal phenomena. The descriptive analysis method facilitated the identification, organization, and interpretation of recurring patterns, discursive shifts,

and epistemic ruptures within the selected literature. Through this approach, the review systematically traces how legal facts are destabilized and reconstructed in polarized democratic contexts under the influence of post-truth politics. The study is interpretive in nature, aiming to synthesize knowledge from interdisciplinary fields—legal theory, political science, philosophy, and media studies—while remaining anchored in legal scholarship.

The body of literature analyzed in this article was selected from peer-reviewed journal articles, legal commentaries, philosophical essays, and institutional reports published between 2020 and 2024. To ensure relevance and scholarly credibility, sources were identified through academic databases such as JSTOR, Scopus, Web of Science, and HeinOnline, using search terms including “post-truth politics,” “legal epistemology,” “legal facts,” “democratic polarization,” “truth in law,” and “judicial disinformation.” The inclusion criteria focused on works that explicitly addressed the epistemological dimension of law within the context of democratic institutions facing ideological polarization, media manipulation, and public distrust in legal authority. Articles that explored the intersection of law and post-truth in real-world case studies—such as judicial populism in Eastern Europe, disinformation campaigns during constitutional crises, or the role of truth in legal decision-making—were prioritized. Preference was given to interdisciplinary contributions that provided both theoretical depth and empirical evidence, particularly those situated at the confluence of contemporary jurisprudence and political epistemology. The selected texts were subjected to a multi-stage thematic analysis to extract key patterns, arguments, and theoretical insights relevant to the erosion of legal facts. The first stage involved a close reading of each text, with emphasis placed on identifying core themes such as the transformation of legal truth, the politicization of fact-finding, and the crisis of legitimacy in judicial institutions. The second stage entailed a cross-comparative reading of the literature to trace convergences and divergences in scholarly interpretations across different jurisdictions and ideological settings. Attention was given to how legal systems interpret truth claims differently in polarized democracies, and how courts respond to epistemic fragmentation in public discourse. The final stage of

analysis synthesized the thematic findings into structured sections within the article, ensuring that each part reflects a coherent narrative informed by a broad yet critically curated knowledge base. Throughout the analysis, the descriptive method allowed for the preservation of contextual richness while drawing broader conclusions about the implications of post-truth politics for legal epistemology.

3. Conceptual Framework

The term *post-truth politics* refers to a political culture in which public discourse is increasingly shaped not by objective facts or rational deliberation but by emotional appeals, ideological commitment, and the strategic use of misinformation. While the phenomenon gained global attention in the context of events such as the Brexit referendum and the 2016 U.S. presidential election, its theoretical foundations run deeper, intersecting with longstanding tensions in epistemology, media studies, and political philosophy. In post-truth politics, truth becomes a secondary concern; political actors prioritize persuasive narrative over evidence-based argument, thereby eroding the conditions for informed democratic decision-making. According to Fischer, post-truth politics involves a collapse of boundaries between normative political objectives and empirical policy debates, enabling ideologically driven claims to masquerade as facts in public deliberation (Fischer, 2021). This shift results in what Capilla describes as a "mutation of epistemology" whereby the legitimacy of knowledge itself is no longer evaluated on the basis of verifiability, coherence, or consensus, but on the basis of emotional impact and social identification (Capilla, 2021).

Post-truth politics also leverages the affordances of contemporary media environments. As Holman argues, the proliferation of digital media platforms has radically transformed the information landscape, making it easier for falsehoods to circulate and harder for factual claims to gain traction (Holman, 2020). The sheer volume and velocity of online content has undermined traditional mechanisms of epistemic authority, allowing individual opinion to substitute for expert consensus. In this context, political communication becomes performative, with truth functioning more as a rhetorical tool than as an epistemic goal. Zoglauer elaborates on this by identifying post-truth as an epistemological crisis in

which the very criteria for what counts as truth are contested, leading to a relativistic attitude toward knowledge production in both political and legal domains (Zoglauer, 2023). The shift toward post-truth politics thus entails a broader cultural transformation in which affective engagement supersedes cognitive reasoning, threatening the normative ideals upon which democratic deliberation rests.

To understand the impact of post-truth politics on legal systems, it is essential to define *legal epistemology*, a subfield of jurisprudence concerned with the nature, sources, and justification of legal knowledge. Legal epistemology asks foundational questions about how legal actors—judges, lawyers, juries—know what they claim to know, how legal facts are established, and how truth functions within legal reasoning. Traditionally, legal epistemology has been informed by the assumption that law, while interpretive, maintains a special commitment to objective truth through its procedural safeguards, evidentiary rules, and reliance on rational argumentation. As Cassam points out, the legal system depends on epistemic virtues such as sincerity, accuracy, and consistency, which are directly threatened in a post-truth environment (Cassam, 2021). When legal reasoning is subjected to the same discursive strategies that define post-truth politics—such as selective storytelling, denialism, and emotional manipulation—its epistemological foundations begin to erode.

Legal epistemology also interacts with broader philosophical questions about the role of truth in public life. Enroth asserts that post-truth politics represents not just an informational problem, but a crisis of authority, in which institutions lose their capacity to define and enforce epistemic norms (Enroth, 2021). This undermines the rule of law, which relies on the presumption that legal decisions are rooted in verifiable facts rather than ideological preferences. In response, legal theorists such as Raburski have emphasized the need to reclaim legal epistemology from its current state of epistemic relativism by reaffirming its democratic function: to provide a neutral, fact-based forum for resolving social disputes (Raburski, 2022). Yet in polarized democracies, where epistemic consensus is increasingly elusive, such aspirations are difficult to realize.

Central to the crisis of legal epistemology is the distinction between *legal facts* and *political narratives*.

Legal facts refer to assertions that can be verified through evidence and tested according to established legal procedures. These include witness testimony, forensic results, documentary records, and expert analysis—all of which are subject to rules of admissibility, scrutiny, and cross-examination. Legal facts are the building blocks of judicial reasoning; they provide the empirical basis upon which courts interpret laws and render decisions. However, in the age of post-truth politics, these facts are often challenged, reframed, or replaced by political narratives that prioritize coherence with ideological worldviews over alignment with evidence. According to Kazakov, political narratives shape the perception of reality itself by embedding ideological assumptions into factual claims, thus redefining what is taken to be "true" in public discourse (Kazakov, 2022). In this way, legal facts are not only subject to evidentiary contestation but to ontological redefinition, as political actors seek to impose their own version of truth through the manipulation of language, media, and institutional discourse.

This dynamic is particularly evident in legal disputes that intersect with high-stakes political controversies. As Harcourt observes, post-truth politics introduces a form of epistemic partisanship in which legal evidence is selectively accepted or rejected depending on its alignment with political loyalties (Harcourt, 2021). This undermines the adversarial system's capacity to generate shared understanding, turning courtrooms into battlegrounds of competing ideologies rather than venues for impartial truth-seeking. Forberg examines how conspiracy theories such as QAnon create self-sealing belief systems that immunize adherents from counter-evidence, effectively inoculating them against the legal system's epistemic demands (Forberg, 2022). In such cases, legal facts are rendered ineffective not because they lack evidentiary support, but because they fail to resonate within the epistemic framework of the audience. The consequence is a breakdown in the communicative function of law, whereby even the most rigorously established facts can be dismissed as politically motivated or ideologically suspect.

This erosion of legal facts cannot be understood in isolation from the broader phenomenon of *democratic polarization*. Polarization refers to the growing ideological distance between political groups and the intensification of intergroup hostility. In polarized

democracies, citizens increasingly align along rigid political identities, leading to the formation of epistemic enclaves in which beliefs are reinforced and alternative viewpoints are discredited. Ünal describes how populist movements often exploit social divisions to create crisis narratives that foster ontological insecurity, making citizens more susceptible to post-truth rhetoric (Ünal, 2024). These dynamics are not only corrosive to democratic deliberation but also destabilizing to legal processes, which require a degree of consensus regarding the legitimacy of legal institutions and the integrity of fact-finding procedures.

Valverde notes that in polarized environments, legal discourse is often ritualized and performative, serving to reinforce group identity rather than to adjudicate disputes on the basis of shared evidence (Valverde, 2023). This results in a situation where legal actors are evaluated not on their adherence to rule-of-law principles, but on their perceived loyalty to political causes. As a result, legal institutions lose their status as neutral arbiters and become seen as instruments of political power. The judiciary, in particular, may be targeted by populist leaders seeking to delegitimize unfavorable rulings by portraying courts as elitist, biased, or disconnected from the "will of the people." Shashkova argues that this political turn in the philosophy of science is mirrored in legal thought, where the authority of legal expertise is increasingly contested and where legal reasoning is recast as a form of ideological posturing rather than epistemic inquiry (Shashkova, 2021).

Moreover, democratic polarization exacerbates the difficulty of achieving epistemic common ground, which is essential for both legal adjudication and democratic governance. Im explores how in the context of South Korea, political polarization has contributed to the retreat of democratic norms and the delegitimation of expert knowledge, including in legal contexts (Im, 2024). Similarly, Pardede observes that in Indonesia's post-truth society, legal reasoning is increasingly influenced by critical constructivist perspectives that blur the line between normative analysis and empirical evidence, making it difficult to distinguish between legal argument and political advocacy (Pardede & Poluakan, 2021). In such settings, legal epistemology must contend not only with conceptual ambiguity but with active resistance to its foundational principles.

The theoretical challenge posed by post-truth politics thus requires a rethinking of how legal systems construct, validate, and disseminate knowledge. Arencibia contends that post-truth thinking entails a rejection of epistemic humility and a turn toward dogmatic certainty, a shift that is fundamentally at odds with the reflective and evidence-based ethos of legal reasoning (Arencibia & Velázquez, 2021). This epistemic arrogance undermines the possibility of dialogue and mutual understanding, both of which are essential for the legitimacy of legal decisions. Afif proposes that a renewed commitment to ethical epistemology, grounded in religious or philosophical traditions, may offer a way to resist the truth decay of the post-truth era by re-centering knowledge on moral responsibility and communal trust (Afif et al., 2024).

Taken together, these conceptual strands illustrate the depth and complexity of the crisis facing legal epistemology in the age of post-truth politics. The destabilization of truth affects not only political communication but also the procedures and norms by which legal systems operate. As Wimberly suggests, the post-truth era represents a historical shift in the genealogy of public knowledge, one in which the boundary between legality and illegitimacy is continually redrawn through discursive struggle (Wimberly, 2021). Understanding this transformation requires not just legal analysis but interdisciplinary inquiry that engages with the sociology of knowledge, political philosophy, and media studies. Only by mapping the conceptual terrain of post-truth, legal epistemology, legal facts, and democratic polarization can we begin to comprehend—and potentially counteract—the erosion of legal truth in today's polarized democracies.

4. Mechanisms of Post-Truth Influence on Legal Systems

The influence of post-truth politics on legal systems occurs through a variety of mechanisms that together undermine the credibility, impartiality, and epistemic integrity of legal institutions. At the heart of this phenomenon lies the politicization of legal institutions, where judicial bodies are no longer perceived as independent or neutral, but as extensions of prevailing political ideologies. Under populist regimes, the judiciary is often framed as an elitist obstacle to the will of the people, thereby justifying its delegitimization or even

reconfiguration. In Hungary, for example, the government under Viktor Orbán has systematically curtailed judicial independence by reshaping the constitutional court, reducing the retirement age for judges, and increasing political influence over judicial appointments. This process has led to a judiciary that is no longer seen as a separate power but as a political tool, with decisions perceived through partisan lenses rather than legal merit. Ünal highlights how such populist strategies rely on the creation of crisis narratives that cast judicial actors as out-of-touch elites, fostering ontological insecurity and diminishing public trust in legal processes (Ünal, 2024). Similar trends can be observed in Poland, where judicial reforms have sparked major conflicts with the European Union over rule-of-law violations, and in Brazil under the presidency of Jair Bolsonaro, where legal institutions have been accused of targeting political adversaries while shielding allies from prosecution.

In the United States, the politicization of the judiciary has become particularly pronounced in the context of Supreme Court appointments, where ideological alignment with presidential administrations has taken precedence over judicial impartiality. The confirmation hearings of justices such as Brett Kavanaugh and Amy Coney Barrett sparked widespread debate about the erosion of legal neutrality, with many perceiving the court as an increasingly politicized institution. Harcourt argues that in post-truth environments, courts are no longer insulated from political turbulence; instead, they become arenas where political power is affirmed and contested, often through the strategic manipulation of legal language and procedural norms (Harcourt, 2021). This shift renders the legal system vulnerable to accusations of partisanship, weakening its capacity to function as an independent arbiter of disputes. In such contexts, legal institutions lose not only their epistemic authority but also their symbolic function as guardians of justice and democratic values.

Alongside the politicization of legal institutions, the manipulation of evidence in public trials has emerged as a central tactic in post-truth legal discourse. This involves both the distortion of factual information and the strategic presentation of misleading narratives designed to evoke emotional responses rather than rational analysis. In Brazil, the high-profile trial of former president Luiz Inácio Lula da Silva exemplified how

evidence can be selectively deployed to construct political legitimacy. Supporters of Lula argued that the corruption charges brought against him were politically motivated, relying on tenuous or circumstantial evidence while ignoring due process. This perception was amplified by polarized media coverage, which presented competing versions of reality that resonated with ideological audiences. According to Fischer, such trials are not merely legal procedures but performative events in which evidence serves as a prop for narrative construction rather than as a foundation for truth-seeking (Fischer, 2021). When legal proceedings become spectacles, their epistemic integrity is subordinated to political theater, and the concept of objective legal truth is diluted.

In the UK, the legal battles surrounding Brexit demonstrated similar dynamics, where legal arguments were often entangled with nationalist rhetoric and media sensationalism. The 2019 prorogation of Parliament by then-Prime Minister Boris Johnson, which was subsequently ruled unlawful by the Supreme Court, was met with accusations of judicial overreach and elitism. The legal reasoning behind the Court's decision was overshadowed in public discourse by claims that the judiciary was attempting to undermine the democratic will of the people. Valverde notes that in such scenarios, legal interventions are ritualized within post-truth environments, serving more as symbolic gestures than as epistemically grounded adjudications (Valverde, 2023). The manipulation of evidence and legal reasoning becomes an exercise in ideological signaling, eroding the public's understanding of the legal system as an evidence-based institution.

Closely related to the manipulation of evidence is the rise of "alternative facts" in legal advocacy. The term, popularized in the context of the Trump administration in the United States, encapsulates the idea that competing narratives can be treated as equally valid regardless of their empirical veracity. In legal settings, this manifests as the strategic presentation of factually incorrect or unverified claims as legitimate arguments. Cassam observes that the post-truth environment fosters a form of epistemic insincerity, where legal actors may deliberately introduce dubious facts not to win a legal argument on its merits, but to confuse, delay, or delegitimize proceedings (Cassam, 2021). This tactic is particularly effective in media-driven trials where the

court of public opinion holds as much sway as the courtroom itself. During Donald Trump's numerous legal battles, lawyers routinely invoked conspiracy theories and unverified claims—such as widespread voter fraud in the 2020 election—despite lacking credible evidence. These narratives were often crafted not for legal success, but to mobilize public sentiment and maintain political allegiance. As Prozorov explains, post-truth legal subjectivity is shaped by the desire for narrative coherence rather than factual confirmation, resulting in legal discourse that prioritizes ideological resonance over epistemic integrity (Prozorov, 2021).

In Indonesia, Pardede notes that post-truth strategies in legal discourse often draw from critical constructivist perspectives, wherein legal claims are justified based on socially constructed truths rather than empirical validation (Pardede & Poluakan, 2021). This epistemological shift enables legal actors to frame alternative facts as expressions of cultural, religious, or political identity, further complicating the pursuit of objectivity. Similarly, Zulfikar emphasizes that the epistemology of truth in legal settings is increasingly shaped by relativistic tendencies, allowing multiple and often contradictory narratives to coexist within the same legal space (Zulfikar, 2022). When truth becomes fragmented in this way, the law loses its ability to adjudicate between conflicting claims, and its role as an instrument of justice is fundamentally compromised.

A significant accelerant of these post-truth tactics is the role of social media and algorithmic epistemologies in shaping legal discourse. Digital platforms such as Twitter, Facebook, and YouTube have become primary arenas for the dissemination of legal narratives, enabling rapid circulation of partial truths, misrepresentations, and emotionally charged commentary. These platforms are structured by algorithms designed to maximize engagement, which often means privileging sensational or polarizing content over accurate or balanced reporting. Sihombing et al. argue that social media plays a dual role in the post-truth era: it functions as both a space for public discourse and a mechanism of epistemic distortion, where fake news and manipulated information are normalized (Sihombing et al., 2024). Legal cases involving public figures or controversial issues are particularly susceptible to online disinformation, as users participate in a collective

interpretation of events that may bear little resemblance to the legal facts.

In the United States, the trial of Kyle Rittenhouse—charged with homicide during protests in Kenosha, Wisconsin—provides a clear example of how algorithmic media ecosystems shape public understanding of legal cases. Competing social media narratives framed Rittenhouse as either a hero defending public order or a vigilante motivated by racist ideologies. These interpretations were largely driven by selective video clips, partisan commentary, and algorithmic amplification, rather than by comprehensive legal analysis. As Forberg points out, digital spaces enable the formation of epistemic communities that resist counter-evidence and construct insular belief systems, making it difficult for legal facts to penetrate public consciousness (Forberg, 2022). In this way, social media does not simply inform public opinion but actively constructs the epistemic parameters within which legal events are understood.

Lynch adds that the interaction between algorithmic systems and political communication in a post-truth environment undermines the ability of legal institutions to regulate discourse and maintain epistemic authority (Lynch, 2022). Algorithms privilege repetition, virality, and emotional resonance, which are antithetical to the slow, deliberative processes of legal reasoning. As a result, legal actors increasingly find themselves responding to digital narratives rather than guiding them, a reversal that erodes the epistemic asymmetry on which legal authority traditionally relies. Holman argues that this epistemic flattening—where expert knowledge is placed on equal footing with uninformed opinion—reflects a deeper transformation in the politics of truth, one in which legal expertise is no longer regarded as a privileged source of knowledge but as one of many competing voices in a contested epistemic space (Holman, 2020).

In South Korea, Im illustrates how algorithmic media systems have contributed to the erosion of democratic norms by amplifying populist narratives that challenge the legitimacy of legal decisions (Im, 2024). These narratives often portray judicial rulings as ideologically motivated or disconnected from the will of the people, reinforcing the idea that legal truth is subordinate to political identity. This dynamic is further exacerbated in contexts where social media is the primary source of

political information, leading to the entrenchment of partisan epistemologies that resist legal correction.

Taken together, these mechanisms—judicial politicization, evidence manipulation, alternative fact construction, and algorithmic media influence—reveal the multifaceted ways in which post-truth politics infiltrates legal systems. Each of these processes undermines the foundational principles of legal epistemology by displacing objectivity, procedural fairness, and evidentiary rigor with ideological allegiance, emotional persuasion, and digital virality. As Zoglauer warns, post-truth epistemology does not merely introduce new challenges for legal reasoning; it fundamentally alters the conditions under which truth is constructed, contested, and accepted in the legal domain (Zoglauer, 2023). The result is a legal culture increasingly untethered from its epistemic commitments, raising urgent questions about the future of justice in a world where truth is negotiable and facts are politically fungible.

5. The Erosion of Legal Facts in Polarized Democracies

In polarized democracies, the legal system, once presumed to be a bastion of objectivity and epistemic rigor, is increasingly vulnerable to the same fragmenting forces that shape public discourse in post-truth politics. One of the most prominent manifestations of this crisis is epistemic fragmentation—the breakdown of a shared factual foundation necessary for effective legal reasoning and adjudication. In such environments, courtrooms often become sites of contesting realities, with each party offering not merely a different interpretation of the same evidence, but entirely different epistemic frameworks. As Cassam observes, post-truth culture thrives on the collapse of common epistemic norms, making room for strategically constructed “bullshit” that resists refutation and corrodes legal truth-seeking (Cassam, 2021). In a polarized society, legal actors—judges, lawyers, and jurors—operate in an atmosphere where multiple “truths” coexist, each embedded in competing ideological narratives that undermine the coherence of the evidentiary process.

This fragmentation is especially evident in high-profile cases that intersect with partisan issues. During the impeachment trial of former U.S. President Donald Trump, for example, the legal interpretation of the same

facts—concerning abuse of power and obstruction of Congress—was divided starkly along party lines. Republican and Democratic senators did not simply disagree about the significance of the evidence; they operated as if assessing fundamentally different events. As Hartley explains, such deep polarization reveals how post-truth environments reshape legal interpretation itself, making consensus about basic facts nearly impossible even within institutional legal settings (Hartley, 2022). This epistemic splintering not only challenges the fact-finding process but also threatens the legitimacy of legal outcomes, which are no longer accepted by all parties as arising from shared legal standards.

The erosion of shared facts is compounded by the widespread delegitimization of experts, including legal scholars, forensic scientists, and judicial authorities. In the post-truth era, expertise is often recast as elitism, and expert testimony is framed as ideologically biased rather than empirically grounded. As Lynch notes, attacks on expertise are central to post-truth strategies, which aim to replace epistemic authority with populist intuition and political loyalty (Lynch, 2022). In the UK's legal discourse during the Brexit proceedings, several experts who provided constitutional analysis or judicial opinions were branded as "enemies of the people" in national tabloids, illustrating the extent to which legal expertise itself can become a target of public suspicion. This form of delegitimization undermines the legal process by casting doubt on the neutrality and reliability of expert input, a development with profound consequences for trials that rely on complex technical or scientific evidence.

In Brazil, the Lava Jato (Car Wash) investigation, which implicated numerous high-ranking officials in a massive corruption scandal, revealed similar dynamics. The role of prosecutors and judges, particularly Sérgio Moro, came under intense scrutiny, with allegations that their legal reasoning was politically motivated. While Moro was initially hailed as a national hero for his anti-corruption stance, later revelations regarding his communications with prosecutors raised questions about impartiality. These developments fueled public skepticism toward legal authorities, casting expert opinions and judicial findings as tools of political manipulation rather than as contributions to legal truth. Prozorov emphasizes that in the post-truth condition,

the authority of legal experts is increasingly subordinated to narrative coherence, thereby neutralizing the capacity of expertise to anchor legal discourse in shared epistemic standards (Prozorov, 2021).

This loss of trust in legal experts is exacerbated by the cognitive biases and motivated reasoning that permeate both jury trials and public opinion. In polarized democracies, individuals often assess legal evidence not through neutral deliberation but through the lens of their political identities. Motivated reasoning leads jurors and observers to accept information that confirms their pre-existing beliefs and to discount or rationalize disconfirming evidence. Zoglauer identifies this epistemological trend as symptomatic of a broader post-truth culture, in which reasoning is no longer governed by norms of coherence and falsifiability but by affective alignment and ideological loyalty (Zoglauer, 2023). In legal settings, this results in jurors or judges being influenced more by the perceived moral character or political stance of the defendant than by the empirical validity of the presented evidence.

Such dynamics were evident in the U.S. trial of George Zimmerman for the killing of Trayvon Martin. Despite evidence that raised questions about Zimmerman's justification for using lethal force, the jury acquitted him, a decision that many analysts attributed to racial and political biases rather than a clear application of legal standards. This case, like many others, illustrated how cognitive biases can override evidentiary assessment, especially when amplified by polarized media coverage and public opinion. Forberg explains that the belief systems reinforced through conspiracy narratives and ideological enclaves are often resistant to empirical correction, even within legal institutions (Forberg, 2022). When legal decisions are viewed through such biased filters, the epistemic authority of the law becomes fragmented and contentious.

Another significant mechanism through which legal facts are undermined is the phenomenon of media trials, where cases are litigated in the public sphere long before legal proceedings conclude. These extrajudicial narratives often shape public perception more powerfully than actual court findings, particularly when amplified by news outlets, social media, and political actors. Media trials do not merely parallel legal processes—they preempt, influence, and sometimes

substitute them, constructing alternative narratives that challenge the conclusions of formal legal institutions. As Sihombing et al. note, the manipulation of legal information in the media ecosystem generates a distorted understanding of legal reality, blurring the distinction between fact and fiction (Sihombing et al., 2024). This process erodes the courtroom's status as the primary site of legal truth production and elevates emotionally compelling but legally dubious narratives to a position of influence.

A poignant example of this dynamic was seen in the media coverage surrounding the trial of Amanda Knox in Italy. The international media often reported speculative claims about Knox's motives, demeanor, and character, shaping public opinion in ways that were disconnected from the evidentiary process in court. These media narratives created a parallel trial in the court of public opinion, one that arguably exerted pressure on judicial decisions and contributed to the multiple reversals and retrials in the case. Fischer explains that the rise of performative politics extends into the legal domain, where media representations are often designed to affirm ideological stances rather than to reflect evidentiary complexity (Fischer, 2021). In this performative space, legal facts are not discarded outright but are overshadowed by more emotionally resonant and ideologically aligned interpretations.

Social media platforms exacerbate the problem by accelerating the dissemination of partial, misleading, or entirely fabricated information about ongoing legal cases. Afif notes that in such an environment, where truth is disaggregated and constantly contested, legal facts are no longer stable or authoritative (Afif et al., 2024). Instead, they become nodes in an information network shaped by virality and emotional appeal. In the trial of Derek Chauvin for the murder of George Floyd, social media played a dual role: while it provided real-time access to crucial video evidence, it also generated a deluge of commentary that often lacked nuance or factual grounding. The global dissemination of selected footage and the viral spread of emotionally charged posts placed enormous pressure on the judicial process, raising concerns about whether the trial could proceed without being influenced by the prevailing public sentiment.

Delegitimizing expert witnesses in such contexts becomes a strategic tool for discrediting unfavorable

testimony. In highly charged trials, forensic experts are often cross-examined not only on the substance of their analysis but also on their perceived political affiliations, institutional background, or even personal identity. Arencibia observes that the epistemic humility required for legal truth-seeking is often absent in post-truth environments, where adversarial strategies target not just the claims but the credibility of the claimant (Arencibia & Velázquez, 2021). This adversarial posture contributes to a legal climate where experts are treated as partisan actors rather than as objective contributors to fact-finding, further eroding the epistemological foundation of the legal process.

In South Korea, Im highlights how political polarization has undermined the legitimacy of judicial rulings on contentious issues, such as the impeachment of former president Park Geun-hye. Although the Constitutional Court's decision was based on extensive evidence and legal reasoning, public reactions diverged along partisan lines, with some citizens viewing the ruling as a judicial coup. This response illustrates how, in polarized environments, even well-substantiated legal facts are filtered through ideological biases that determine whether they are accepted or rejected (Im, 2024). The result is not only diminished trust in legal institutions but a broader epistemic crisis in which truth itself becomes a casualty of political allegiance.

In Indonesia, Pardede underscores the growing influence of critical constructivist thought in legal practice, which views truth as contingent upon social and political contexts rather than as a discoverable objective reality (Pardede & Poluakan, 2021). While this perspective can provide valuable insights into the sociocultural dimensions of law, in post-truth settings it may also be exploited to justify the relativization of all legal claims, thereby undermining the authority of legal facts. When every truth is treated as merely a narrative, legal reasoning risks collapsing into ideological storytelling, leaving courts with diminished capacity to adjudicate complex disputes.

Ultimately, the erosion of legal facts in polarized democracies stems from the convergence of epistemic fragmentation, expert delegitimization, cognitive bias, and media-driven narrative warfare. Each of these mechanisms disrupts the fact-finding processes upon which legal legitimacy depends, replacing rational adjudication with ideological alignment and emotional

resonance. As Zoglauer explains, post-truth epistemology is not simply about lying or misinformation—it is about constructing entire epistemic systems that resist correction and thrive on contradiction (Zoglauer, 2023). Within such systems, legal facts lose their status as anchors of judicial reasoning and become just one more variable in a contested and chaotic informational field. In this context, safeguarding legal epistemology requires more than procedural reform; it demands a renewed cultural commitment to truth as a shared public good—one that transcends political divisions and affirms the law's enduring role as a guardian of reason and justice.

6. Implications for Legal Epistemology

The epistemological foundations of law are under mounting pressure in the age of post-truth politics. These pressures manifest in several interrelated ways, most notably through the collapse of the ideal of objectivity in legal decision-making. Traditionally, legal objectivity has functioned as a cornerstone of the judicial process—an assumption that judges, juries, and legal practitioners are capable of interpreting facts and applying laws through a neutral lens, detached from personal biases or political influences. However, in post-truth contexts, this ideal is increasingly regarded not as an aspiration but as an illusion. As Capilla explains, the notion of objectivity has been critically challenged by contemporary epistemological shifts, particularly within journalism and law, where it is now viewed as a rhetorical construct rather than a genuine methodological stance (Capilla, 2021). In legal discourse, this means that judicial impartiality is routinely called into question, with decisions often interpreted through ideological frameworks rather than legal principles.

This skepticism toward objectivity has been magnified by public reactions to controversial rulings in polarized democracies. When court decisions align with the interests of one political faction, opponents frequently frame these outcomes as ideologically biased, regardless of the evidence or legal reasoning presented. Harcourt notes that in a post-truth environment, the symbolic authority of courts as neutral arbiters becomes deeply unstable, as legal rulings are read primarily through the prism of political loyalty rather than judicial logic (Harcourt, 2021). This has led to a climate where the very idea of judicial objectivity is regarded as suspect or

strategically motivated, a situation that severely undermines public trust in the legal system. The danger lies not merely in the erosion of confidence but in the deeper epistemological shift where objectivity itself is no longer seen as attainable or even desirable, opening the door for narrative persuasion and ideological alignment to play an increasingly dominant role in legal outcomes. Compounding this crisis is the growing difficulty of maintaining coherent standards of proof in a fragmented informational environment. In an age saturated by conflicting narratives, manipulated data, and misinformation, establishing legal facts through traditional evidentiary procedures has become more complex and contentious. As Lynch points out, the disintegration of shared epistemic norms leads to a situation where the credibility of evidence is constantly in flux, depending on the audience's political and cognitive biases (Lynch, 2022). In such a fragmented environment, even seemingly straightforward facts can be reframed, contested, or dismissed, not based on legal relevance or validity, but on their resonance with broader ideological narratives. This presents significant challenges for legal systems that rely on hierarchical standards of evidence—such as “beyond a reasonable doubt” in criminal cases or “preponderance of the evidence” in civil trials.

Moreover, the digitalization of information and the algorithmic structuring of public knowledge have introduced new forms of epistemic instability. Holman argues that the digital landscape undermines traditional fact-checking processes by flooding the public sphere with data that lacks clear provenance or interpretive coherence (Holman, 2020). This trend affects legal reasoning by creating parallel streams of information that legal actors must now navigate, often without the benefit of shared epistemic tools or trusted institutional filters. Zoglauer emphasizes that this condition—what he terms “epistemological relativism”—challenges the very foundation of legal knowledge by equating fact with belief, thereby blurring the distinction between valid evidence and persuasive fiction (Zoglauer, 2023). In this context, legal actors face increasing difficulty in applying proof standards consistently, as the criteria for what counts as credible, reliable, or admissible become more subjective and ideologically contingent.

These developments raise urgent questions about the future of legal reasoning in the post-truth age. Legal

reasoning traditionally depends on principles such as coherence, consistency, and logical deduction. However, in environments saturated with emotionally resonant but epistemically weak narratives, these principles often lose their persuasive power. Cassam contends that legal reasoning is no longer insulated from the epistemic distortions characteristic of post-truth discourse, particularly the strategic use of bullshit and propaganda that undermines rational deliberation (Cassam, 2021). This erosion of rationality is not limited to public opinion but infiltrates the legal profession itself, as lawyers increasingly frame arguments to align with prevailing social sentiments rather than with legal doctrine or evidence. Such trends signify a move toward a performative model of legal reasoning, where the goal is not truth or justice but rhetorical victory and audience approval.

In highly polarized societies, legal arguments are often designed not to persuade judges on legal grounds but to mobilize public support or media attention. Fischer observes that in such contexts, legal reasoning becomes part of a broader discursive performance aimed at reinforcing ideological identities rather than adjudicating disputes through normative principles (Fischer, 2021). This shift undermines the epistemic integrity of legal discourse, as the structure of argumentation becomes secondary to its affective and symbolic dimensions. As a result, the law risks becoming a stage for ideological dramatization rather than a framework for fair and reasoned resolution of conflicts. This performative turn challenges the very concept of legal reasoning as an epistemic process rooted in procedural fairness and cognitive objectivity.

One of the most significant tensions in contemporary legal epistemology arises from the conflict between procedural truth and narrative persuasion. Procedural truth refers to the legal system's effort to approximate factual truth through rules of evidence, cross-examination, and judicial oversight. While it is acknowledged that procedural truth is not identical to objective truth, the legal process is structured to minimize errors and biases through transparent and consistent practices. However, in post-truth contexts, the authority of procedural truth is increasingly overshadowed by the power of narrative persuasion—the ability to craft compelling stories that resonate emotionally with particular audiences. Forberg explains

that post-truth narratives function as self-reinforcing belief systems, capable of resisting empirical correction and legal scrutiny (Forberg, 2022). These narratives often prioritize coherence, symbolism, and identity confirmation over factual accuracy, thereby exerting powerful influence over jurors, judges, and the public alike.

The implications of this shift are profound. When narrative persuasion overtakes procedural truth, legal outcomes may reflect the dominant affective atmosphere rather than the evidentiary record. In such cases, the legal process becomes vulnerable to what Arencibia terms the “tyranny of coherence,” where a good story trumps good evidence (Arencibia & Velázquez, 2021). This is particularly dangerous in jury trials, where verdicts may hinge more on the emotional impact of a narrative than on the credibility or relevance of evidence. In this climate, the adversarial process is transformed into a storytelling competition, and the epistemological goal of law—to approximate truth through reasoned deliberation—becomes subordinated to rhetorical performance. As Prozorov notes, this transformation reveals a deeper crisis of subjectivity within the legal domain, where truth is no longer an epistemic objective but a symbolic resource to be contested and appropriated (Prozorov, 2021).

In such an environment, the authority of the judiciary itself is compromised. Courts are increasingly seen not as interpreters of law but as actors within broader ideological battles. Pardede suggests that the rise of critical constructivism in legal interpretation—while valuable in highlighting the contextuality of legal norms—may also contribute to the erosion of stable epistemic foundations when deployed without constraints (Pardede & Poluakan, 2021). If all truth claims are treated as socially constructed narratives, the legal system risks descending into relativism, where no standard of proof or reasoning can claim epistemic priority. This raises concerns about the ability of courts to deliver justice in a meaningful and consistent way, particularly in cases involving contested social or political issues.

Im's analysis of South Korea reveals how this tension plays out in practice. Legal decisions on politically charged matters are often interpreted not based on legal reasoning but on their alignment with partisan interests, leading to divergent public reactions and undermining

the unifying function of the judiciary (Im, 2024). Similarly, Ünal shows how populist regimes weaponize legal processes to advance ideological goals, often by recasting legal norms in ways that serve emotional narratives about national identity, crisis, or moral decline (Ünal, 2024). In both cases, procedural truth is displaced by strategic storytelling, and the law becomes a medium through which post-truth politics is enacted rather than resisted.

These developments underscore the fragility of legal epistemology in the face of cultural and political transformation. They also suggest that restoring the epistemic authority of law requires more than technical reforms. As Afif argues, combating truth decay may require a reorientation toward ethical and communal epistemologies that ground legal reasoning in shared moral commitments and trust (Afif et al., 2024). While legal institutions cannot—and should not—be insulated from social change, they must find ways to preserve their epistemic function in a world increasingly shaped by affect, identity, and narrative. Without such efforts, the law may continue to lose its capacity to mediate conflict, uphold justice, and represent truth in any meaningful sense.

Ultimately, the challenge of post-truth politics to legal epistemology is not confined to the courtroom; it permeates the cultural, technological, and philosophical conditions under which legal knowledge is produced and evaluated. As Enroth emphasizes, the crisis of authority that defines the post-truth era extends to all institutions that claim epistemic legitimacy, including the judiciary (Enroth, 2021). This calls for a renewed inquiry into the philosophical underpinnings of legal knowledge, as well as for practical strategies to reinforce the norms and practices that sustain truth in legal reasoning. Only through such an integrated response can the law hope to reclaim its role as a forum for truth, reason, and justice in an age defined by their systematic erosion.

7. Resilience and Reform: Pathways Forward

In confronting the destabilizing effects of post-truth politics on legal epistemology, the task is not merely to diagnose epistemic erosion but to develop pathways that reinforce the resilience of legal systems. This resilience must be multi-dimensional—legal, institutional, and educational—and must respond to the specific mechanisms through which post-truth strategies

infiltrate legal discourse. Among the most urgent priorities is reinforcing judicial independence, particularly in democracies facing populist encroachment and ideological polarization. When courts are politicized, their ability to serve as neutral arbiters is compromised, and their rulings are more likely to be interpreted as partisan tools rather than expressions of law. Harcourt emphasizes that in post-truth contexts, where truth itself is subject to political manipulation, preserving judicial autonomy becomes central to safeguarding legal authority and the integrity of fact-finding (Harcourt, 2021). This requires not only structural protections against executive interference but also cultural reinforcement of the judiciary's role as an impartial institution.

Examples from Hungary and Poland demonstrate how the erosion of judicial independence leads to systemic deterioration of legal norms. In both countries, populist governments have implemented sweeping judicial reforms aimed at controlling court appointments, disciplining judges, and narrowing the judiciary's power to review legislation. Ünal argues that such interventions often deploy identity politics and crisis narratives to justify authoritarian measures under the guise of democratic reform, thereby reshaping legal institutions to reflect ideological commitments rather than rule-of-law principles (Ünal, 2024). To counteract these trends, legal systems must develop stronger constitutional safeguards for judicial independence, including transparent appointment processes, protections from political retaliation, and international oversight mechanisms. Furthermore, civil society and legal communities must actively advocate for judicial autonomy, recognizing it as a non-negotiable pillar of democratic resilience.

Equally important is the role of legal education in cultivating epistemic vigilance among future practitioners and citizens. In a post-truth era, legal education cannot remain confined to doctrinal instruction and case analysis; it must include training in epistemology, media literacy, and critical thinking. Holman points out that the epistemological assumptions underpinning traditional legal education—such as objectivity, neutrality, and empirical reasoning—are increasingly challenged by the proliferation of disinformation and affective persuasion in public discourse (Holman, 2020). To prepare legal actors for

these challenges, law schools should incorporate curricula that explore the sociology of knowledge, the philosophy of science, and the mechanisms of information manipulation in digital media ecosystems. By understanding how knowledge is constructed, validated, and contested across different epistemic domains, future lawyers and judges can become more discerning in their evaluation of evidence and less susceptible to ideological bias or epistemic relativism.

Zoglauer argues that the only way to combat the epistemological confusion of the post-truth era is to foster a deep understanding of how truth claims function within different systems of knowledge production (Zoglauer, 2023). In legal education, this means moving beyond rote memorization of rules toward an engagement with the underlying logic and justification of legal decisions. Courses should address how legal facts are established, how expert testimony should be critically evaluated, and how to navigate conflicting narratives in polarized environments. Moreover, students should be exposed to real-world cases where post-truth dynamics have undermined judicial outcomes, analyzing how such distortions occurred and how they might be prevented. As Sihombing et al. note, the intersection of law, media, and democracy is now one of the most volatile areas in contemporary jurisprudence, requiring a new generation of legal professionals who are equipped to manage its complexities (Sihombing et al., 2024).

In addition to educational reforms, institutional safeguards must be strengthened to preserve evidence-based adjudication. Legal systems must adopt mechanisms that insulate judicial fact-finding from the influence of disinformation, ideological manipulation, and media-driven spectacle. One critical strategy is to reaffirm the role of procedural rules in filtering admissible evidence and ensuring the credibility of expert testimony. Lynch explains that in the post-truth environment, where the boundaries between fact and fiction are blurred, the legal system must act as a gatekeeper that upholds stringent evidentiary standards to maintain its epistemic legitimacy (Lynch, 2022). This requires rigorous cross-examination procedures, transparent methodologies for forensic analysis, and institutional protocols that assess the qualifications and potential biases of expert witnesses.

Further institutional reforms should focus on enhancing transparency and public understanding of legal decisions. Courts must actively engage in public communication to explain the reasoning behind their rulings, particularly in high-profile or politically sensitive cases. Pardede emphasizes that in societies where legal outcomes are increasingly interpreted through ideological lenses, the judiciary must not only deliver justice but be seen as delivering justice in a way that is understandable and persuasive to a diverse public (Pardede & Poluakan, 2021). This can be achieved through plain-language summaries of complex rulings, open access to court proceedings, and judicial spokespersons who can address misinformation or misinterpretation in the media. By reclaiming the narrative space around legal decisions, courts can resist the encroachment of post-truth storytelling and reinforce their epistemic credibility.

Technological interventions can also play a role in safeguarding evidence-based adjudication. Digital forensics, blockchain-based evidence verification, and artificial intelligence tools for detecting manipulated media can enhance the integrity of legal evidence in an era where digital fabrication is increasingly sophisticated. Forberg points out that post-truth dynamics often rely on the viral circulation of unverifiable or deliberately altered information, which undermines the authenticity of digital evidence presented in court (Forberg, 2022). By investing in technologies that verify the provenance and integrity of evidence, legal systems can develop institutional resilience against such epistemic threats.

At the international level, building transnational legal norms to combat disinformation is another critical strategy. The post-truth crisis is not confined to any one country; it is a global phenomenon shaped by transnational media networks, algorithmic platforms, and ideological flows. Therefore, responses must also transcend national boundaries. Enroth highlights the need for cross-border cooperation in upholding epistemic standards, particularly in cases involving international human rights, election integrity, or cross-jurisdictional disinformation campaigns (Enroth, 2021). This cooperation could take the form of multilateral treaties, joint judicial forums, and shared databases of verified information to support consistent and coordinated legal responses to misinformation.

Valverde illustrates how transnational memory politics and media rituals contribute to post-truth dynamics by creating overlapping narratives that operate across borders, particularly through social media (Valverde, 2023). In response, international legal institutions such as the International Criminal Court or the European Court of Human Rights must develop clearer frameworks for recognizing and countering post-truth tactics in transnational litigation. These frameworks should include protocols for handling digital evidence, guidelines for media engagement, and standards for judicial reasoning that anticipate ideological contestation. Collaborative efforts among legal scholars, practitioners, and policy-makers are necessary to articulate shared principles that prioritize epistemic integrity and resist the relativism inherent in post-truth discourse.

Afif proposes that ethical epistemology, rooted in communal and religious traditions, can provide additional grounding for legal truth in pluralistic societies (Afif et al., 2024). While secular legal systems must remain inclusive, they can draw from moral traditions that emphasize honesty, trust, and responsibility in public discourse. Legal institutions might engage religious and cultural leaders to promote shared epistemic values and foster broader societal commitment to truthfulness in legal processes. Such efforts can help bridge the divide between legal rationality and communal identity, reinforcing a normative consensus that supports the rule of law.

To ensure that these reforms are not merely aspirational, there must be political will and civic engagement dedicated to sustaining them. Arencibia warns that in the absence of active public participation and institutional vigilance, even the most well-designed legal systems are vulnerable to epistemic decay (Arencibia & Velázquez, 2021). Civic education programs, public dialogues on judicial independence, and media partnerships that promote fact-based reporting on legal issues can collectively reinforce the epistemic infrastructure of law. These efforts require collaboration among governments, universities, civil society organizations, and the media, all of whom share responsibility for upholding the conditions under which legal truth can flourish.

Ultimately, the resilience of legal epistemology in the face of post-truth politics depends on the ability of institutions to adapt without surrendering their core

values. As Prozorov asserts, the challenge lies in preserving law's commitment to truth and justice while recognizing the performative and contested nature of modern discourse (Prozorov, 2021). Legal systems must navigate the tension between narrative and procedure, between identity and objectivity, and between public engagement and epistemic rigor. Only through an integrated approach—one that reinforces judicial independence, reimagines legal education, institutionalizes safeguards for truth, and builds international alliances—can law retain its authority and continue to serve as a guardian of epistemic integrity in a world increasingly dominated by post-truth logics.

8. Conclusion

The post-truth era has introduced profound challenges to the foundations of legal epistemology, particularly in the context of polarized democracies. As political discourse becomes increasingly shaped by emotion, ideology, and strategic disinformation, the legal domain finds itself entangled in the same epistemic crises that undermine democratic governance more broadly. The very concept of legal truth—once anchored in objectivity, procedural rigor, and evidentiary standards—is now vulnerable to manipulation, fragmentation, and reinterpretation through competing political narratives. In this environment, the courtroom no longer serves solely as a neutral space for adjudication but becomes a contested arena where truth is negotiated, reframed, or outright denied.

This erosion of legal facts has significant implications for how justice is conceived and delivered. When expert knowledge is delegitimized, standards of proof are inconsistently applied, and media narratives supersede judicial findings, the capacity of legal systems to command trust and legitimacy diminishes. The danger is not only that legal decisions become more susceptible to bias, but also that the law itself loses its normative authority. In polarized societies, where public opinion is sharply divided and epistemic communities are increasingly insular, the rule of law risks being subordinated to the rule of sentiment. The result is a legal culture in which reasoning gives way to rhetoric, evidence to emotion, and impartiality to partisanship.

Despite these challenges, the resilience of legal systems is not yet exhausted. There remain viable pathways to restore and reinforce the epistemic integrity of law.

Strengthening judicial independence, integrating epistemological awareness into legal education, establishing institutional safeguards for evidence-based adjudication, and fostering international cooperation are essential strategies in this effort. These reforms are not merely technical; they represent a recommitment to the values that underpin democratic legal orders—truth, fairness, accountability, and transparency. At a time when misinformation spreads rapidly and truth is increasingly contested, the law must reassert its role as a stabilizing force in public life.

To meet this moment, legal institutions must evolve while remaining faithful to their core mission. They must engage critically with the realities of post-truth discourse without capitulating to its relativism. This means not only defending the procedures that protect legal truth but also actively shaping the cultural narratives that sustain belief in law's legitimacy. It requires judges, lawyers, educators, and citizens alike to recognize that truth in law is not a static ideal but an ongoing, collective achievement—one that must be continuously upheld in the face of distortion and doubt. In conclusion, the post-truth crisis is not simply an external threat to the legal system; it is a mirror reflecting the deeper struggles of contemporary democracy. The challenge for law is not just to survive this era but to lead in its transformation, offering a model of reasoned discourse, principled judgment, and epistemic responsibility. In doing so, it can reaffirm its place as a cornerstone of democratic society and a defender of truth in a world increasingly shaped by its absence.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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