

Criminal Law Interpretation of Crime Motives Influenced by Social Media Algorithms

Yusep Mulyana
Universitas Pasundan

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Corresponding Author:
Author Name*: Yusep Mulyana
Email*:
yusep.mulyana@unpas.ac.id



Abstract: *The development of social media algorithms has significantly transformed how individuals form preferences, emotions, and behavior through engagement based content curation. In criminal law, this phenomenon raises new issues when algorithms are alleged to influence criminal motives, including hate based crimes, violence, and radicalization. Indonesian criminal law traditionally treats motive as an internal factor relevant to sentencing, yet it has not accommodated algorithmic influence as an external factor shaping criminal motives. This study aims to analyze the interpretation of criminal law regarding algorithm influenced criminal motives and to examine the implications of normative ambiguity for determining mens rea and criminal responsibility. Employing a normative juridical method with statutory, conceptual, and case approaches, the study finds that ambiguity in criminal norms regarding algorithmic influence leads to inconsistent judicial reasoning and risks of disproportionate sentencing. The study concludes that adaptive criminal law interpretation is required to address technological developments while preserving individual criminal responsibility and human rights protection.*

Keywords : *criminal law; criminal motive; mens rea; social media algorithms; criminal responsibility.*

INTRODUCTION

The development of algorithm based social media has significantly transformed the way individuals receive information, form preferences, and construct emotions and social behavior. Algorithms designed to maximize engagement operate by filtering, ranking, and amplifying certain content based on users' interaction histories. This mechanism is no longer neutral, but actively influences patterns of thought, affect, and even individual decision making. Singh emphasizes that social media algorithms have a cumulative effect in shaping users' ways of thinking through repetition, emotional amplification, and the normalization of particular viewpoints.¹ In this context, the digital sphere does not merely function as a medium of communication, but also as a new

social structure that profoundly influences human actions.

This phenomenon has begun to demonstrate serious relevance in the context of criminal law, particularly when a number of criminal acts, such as hate based crimes, symbolic violence, and radicalization, are alleged to be influenced by sustained algorithmic exposure. Li shows that social media challenges can trigger impulsive decisions and weaken self control, especially among younger users, thereby influencing the motives underlying certain actions.² In law enforcement practice, criminal motive has traditionally been understood as an internal psychological factor of the offender, arising from free will and individual consciousness. However, the development of algorithmic technology challenges this classical

¹ R. Singh, "The Algorithm Effect: How Social Media Shapes Your Thinking," *International Journal of Advanced Research in Science, Communication and Technology* (2025), <https://doi.org/10.48175/ijarsct-28066>

² Z. Li, "Impulse or Self-Expression? How Social Media Challenges Influence the Decision-Making Process of Young Users," *Art and Society* (2025), <https://doi.org/10.63593/as.2709-9830.2025.04.006>

assumption by demonstrating the existence of external structural influences on the formation of criminal motives and intent.

Classical criminal law fundamentally draws a strict distinction between the internal factors of the offender and external environmental factors. Criminal motive is not positioned as a constitutive element of a criminal offense, but rather as a factor relevant to sentencing considerations. Nevertheless, this paradigm was constructed within a social context that had not yet recognized technological systems capable of systematically shaping preferences, emotions, and behavioral impulses on a massive scale. Završnik refers to this phenomenon as the algorithmic justice problem, in which algorithms and big data increasingly play a role in the context of criminal justice without an adequate normative framework.³

In the Indonesian legal system, the principle of culpability (*geen straf zonder schuld*) remains the foundation of criminal liability, both under the Criminal Code (KUHP) and Law Number 1 of 2023 on the National Criminal Code. This principle affirms that punishment may only be imposed when the offender possesses personal fault that can be individually attributed. However, these statutory frameworks have not explicitly accommodated the influence of social media algorithms as external factors in the formation of criminal motives and intent. This condition raises a fundamental juridical question regarding how criminal law should interpret criminal motive in the era of digital algorithms.

The legal issue in this research is stated explicitly, namely the existence of normative ambiguity in criminal law concerning the interpretation of criminal motive when such motive is influenced by social media algorithms, as well as the absence

of provisions that expressly regulate the relevance of algorithmic influence in assessing the offender's culpability (*mens rea*). This ambiguity has the potential to generate inconsistency in judicial reasoning, particularly in cases where technological influence cannot be entirely disregarded, yet also cannot be treated as an absolute ground for excluding criminal responsibility.

From a criminal law perspective, this problem is directly related to the tension between the principle of free will and technological determinism. Ashton argues that the concept of intent traditionally employed in criminal law was not designed to confront algorithmic systems that are capable of systematically shaping human preferences and decision-making processes.⁴ If algorithmic influence is entirely disregarded, criminal law risks oversimplifying the psychological and social complexity underlying digital crimes. Conversely, if algorithmic influence is treated as a basis for reducing culpability without clear limits, the principle of individual criminal responsibility may be undermined.

The relevance of this issue becomes even more pronounced when linked to regulations on information technology and data protection. Law Number 19 of 2016 on Information and Electronic Transactions and Law Number 27 of 2022 on Personal Data Protection acknowledge the existence of data processing and electronic systems that have the potential to affect individual rights and freedoms. However, both statutes primarily focus on data protection and the governance of electronic systems, rather than on their implications for the construction of culpability in criminal law. Indriasari and Karman emphasize that regulatory pressure on freedom of expression in the digital era is often not

³ A. Završnik, "Algorithmic Justice: Algorithms and Big Data in Criminal Justice Settings," *European Journal of Criminology* 18 (2019): 623–642, <https://doi.org/10.1177/1477370819876762>

⁴ H. Ashton, "Definitions of Intent Suitable for Algorithms," *Artificial Intelligence and Law* 31 (2021): 515–546, <https://doi.org/10.1007/s10506-022-09322-x>

accompanied by an adequate understanding of how technology operates.⁵

From a human rights perspective, the interpretation of algorithm-influenced criminal motives is also closely related to the protection of psychological integrity and individual freedom as guaranteed under Article 28G and Article 28I of the 1945 Constitution of the Republic of Indonesia. If algorithms systematically exploit users' emotions and cognitive biases, then an assessment of criminal culpability that entirely disregards such factors risks violating the principle of substantive justice. Ramírez and Siri emphasize that digital transformation necessitates a legal approach that is sensitive to human rights protection when assessing individual responsibility.⁶

Academically, studies in criminal law and criminology still tend to separate the analysis of criminal motives from the context of digital technology. Most research on cybercrime focuses on digital evidence, forensic methods, or the criminal act itself, rather than on how technology shapes the impulses and intentions of offenders. Rakha as well as Selim and Ali show that developments in digital forensics are primarily oriented toward proving the commission of acts, rather than analyzing motives influenced by technological systems.⁷ This gap indicates the need for a more integrative and adaptive criminal law approach.

Based on the foregoing discussion, the novelty of this research lies in its effort to interpret criminal motives in criminal law by considering social media algorithms as

external factors shaping criminal intent and impulses. This study aims to analyze criminal law interpretations of criminal motives influenced by social media algorithms and to examine the implications of normative ambiguity for the determination of fault and criminal liability. Accordingly, this research is expected to provide both theoretical and prescriptive contributions to the renewal of criminal law in the era of algorithmic technology.

METHODOLOGY

This study constitutes normative juridical legal research focusing on the analysis of criminal law norms related to the interpretation of criminal motives and criminal liability in the context of social media algorithmic influence. This method is employed because the issues examined are directly related to the principle of culpability, the construction of mens rea, and normative ambiguity in the prevailing statutory framework.⁸

The approaches used include the statute approach, conceptual approach, and case approach. The statute approach is conducted through an analysis of the Criminal Code, Law Number 1 of 2023 on the National Criminal Code, Law Number 19 of 2016 on Electronic Information and Transactions, and Law Number 27 of 2022 on Personal Data Protection. The conceptual approach is employed to examine the concepts of motive, intent, fault, free will, and technological determinism in criminal law and legal philosophy. The case approach is carried out by reviewing court decisions related to crimes involving social media and digital technology.

The legal materials used consist of primary legal materials in the form of statutory regulations and court decisions, secondary legal materials comprising criminal law literature, digital criminology studies, and journal articles on law and technology, as well

⁵ D. Indriasari and K. Karman, "Freedom of Expression in Regulatory Pressure," *Jurnal The Messenger* (2025), <https://doi.org/10.26623/themessenger.v15i1.5787>

⁶ W. Ramírez and A. Siri, "Freedom of Speech and Its Digital Transformation and Protection," *Latin American Journal of European Studies* (2025), <https://doi.org/10.51799/2763-8685v5n1003>

⁷ N. Rakha, "Cybercrime and the Law," *Mexican Law Review* (2024), <https://doi.org/10.22201/ijj.24485306e.2024.2.18892>

⁸ Sujadi, *Metode Penelitian Hukum* (Jakarta: Rajawali Press, 2012).

as tertiary legal materials in the form of legal dictionaries and encyclopedias. The analysis is conducted in a normative prescriptive manner using systematic, teleological, and futurist interpretation to formulate recommendations for the development of criminal law interpretation that is adaptive to advances in algorithmic technology.⁹

RESULTS AND DISCUSSION

Normative Ambiguity in the Interpretation of Criminal Motives in Criminal Law in the Era of Digital Algorithms

In classical criminal law doctrine, criminal motive is understood as an internal impulse underlying the conduct of an offender. Motive is not positioned as a constitutive element of a criminal offense, but rather as a non constitutive factor that becomes relevant at the sentencing stage. This paradigm is built upon the assumption of free will, namely that the offender autonomously forms intent and chooses to commit a criminal act. However, this assumption faces serious challenges in the era of social media algorithms, where individual preferences, emotions, and impulses are systematically shaped by engagement based content curation. Završnik emphasizes that algorithms and big data create a new form of social determinism that influences human behavior within the criminal justice context without an adequate normative framework.¹⁰

Normative ambiguity arises because Indonesian criminal law has not explicitly regulated how external influences, particularly algorithms, should be considered in interpreting criminal motives. The Criminal Code and Law Number 1 of 2023 on the National Criminal Code affirm the principle of culpability and individual criminal responsibility, yet they provide no guidance when the formation of motives is influenced by technological systems designed to amplify emotions and cognitive bias. This normative vacuum creates a broad space for

interpretation and potential inconsistency, especially in cases involving hate based crimes, symbolic violence, or radicalization that demonstrate traces of algorithmic exposure.

From the perspective of the legality principle, *nullum crimen sine lege certa*, such normative ambiguity undermines legal certainty. If algorithmic influence is entirely ignored, the assessment of motive and culpability risks oversimplifying the psychological and social realities of the offender. Conversely, if algorithmic influence is used to relativize culpability without clear normative limits, the principle of individual criminal responsibility is at risk of erosion. Haritjahjono and Sodikin emphasize the importance of the *lex certa* principle in digital criminal law to prevent interpretive drift toward subjective discretion by law enforcement authorities.¹¹

This ambiguity is also closely related to the relationship between motive and *mens rea*. In criminal law, *mens rea* encompasses intent and or negligence as forms of culpability. Although conceptually distinct from *mens rea*, motive often influences the assessment of the intensity of fault and the severity of punishment. Ashton argues that traditional definitions of intent in criminal law were not designed to address algorithmic contexts, in which human decisions are shaped through repeated interaction with recommendation systems.¹² When algorithms amplify particular emotions such as anger or hatred, the boundary between internal impulse and external influence becomes increasingly blurred.

This tension is reflected in judicial practice that is beginning to confront crimes with a social media background. Judges are

⁹ Ibid.

¹⁰ A. Završnik, *op. cit.*

¹¹ B. Haritjahjono and S. Sodikin, "Implementation of the *Lex Certa* Principle towards the Ambiguity of Digital Law's in Indonesia," *Amnesti: Jurnal Hukum* (2025),

<https://doi.org/10.37729/amnesti.v7i1.5873>

¹² H. Ashton, *op. cit.*

faced with a dilemma regarding whether algorithmic exposure should be treated as a mitigating contextual factor or positioned as a background element that is legally irrelevant. In the absence of normative guidance, judicial reasoning risks inconsistency and disparity in judicial decisions. Filipkowski demonstrates that ambiguity in terminology and concepts within modern criminal law directly affects consistency in interpretation and application.¹³

Furthermore, normative ambiguity raises concerns related to substantive justice. If criminal law remains anchored in a purely individualistic paradigm, structural factors that shape the formation of criminal motives, including algorithms, are disregarded. At the same time, recognition of algorithmic influence must not lead to a collective excuse that negates individual responsibility. What is required is a balanced and precise interpretation that acknowledges algorithmic influence as a contextual factor without undermining the principle of culpability.

Accordingly, normative ambiguity in the interpretation of criminal motives in the era of digital algorithms is not merely a conceptual issue, but a systemic problem that affects legal certainty, consistency of judicial decisions, and the legitimacy of punishment. Without adaptive and responsive interpretive development, criminal law risks lagging behind the technological realities that increasingly shape contemporary criminal behavior.

Social Media Algorithms as External Factors Shaping Criminal Motives from a Criminal Law Perspective

Social media algorithms operate through content curation mechanisms that prioritize engagement such as clicks, comments, and viewing duration, thereby indirectly amplifying content that generates strong emotional responses. This mechanism

creates feedback loops that reinforce bias, anger, and impulsive tendencies among users. Singh demonstrates that algorithmic effects are cumulative and gradual, shaping users' patterns of thought through repeated exposure to similar content.¹⁴ From a criminal law perspective, this phenomenon is relevant because criminal motives often develop through the accumulation of emotions and perceptions cultivated within digital environments.

From the perspective of mens rea, algorithmic influence challenges traditional assessments of intent. Intent in criminal law presupposes a conscious will to bring about a particular consequence. However, when an offender's decision making process is shaped by recommendation systems that amplify emotional reactions and cognitive bias, such intent does not arise within a sphere of pure autonomy. King and colleagues argue that crimes involving artificial intelligence and algorithmic systems require interdisciplinary analysis to assess foreseeability and the degree of control exercised by the offender over their actions.¹⁵

Nevertheless, algorithmic influence does not automatically negate individual criminal responsibility. A clear distinction must be drawn between influence and coercion. Algorithms shape preferences and emotional responses, but they do not directly compel individuals to act. Therefore, within the framework of criminal law, algorithms are more appropriately positioned as contextual factors that influence motive and the intensity of culpability, rather than as grounds for the elimination of criminal responsibility. Hasnia and colleagues emphasize the importance of reconstructing cyber criminal law policy in a manner that remains oriented toward individual responsibility while incorporating

¹³ W. Filipkowski, "The Problem of Multiple Interpretations of the Terms Information and Data," *The Opole Studies in Administration and Law* (2024), <https://doi.org/10.25167/osap.5320>

¹⁴ R. Singh, *op. cit.*

¹⁵ T. King et al., "Artificial Intelligence Crime," *Science and Engineering Ethics* 26 (2019): 89–120, <https://doi.org/10.1007/s11948-018-00081-0>

technological context and human rights considerations.¹⁶

The relevance of algorithmic influence in assessing criminal motives can be illustrated by analogy with other environmental factors that have traditionally been considered in sentencing, such as provocation or social pressure. If such factors may legitimately affect the severity of punishment, then conceptually algorithmic influence, which operates systematically and on a massive scale, also warrants normative consideration. Li shows that social media challenges can weaken self control and encourage impulsive behavior, particularly among vulnerable groups.¹⁷

To clarify the position of algorithms in the assessment of criminal motive and criminal responsibility, the following table is presented:

Aspect	Traditional View	Algorithmic Influence Context	Implication for Criminal Law
Formation of motive	Internal psychological drive	Reinforced by algorithmic curation	Motive assessed contextually
Mens rea assessment	Autonomous intent	Intent shaped by repeated exposure	Contextual evaluation of intent
Responsibility	Fully individual	Individual with structural influence	No excuse, possible mitigation
Sentencing	Focus on act and intent	Consideration of algorithmic impact	Proportional sentencing

¹⁶ H. Hasnia et al., “Reconstruction of Criminal Law Policy in Handling Cyber Crime,” *Jurnal Smart Hukum* (2025), <https://doi.org/10.55299/jsh.v3i3.1328>

¹⁷ Z. Li, *op. cit.*

Table 1. Algorithmic Influence on Motive Assessment in Criminal Law

The table demonstrates that algorithmic influence requires a shift from a static assessment of motive toward a contextual approach. This approach is consistent with international practice, which emphasizes proportionality and substantive justice in sentencing in the digital era. Husovec and colleagues warn that normative confusion in addressing the role of intermediaries and technological systems can undermine legal coherence if it is not addressed through a clear framework.¹⁸

Furthermore, recognition of algorithms as external factors shaping criminal motives also carries policy implications. Without such recognition, criminal law risks engaging in overcriminalization of offenders whose motives are formed within a manipulative digital environment. Conversely, excessive recognition may disproportionately shift the focus from individual responsibility to systemic responsibility. Therefore, an interpretative doctrine is required that positions algorithms as evaluative factors in the assessment of culpability and sentencing, rather than as grounds for the elimination of criminal liability.

Accordingly, social media algorithms must be understood as external factors shaping criminal motives that are legally relevant, yet remain within the framework of the principle of culpability and individual criminal responsibility. This approach enables criminal law to adapt to technological realities without abandoning its foundational principles.

Implications of Normative Ambiguity for Criminal Responsibility and Sentencing Policy

¹⁸ M. Husovec et al., “Grand Confusion after Sanchez v. France,” *Maastricht Journal of European and Comparative Law* 31 (2024): 385–411, <https://doi.org/10.1177/1023263x241268436>

Normative ambiguity in the interpretation of criminal motives influenced by social media algorithms gives rise to serious implications for the construction of criminal responsibility and the direction of sentencing policy in the digital era. In criminal law, criminal responsibility is grounded in the principle of culpability, which presupposes free will and the capacity of the offender to be held accountable. When criminal motives are viewed solely as internal impulses arising from autonomous will, external structural factors such as social media algorithms tend to be excluded from legal assessment. However, technological developments demonstrate that the digital environment exerts systematic and repetitive influence in shaping individual emotions, perceptions, and behavioral impulses. Završnik emphasizes that the failure of criminal law to anticipate the role of algorithms risks creating a disjunction between social reality and the normative construction of criminal responsibility.¹⁹

One of the primary implications of normative ambiguity is the risk of oversimplifying the assessment of offender culpability. In cases involving crimes with traces of algorithmic exposure, law enforcement authorities tend to assess culpability in an individualistic manner without considering the technological context that shapes criminal motives. This approach may result in disproportionate sentencing, particularly when offenders are intensively exposed to content that reinforces hatred, fear, or aggressive impulses. Mawi and colleagues show that cyber law in several jurisdictions faces evidentiary crises due to its failure to accommodate emotional and psychological dimensions shaped by digital environments.²⁰

On the other hand, normative ambiguity also opens the opposite risk, namely excessive relativization of culpability. In the

absence of clear normative boundaries, algorithmic influence may be perceived as a factor that significantly reduces or even negates offender culpability. Such an approach risks eroding the principle of individual criminal responsibility and creating dangerous precedents in law enforcement. King and colleagues caution that although technology may influence behavior, criminal responsibility must not be shifted disproportionately from individuals to technological systems.²¹ Therefore, criminal law must identify a balance between acknowledging algorithmic influence and preserving the foundational principle of individual accountability.

Another implication relates to sentencing policy. In practice, criminal motive is often used as a basis for determining the severity of punishment. However, when motives are shaped by social media algorithms, judges lack clear guidance on the extent to which such influence is relevant in sentencing. As a result, judicial reasoning may become inconsistent and lead to disparities in sentencing outcomes. Haritjahjono and Sodikin emphasize that normative uncertainty in digital law directly contributes to legal uncertainty and inconsistency in sentencing.²²

Normative ambiguity also affects the future direction of criminal law policy. Without normative recognition of algorithmic influence, criminal law risks lagging behind rapidly evolving technological realities. Conversely, overly reactive and repressive regulation may trigger overcriminalization, particularly against offenders whose motives are shaped by manipulative algorithmic mechanisms. Hasnia and colleagues stress the importance of reconstructing cyber criminal law policy that balances societal protection, legal certainty, and human rights.²³

In this context, the need for judicial guidelines becomes particularly urgent. Such

¹⁹ A. Završnik, *op. cit.*

²⁰ H. Mawi et al., "When Feelings Become Facts," *Journal of Posthumanism* (2025), <https://doi.org/10.63332/joph.v5i5.1368>

²¹ T. King et al., *op. cit.*

²² B. Haritjahjono and S. Sodikin, *op. cit.*

²³ H. Hasnia et al., *op. cit.*

guidelines are necessary to assist judges in assessing algorithm influenced criminal motives in a consistent and proportional manner. Judicial guidelines are not intended to eliminate judicial discretion, but to provide a clear evaluative framework regarding the relevance of algorithmic influence in assessing culpability and sentencing. Filipkowski demonstrates that legal systems that fail to provide interpretative guidance risk producing fragmented interpretations that weaken the legitimacy of criminal adjudication.²⁴

Moreover, the implications of normative ambiguity are also linked to the protection of the human rights of offenders. Articles 28G and 28I of the 1945 Constitution of the Republic of Indonesia guarantee protection of personal integrity and fair treatment before the law. Assessments of culpability that ignore technological context may violate the principle of substantive justice, while assessments that are overly permissive toward algorithmic influence may undermine the interests of victims and society. Ramírez and Siri emphasize that law in the digital era must balance human rights protection with the need for effective law enforcement.²⁵

Accordingly, normative ambiguity in the interpretation of criminal motives influenced by social media algorithms has systemic implications for criminal responsibility and sentencing policy. Without adaptive and precise reformulation of legal interpretation, criminal law risks producing decisions that are disproportionate, inconsistent, and insufficiently responsive to technological realities. Therefore, the development of criminal law interpretation that explicitly recognizes algorithms as contextual factors in assessing motive and culpability is required, without sacrificing the principle of individual criminal responsibility.

²⁴ W. Filipkowski, *op. cit.*

²⁵ W. Ramírez and A. Siri, *op. cit.*

CONCLUSION

Criminal motives influenced by social media algorithms constitute a new phenomenon in modern criminal law that challenges classical paradigms of free will and individual criminal responsibility. This study demonstrates that Indonesian criminal law continues to face normative ambiguity in interpreting criminal motives when their formation is influenced by algorithmic systems, both under the former Criminal Code and the National Criminal Code. The absence of clear regulation and guidance results in legal uncertainty and inconsistency in judicial reasoning, particularly in assessing culpability and determining sentencing.

Furthermore, such normative ambiguity gives rise to the risk of disproportionate punishment and potential overcriminalization if algorithmic influence is ignored or misunderstood. Therefore, the development of criminal law interpretation that is adaptive to technological developments is required by positioning social media algorithms as evaluative factors in assessing motive and culpability, rather than as grounds for the elimination of criminal liability. Harmonization between criminal law, technology regulation, and human rights protection constitutes a crucial step to ensure that criminal law remains relevant, fair, and legitimate in the era of digital algorithms.

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