Reconstruction of Criminal Law Policy in Tackling Digital-Based Crime in the Era of Artificial Intelligence

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Abstract: *The development of digital technology characterized by the use of artificial intelligence has given birth to new forms of crime that are complex, anonymous, and cross-border, thus challenging the conventional construction of criminal law. The character of digital-based crime shows a fundamental shift from physical crime to system, data, and algorithm-based crime, which has not been fully accommodated in Indonesia's criminal law policy. This research aims to analyze the construction of criminal law policy in tackling digital-based crime in the era of artificial intelligence and formulate the idea of adaptive and fair criminal law policy reconstruction. The research method used is normative juridical with a statutory and conceptual approach, through an analysis of Law Number 1 of 2024 concerning the Second Amendment to the Law on Information and Electronic Transactions and Law Number 1 of 2023 concerning the Criminal Code. The results of the study show that criminal law policy is still reactive, fragmentary, and dominated by the classical paradigm, thus causing problems in the formulation of delicacies, criminal liability, and proof of crimes based on artificial intelligence. Criminal law policy reconstruction is needed through paradigm reform, harmonization of norms, strengthening the criminal accountability model, and integrating penal and non-penal policies to ensure legal certainty, community protection, and justice in the digital era.*

Keywords: criminal law policy; digital crime; artificial intelligence

INTRODUCTION

The development of information and communication technology has brought significant structural changes to the social, economic, and legal life patterns of modern society. Digital transformation is driving the birth of new interaction spaces that are virtual, without territorial boundaries, and move at a speed that exceeds conventional legal regulatory mechanisms. These dynamics create serious challenges to the legal system that is basically built on the assumption of physical space and visible social relations. Law as an instrument of social control is required to be able to adapt to the new reality marked by technological complexity and the acceleration of change. Legal unpreparedness to face these changes has the potential to create regulatory vacancies that have an impact on weak protection of the public interest.[1] This phenomenon shows that technological modernization does not always go hand in hand with the modernization of legal norms. The disparity between technological developments and legal responses is increasingly evident in the criminal

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[1] Novrianto, M. (2025). Kebijakan Hukum Pidana Terhadap Cyber Crime Berbasis Artificial Intelligence di Indonesia. *Jurnal Kepastian Hukum dan Keadilan*, *7*(2), 150-170.

law sector. This condition is the starting point for the emergence of various new legal issues that require serious attention from policymakers.[2]

Massive digitalization has opened up new opportunities for the birth of various forms of crime that utilize electronic systems as the main means. Digital-based crime shows different characteristics than conventional crimes, both in terms of modus operandi, the subject of the perpetrator, and the impact it has.[3] The anonymous, cross-border nature and use of advanced technology make digital crime difficult to track and prove. This reality shows that crime is no longer limited to physical acts that are easily identifiable with the naked eye. Changes in the character of crime have direct implications for the effectiveness of criminal law as a means of countermeasures. Criminal law instruments designed for traditional crimes face limitations in reaching digital system-based crime. These limitations raise doubts about the ability of criminal law to carry out the function of protecting the community optimally. This development demands a renewal of the criminal law approach to align with the reality of modern crime.[4]

Artificial intelligence as an advanced product of the development of digital technology expands the spectrum of digital-based crime to a more complex level. Artificial intelligence systems are capable of conducting analysis, decision-making, and independent learning that previously could only be done by humans. These capabilities are not only used for positive interests, but also exploited to commit unlawful acts.[5] The use of artificial intelligence in digital crime creates new forms of threats that are systemic and repeated. Crime patterns that use artificial intelligence show a much greater level of precision and scale of impact. This situation shows that technology is no longer just a tool for crime, but has become an integral part of the criminal act itself. These changes pose a conceptual challenge to criminal law that has been oriented towards direct human actions. This situation confirms the urgency of reviewing the applicable criminal law policy.

The national criminal law framework is still basically still based on the classical paradigm that emphasizes human actions as the center of criminal responsibility.[6] The concepts of error, intentionality, and negligence are built on the assumption that the perpetrator has full control over his actions. The use of artificial intelligence that is autonomous and adaptive challenges these basic assumptions in a fundamental way. Artificial intelligence systems are capable of generating actions that are not fully predictable by their users. This condition raises doubts about the relevance of the concept of conventional criminal responsibility. This ambiguity has the potential to cause legal uncertainty in the enforcement of artificial intelligence-based crimes. Legal uncertainty has implications for weakening the deterrent effect and preventive function of

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[2] Syam, E. S., Alvian, M. A., Syamsul, Z., & Maskur, M. (2025). REKONSTRUKSI PARADIGMA PERTANGGUNGJAWABAN HUKUM ATAS KETIADAAN MENS REA DALAM ERA KECERDASAN BUATAN. *DEDIKASI: Jurnal Ilmiah Sosial, Hukum, Budaya*, *26*(2), 167-176.

[3] Satoto, E., & Santiago, F. (2025). Reconstruction of Indonesia's Cyber Law System for Adaptive and Integrated Digital Crime Prevention in the Era of Technological Disruption. *Greenation International Journal of Law and Social Sciences*, *3*(2), 309-317.

[4] Ashari, D. A., Cakrawala, K. M., Putri, M. K. P., Indil'an, B. A. S., & Khalida, A. A. F. (2025). Reconception of the law enforcement towards online gambling practices through integrated machine learning system as an attempt on eradicating digital based crimes. *Lexovate: Jurnal Perkembangan Sistem Peradilan*, *2*(1), 1-14.

[5] Arief, M. R., Martono, N. S. A., & Fikri, A. M. M. (2026). Reconstruction of Criminal Liability Against Digital Platforms in Cases of Human Trafficking in the Virtual World. *JUSTISI*, *12*(1), 74-88.

[6] Napitupulu, A. P., Hasibuan, F. Y., & Akkapin, S. (2025). Maritime Criminal Justice Transformation: A Responsive and Restorative Approach to Law Enforcement in Indonesian Waters. *Journal Evidence of Law*, *4*(2), 795-804.

criminal law. This situation shows that there is an urgent need to reformulate the fundamentals of criminal law policy.[7]

The laws and regulations governing digital crime in Indonesia show fragmentation and limitations in reaching the complexity of artificial intelligence-based crimes. The regulations scattered in various sectoral laws have not formed a systematic criminal law policy unit. The formulation of the law still focuses on electronic means without anticipating the development of autonomous and intelligent technology. These normative weaknesses open up space for criminals to take advantage of legal loopholes. This condition has an impact on the low effectiveness of criminal law enforcement against digital crime, which continues to grow. Law enforcement officials are faced with the difficulty of proving that is not balanced with the support of adequate legal norms. This situation shows that there is a lag in criminal law policy compared to the pace of technological development. This lag has the potential to threaten legal certainty and a sense of justice in society.

Artificial intelligence-based crimes also raise serious problems related to the determination of legal subjects who can be held criminally responsible. The relationship between the system developer, the user, the corporation, and the technology used forms a complex responsibility structure. This complexity has not yet obtained a firm and consistent construction of criminal law. Unclarity on the subject of liability has the potential to cause impunity for those who should be responsible. This situation shows that the criminal law is not fully prepared to face the reality of advanced technology-based crime. The absence of a comprehensive arrangement weakens the position of victims in obtaining legal protection. Weak legal protection is contrary to the purpose of criminal law as a means of protecting society. This reality emphasizes the need for a comprehensive reform of criminal law policies.

Criminal law policy as part of national legal policy has a strategic role in directing the state's response to crime developments. The orientation of criminal law policy is not only limited to criminalization, but also includes crime prevention and control. A non-adaptive policy approach has the potential to make criminal law reactive and ineffective. The challenge of artificial intelligence-based crime demands a progressive policy approach based on scientific development. Criminal law policy reform needs to consider the balance between the protection of the community and respect for human rights. The harmonization between the interests of law enforcement and digital freedom is an important aspect that cannot be ignored. A responsive criminal law policy is expected to be able to respond to the challenges of modern crime in a sustainable manner. Such a policy framework can only be realized through a comprehensive and systematic reconstruction.

Reconstruction of criminal law policy is an urgent need to ensure the relevance of criminal law in the era of artificial intelligence. Reconstruction efforts not only target normative aspects, but also the basic paradigm of criminal justice and liability. The update is expected to be able to accommodate the characteristics of smart technology-based crime proportionately. A comprehensive approach will strengthen the function of criminal law as a means of community protection and social order. The reconstruction of criminal law policy also plays a role in creating legal certainty in the midst of evolving technological dynamics. Legal certainty is an important prerequisite for justice and effectiveness of law enforcement. The harmony between criminal law and the development of artificial intelligence reflects the ability of the law to adapt to changing times. This foundation of thought is an important basis for the study

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[7] Rodgers, W. (2020). *Artificial intelligence in a throughput model: Some major algorithms*. CRC Press.

of the reconstruction of criminal law policies in tackling digital-based crimes in the era of artificial intelligence.

METHOD

This research uses a normative juridical research method, which places law as a norm or rule that applies in a positive legal system. This approach was chosen because the research focuses on the normative construction analysis of criminal law policies in tackling digital-based crimes in the era of artificial intelligence. The main object of research is in the form of laws and regulations, legal principles, doctrines, and criminal law concepts that are relevant to the regulation of digital crime. Normative juridical research allows an in-depth assessment of the conformity of legal norms with technological developments and the characteristics of crimes based on artificial intelligence. Normative analysis is used to identify strengths, weaknesses, and loopholes in the applicable criminal law regulation. This approach is also relevant for formulating the idea of conceptual and systematic reconstruction of criminal law policy. The methodological framework supports the research objectives that are prescriptive and evaluative. The choice of this method is in line with the character of legal research which focuses on the consistency of norms and legal certainty.

The approaches used in this study include a statutory approach and a conceptual approach. The legislative approach is carried out by comprehensively examining the provisions in Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions. The analysis is focused on the regulation of criminal acts in the field of information technology, criminal liability, and criminal policies for crimes based on electronic systems. This approach is also used to review Law Number 1 of 2023 concerning the Criminal Code as a general framework for national criminal law policy. The provisions of the New Criminal Code are analyzed to see their relevance to the principles of criminal responsibility, mistakes, and the regulation of criminal acts that intersect with digital crimes. Synchronization between the ITE Law and the New Criminal Code is an important focus to assess the coherence of the criminal law system. This approach aims to identify potential disharmony and overlapping norms.

A conceptual approach is used to examine the evolving concepts and doctrines of criminal law related to technology-based crimes and artificial intelligence. The concepts of criminal accountability, errors, and criminal policies are analyzed to assess the adequacy of classical theory in answering the challenges of modern digital crime. The thinking of criminal law experts is used as a basis for interpreting positive legal norms that have not explicitly regulated the use of artificial intelligence. This approach helps bridge the gap between written legal norms and the realities of technological developments. Conceptual analysis is also directed to assess the relevance of the ultimum remedium principle in the context of digital crime. The development of the concept of corporate criminal liability in the New Criminal Code is an important part of this discussion. The conceptual approach allows for the formulation of normative recommendations that are more adaptive and future-oriented. This conceptual framework is the basis for formulating the idea of criminal law policy reconstruction.

The types and sources of legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions and Law Number 1 of 2023 concerning the Criminal Code. Primary legal materials also include other laws and regulations relevant to the regulation of digital crime and information technology. Secondary legal materials are in the form of criminal law

literature, scientific journals, research results, and expert opinions discussing digital crime, artificial intelligence, and criminal law policy. Tertiary legal materials are used as support to understand technical terms and concepts related to digital technology. The use of diverse legal materials aims to strengthen the depth of normative analysis. The validity of the analysis is maintained through the selection of authoritative and relevant sources. The structure of the source of this legal material supports a comprehensive and systematic analysis.

The technique of collecting legal materials is carried out through literature studies by tracing laws and regulations, legal literature, and relevant academic documents. The collected legal materials were analyzed using normative qualitative analysis techniques. The analysis is carried out by interpreting legal norms systematically, grammatically and telelogically to understand the purpose of the lawmakers. The interpretation of the ITE Law and the New Criminal Code is directed to assess the adequacy of norms in tackling crimes based on artificial intelligence. The results of the analysis were then synthesized to find regulatory patterns and normative problems. The next stage is in the form of a critical evaluation of the effectiveness of the applicable criminal law policy. The evaluation is the basis for formulating recommendations for the reconstruction of criminal law policies. This analysis process produces conclusions that are both prescriptive and argumentative.

DISCUSSION

Construction of Criminal Law Policy in Digital-Based Crime Prevention in the Indonesian Criminal Law System

The change in the character of digital-based crime shows an ontological shift towards the concept of crime that has been understood in criminal law. Crime is no longer always manifested through physical actions that can be observed directly, but rather through the manipulation of abstract data, algorithms, and electronic systems. These shifts show that criminal law is confronted with a reality of criminality that is not fully compatible with the classical conceptual framework. Criminal law policies that are still oriented towards conventional crime patterns have the potential to lose reach to increasingly sophisticated forms of crime. The inability of criminal law policy to read ontological changes creates a distance between legal norms and criminal practices.[8] This distance has implications for the weakening of the function of criminal law as an instrument of community protection. This condition indicates that the main problem lies not in the absence of regulations, but in the inaccuracy of policy direction. Criticism of the construction of criminal law policy becomes relevant to test the extent to which criminal law is able to adapt to changes in the structure of crime.[9]

Indonesia's criminal law policy still shows a reactive tendency towards the development of digital crime. Criminal legislation is often born in response to public pressure or specific cases without careful long-term policy planning. This pattern causes criminal law to develop in a fragmentary and unsystematic manner. Digital crime that is dynamic and evolutionary cannot be dealt with with incidental policies. The absence of a digital criminal law policy roadmap reflects the weak strategic orientation of lawmakers. Such a policy

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[8] Satoto, E., & Santiago, F. (2025). Reconstruction of Indonesia's Cyber Law System for Adaptive and Integrated Digital Crime Prevention in the Era of Technological Disruption. *Greenation International Journal of Law and Social Sciences*, *3*(2), 309-317.

[9] Ashari, D. A., Cakrawala, K. M., Putri, M. K. P., Indil'an, B. A. S., & Khalida, A. A. F. (2025). Reconception of the law enforcement towards online gambling practices through integrated machine learning system as an attempt on eradicating digital based crimes. *Lexovate: Jurnal Perkembangan Sistem Peradilan*, *2*(1), 1-14.

orientation has the potential to produce regulations that are quickly obsolete. Criminal law is finally stuck in trying to patch up the void of norms without touching the root of the problem.[10] This situation underscores the need for criticism of the foundations of national criminal law policy.

The dominance of legalistic-formal approaches in criminal law policy also exacerbates legal unpreparedness to deal with digital crime. The approach places the certainty of written norms as the primary goal without considering the complexity of the regulated technology. Artificial intelligence-based crimes not only raise normative issues, but also epistemological issues regarding the legal way to understand technology. When criminal law is incapable of understanding the objects it regulates, the effectiveness of law enforcement becomes a normative illusion. Overreliance on normative formulations ignores the need for an interdisciplinary approach. Criminal law policy should be built with an adequate understanding of the technical and social aspects of digital technology. The inability to integrate these dimensions reflects the structural weakness of criminal law policy. This criticism confirms that policy updates are not enough at the editorial level.

The criminalization aspect in digital criminal law policy also holds ideological problems that are rarely highlighted. Criminalization is often carried out without an in-depth analysis of the level of concrete harm and the risk of overcriminalization. Digital crime is often criminalized widely with an elastic formulation, where the elasticity of norms does provide room for law enforcement, but also opens up the potential for abuse of authority.[11] Disproportionate criminalization policies risk sacrificing civil liberties and human rights. Criminal law has the potential to turn into an instrument of excessive control over the digital space. The tension between the protection of society and the protection of individual freedoms is becoming sharper. Criticism of criminalization policies is important to maintain this balance.

Criminal policies in digital crime show problems of effectiveness and legitimacy. Imprisonment-oriented criminalization is not always relevant to digital criminals operating anonymously and across jurisdictions. Criminal sanctions that do not touch the root of the economic benefits of digital crime lose their deterrence. Penal policies that are not adaptive have the potential to create legal symbolism alone. This symbolism weakens public trust in the ability of criminal law. The penal approach should be directed at structural recovery and prevention. Criticism of the conventional criminal model opens up space for policy innovation. These innovations are an important part of the reconstruction of criminal law policies.

Normative Analysis of Digital Crime Regulation in the ITE Law and the New Criminal Code and Criminal Liability Problems

The regulation of digital crime through the ITE Law and the New Criminal Code shows the state's efforts to respond to technological developments. The presence of the two legal instruments reflects a dual approach between specific regulations and general codification. These relationships should form a coherent and complementary criminal law system. In fact, the normative relationship between the two laws is not yet fully harmonious. Differences in regulatory orientation give rise to potential conflicts and overlapping norms. The disharmony has a direct impact on legal certainty. Law enforcement officials are faced with a choice of interpretation that is not always consistent. Normative analysis is crucial to unravel these structural problems.

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[10] Ardi, W. B., & Rustamaji, M. (2023). Design of Electronic-Based Criminal Justice in Realizing Enforcement Reform Criminal Law. *, No. 1 Int'l JL Mgmt. & Human.*, *6*, 1239.

[11] Mursyid, M., Putera, A., & Jannah, M. (2025). Rekonstruksi peran digital forensik dalam penyidikan tindak pidana siber: Analisis kritis terhadap konstruksi hukum pidana di Indonesia. *Jurnal Tana Mana*, *6*(2), 289-296.

The ITE Law shows a tendency to regulate digital crime technically and catastrophically. This approach provides certainty for certain types of actions, but is less adaptive to technological developments. Artificial intelligence-based crimes are expanding beyond the schemes of deeds that have been formulated. Delicate formulations that are too specific risk becoming irrelevant in a short period of time. Reliance on technical approaches ignores the evolutionary nature of digital crime.[12] Legal norms are finally lagging behind technological innovation. This gap creates a gray space that criminal law is difficult to reach. Criticism of the normative approach of the ITE Law becomes relevant to assess its long-term effectiveness.

The New Criminal Code brings the spirit of a more modern national criminal law reform. The recognition of corporate criminal liability shows conceptual progress. This provision opens up opportunities to ensnare digital criminals who operate through business entities. However, the regulation regarding the relationship between corporations and smart technology has not been explicitly formulated. This ambiguity creates ambiguity regarding the limits of responsibility. Ambiguity has the potential to be used to avoid criminal liability. A critical analysis of the New Criminal Code is needed to test its reach against modern digital crime. This evaluation shows that normative reform is still partial.

The problem of criminal liability is the most crucial point in artificial intelligence-based crime. The concept of error rooted in human will faces serious challenges. Artificial intelligence systems have no intention, awareness, or moral capacity. The rigid application of the concept of mens rea has become problematic. Criminal law is at the crossroads between defending classical doctrine or developing new constructions. The unclear direction has the potential to give birth to injustice. Criticism of the classic concept of accountability has become inevitable. This criticism opens up space for the renewal of criminal law theory.[13]

The evidentiary aspect further complicates the issue of digital criminal law enforcement. Algorithm-based evidence and big data are difficult to verify with conventional approaches. Law enforcement officials often do not have adequate technical capacity. Legal norms with minimal technical guidance increase this inequality. Dependence on technologists raises issues of objectivity and independence, and criminal evidence has the potential to shift into a technocratic arena that is difficult for the public to access.[14] This condition threatens the principle of fair trial. Criticism of the evidentiary aspect is an important part of normative evaluation.

Reconstruction of Criminal Law Policy in Tackling Digital-Based Crime in the Era of Artificial Intelligence

The reconstruction of criminal law policy is a logical consequence of the incompatibility between legal norms and the reality of crime. Reconstruction cannot be understood as merely a revision of laws and regulations. Paradigm reform is the main prerequisite for criminal law to remain relevant. The criminal law paradigm needs to shift from a reactive approach to an anticipatory approach. These changes require political courage that is not populist. The reconstruction must depart from a long-term risk and impact

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[12] Fajriansyah, A., Siregar, R. A., & Panggabean, M. L. (2025). Reformasi Hukum Pidana Di Era Digital: Analisis Terhadap KUHP Baru. *Jurnal Hukum Mimbar Justitia (JHMJ)*, *11*(1), 218-230.

[13] Nemeikšis, G. (2022). The Challenges of the digital age: the problems of criminal liability for cybercrimes in Lithuanian law. *Acta Prosperitatis*, (13), 125-138.

[14] Atrey, I. (2023). Cybercrime and its legal implications: Analysing the challenges and legal frameworks surrounding cybercrime, including issues related to jurisdiction, privacy, and digital Evidence. *International Journal of Research and Analytical Reviews*, *10*(3).

analysis. An evidence-based approach is important in formulating policy. The reconstruction of criminal law policy reflects the maturity of the legal system.

The formulation of delicacies needs to be directed to a function- and impact-based approach. Artificial intelligence-based crimes cannot always be identified through specific acts. The functional approach allows criminal law to reach acts that have not been imagined before. The flexibility of the formulation of the delicacy must be balanced with clear limitations. This clarity prevents abuse of authority.[15] The reconstruction of the formulation of the crime must still respect the principle of legality. This principle is the foundation of the legitimacy of criminal law. Criminal reform is at the core of modern criminal law policy.

The criminal accountability model requires bold conceptual innovation. The relationship between humans, corporations, and technology must be mapped systematically. A layered responsibility approach can be an alternative. Such an approach allows for a proportionate distribution of responsibilities. The application of strict liability needs to be strictly limited to avoid injustice.[16] The reconstruction of criminal liability must take into account the principle of substantive justice. Legal certainty and justice cannot be contested. This conceptual innovation enriches the treasures of criminal law.[17]

Penal policies need to be directed at structural effectiveness. Criminalization must target economic gains and digital crime infrastructure.[18] Sanctions that do not touch this aspect lose their deterrence. Restorative and preventive penal approaches are gaining greater relevance. Criminal policy must consider the broad social impact. The reconstruction of the criminal law reflects a change in the orientation of criminal law. This orientation places prevention as the main goal. This update strengthens the function of criminal law.

The integration of penal and non-penal policies is the last pillar of reconstruction. Digital crime cannot be tackled through criminal law alone. Prevention through technology regulation, digital education, and platform governance is an urgent need. Cross-sectoral synergy strengthens policy effectiveness. The protection of human rights must remain the main parameter. The harmonization of the ITE Law and the New Criminal Code is a strategic step. The harmonization creates a consistent criminal law system. The reconstruction of criminal law policy is directed to answer the challenges of digital crime in a sustainable manner.

CONCLUSIONS
Based on the discussion that has been described, it can be concluded that the development of digital-based crimes that utilize artificial intelligence has fundamentally shifted the character of crime and challenged the conventional construction of criminal law. Indonesia's criminal law policy still shows a reactive and fragmentary tendency in responding to the dynamics of digital crime that are complex and evolutionary. The mismatch between the classical criminal law paradigm and the reality of modern technology creates a

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[15] Kahar, R. K. (2025). *Kajian Lex certa Terhadap Efektivitas Penegakan Hukum Pasal 221 Ayat (2) KUHP Tentang Obstruction of justice Perspektif Istihsan Istihnā'i* (Doctoral dissertation, IAIN Parepare).

[16] Putra, Y. B. T., Tarigan, F. R., & Derka, I. T. (2025). Konsep Strict Liability dalam Tindak Pidana Kelalaian di Sektor Konstruksi. *Lex Et Lustitia*, *2*(1), 61-68.

[17] Suryono, B. D., El Rachma, Z. D., & Afifah, W. (2020). STRICT LIABILITY DALAM PERSPEKTIF HAK ASASI MANUSIA. In *SEMINAR NASIONAL KONSORSIUM UNTAG SE INDONESIA* (Vol. 2, No. 1).

[18] Cahyono, S. T., Erni, W., & Hidayat, T. (2025). RIKONSTRUKSI HUKUM PIDANA TERHADAP KEJAHATAN SIBER (CYBER CRIME) DALAM SISTEM PERADILAN PIDANA INDONESIA: Rekonstruksi Hukum Pidana terhadap Kejahatan Siber (Cyber Crime) dalam Sistem Peradilan Pidana Indonesia. *Dame Journal of Law*, *1*(1), 1-23.

normative gap that has implications for the weakening of law enforcement effectiveness. The regulation of digital crime through the ITE Law and the New Criminal Code reflects efforts to update, but has not fully brought harmonization and adequate legal certainty. The limitations of the formulation of the offense and the unclarity of the criminal accountability model show that the criminal law is not ready to reach crimes based on artificial intelligence comprehensively. The problems of criminal liability and proof further emphasize the tension between classical criminal law doctrine and the need for modern regulation. This condition shows that normative reform alone is not enough without a paradigm shift in criminal law policy. The reconstruction of criminal law policy is an urgent need to ensure the relevance and legitimacy of criminal law in the digital era. The reconstruction must be directed at updating the formulation of criminal offences, strengthening the criminal accountability model, and adjusting proportionate penal policies. Harmonization between the ITE Law and the New Criminal Code is an important prerequisite for the formation of a consistent and adaptive criminal law system. The integration of penal and non-penal policies is needed to tackle digital crime effectively and sustainably. Overall, these findings confirm that the ability of criminal law to adapt to the development of artificial intelligence determines its success in carrying out the functions of community protection and justice enforcement

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