

# ENDURING THE TECHNOLOGICAL CRIMES AND LAWS TO CURTAIL THEM- A LEGAL AND POLICY ANALYSIS

# D. Vasantha Kumari<sup>1</sup>

<sup>1</sup>Research Scholar, Department of Law, Dr B R Ambedkar College of Law, Andhra University, Visakhapatnam

vaishnovi4@gmail.com1

#### **ABSTRACT**

The exponential growth of digital technologies in the present era has redefined communication, commerce, governance, and personal interaction. Parallel to this digital revolution, however, there has been a significant proliferation of technological crimes—legally recognized as cybercrimes. These encompass a wide spectrum of offenses including identity theft, phishing, cyber fraud, data breaches, ransomware attacks, online defamation, and cyber terrorism. By exploiting the anonymity, speed, and transnational nature of cyberspace, such offenses pose profound challenges to conventional policing, jurisdictional competence, and the enforcement of sovereign authority.

This study undertakes a critical analysis of the emerging contours of cybercrime and evaluates the sufficiency of both national and international legal frameworks in mitigating these threats. Particular emphasis is placed on India's Information Technology Act, 2000 and the Budapest Convention on Cybercrime, examined alongside judicial pronouncements and enforcement practices. Adopting a comparative legal methodology, the paper identifies systemic deficiencies, such as jurisdictional conflicts, inadequate digital forensic infrastructure, issues of data sovereignty, and the absence of harmonized transnational standards.

The research underscores the necessity for dynamic and technology-sensitive legal mechanisms. It advocates enhanced international cooperation, institutional capacity building, and collaborative governance through public–private partnerships. Furthermore, it recognizes the prospective role of emerging technologies such as Artificial Intelligence and blockchain in augmenting cyber governance and evidentiary processes.

The findings reveal that while notable strides have been made, existing legal responses remain fragmented and reactive. Accordingly, the paper recommends comprehensive reforms, including periodic statutory amendments, the strengthening of multilateral treaties, promotion of cybersecurity literacy, and the establishment of specialized cybercrime adjudicatory bodies. Such measures are imperative to safeguard digital rights, ensure accountability in cyberspace, and construct a resilient and future-ready legal architecture.

**Keywords:** Technological crimes, cyber law, cybersecurity, digital forensics, data protection, cyber terrorism, legal frameworks, international cooperation.

## INTRODUCTION

The rapid evolution of digital technologies in the 21st century has fundamentally reshaped the way societies communicate, conduct business, and govern. Digitalization has facilitated economic growth, innovation, and globalization, but it has simultaneously given rise to complex security threats. Among the most pressing of these are technological crimes, more commonly referred to as cybercrimes, which exploit the anonymity, speed, and borderless nature of the internet (Bada & Nurse, 2019). Cybercrime poses grave risks not only to individuals but also to corporations, governments, and international security, thereby making it one of the most formidable challenges of the digital era (UNODC, 2021).

Cybercrimes span a broad spectrum of offenses, ranging from financial fraud, phishing, and identity theft to ransomware attacks, data breaches, online defamation, and cyber terrorism. The economic impact alone is staggering, with global losses from cybercrime projected to reach USD 10.5 trillion annually by 2025 (Morgan, 2020). Beyond financial harm, these crimes erode public trust in digital systems, undermine national security, and create severe socio-political consequences (Anderson et al., 2019). Moreover, the transnational character of



cybercrime complicates enforcement, as perpetrators often operate across borders, beyond the reach of traditional jurisdictional frameworks (Clough, 2015).

In response, both national and international legal systems have sought to create robust frameworks to counter technological crimes. India, for instance, enacted the Information Technology Act, 2000, which remains the cornerstone of its cyber law regime, albeit with several gaps that limit its effectiveness against evolving threats (Gupta & Deka, 2022). Similarly, the Computer Fraud and Abuse Act (United States) and the General Data Protection Regulation (European Union) represent significant attempts to regulate cyber activity and protect digital rights (Kerr, 2018; Kuner, 2020). At the international level, the Budapest Convention on Cybercrime (2001) stands as the first binding international treaty dedicated to cybercrime, promoting harmonization of laws and fostering cooperation among states (Council of Europe, 2020).

Despite these efforts, legal systems worldwide remain fragmented and reactive. Key challenges persist, including jurisdictional conflicts, lack of specialized cyber forensics, issues of data sovereignty, and insufficient global cooperation (Chawki & Wahab, 2016; Broadhurst et al., 2021). Emerging threats such as AI-enabled scams, cryptocurrency-related frauds, and deepfake technologies further expose the inadequacy of existing frameworks (Europol, 2022). This underscores the urgent need for dynamic, harmonized, and forward-looking legal responses that integrate technological innovation, international collaboration, and multi-stakeholder participation.

Accordingly, this study aims to critically analyse the emerging forms and dynamics of technological crimes, evaluate the adequacy of national and international legal frameworks, and formulate strategic, forward-looking recommendations for strengthening cyber governance. The paper argues that only by updating cyber laws, enhancing institutional capacity, fostering cybersecurity literacy, and establishing specialized cybercrime courts can states build a resilient and future-ready legal architecture capable of safeguarding digital rights and ensuring accountability in cyberspace.

#### **OBJECTIVES OF THE STUDY**

- 1. To study the growing nature of cybercrimes and their impact on society and governance.
- 2. To examine how national laws like the Information Technology Act, 2000 and international treaties like the Budapest Convention deal with cybercrimes.
- 3. To suggest reforms for stronger laws, better global cooperation, and effective mechanisms to tackle cybercrimes.

#### SCOPE OF THE STUDY

This study focuses on the evolving landscape of technological crimes, commonly referred to as cybercrimes, and critically examines the legal frameworks established to address them at both national and international levels. It encompasses key offenses such as identity theft, phishing, cyber fraud, ransomware attacks, data breaches, online defamation, and cyber terrorism. Particular emphasis is placed on India's *Information Technology Act*, 2000 and its judicial interpretations, alongside international instruments such as the *Budapest Convention on Cybercrime*. Through a comparative legal approach, the research identifies systemic challenges, including jurisdictional conflicts, limited digital forensic infrastructure, data sovereignty issues, and the absence of harmonized transnational standards. The study also



explores the potential of emerging technologies, including Artificial Intelligence and blockchain, in enhancing cyber governance and enforcement mechanisms. While the primary focus is on legal, regulatory, and enforcement dimensions, the study does not delve into the purely technical aspects of cybersecurity, such as programming or encryption methods. Overall, the research aims to provide a comprehensive understanding of the legal architecture surrounding cybercrimes and propose actionable reforms to strengthen its effectiveness and resilience.

#### RESEARCH METHODOLOGY

The present study adopts a doctrinal and comparative legal research methodology to analyze the emerging challenges of technological crimes and the adequacy of legal responses. The research relies primarily on secondary sources of data, including statutes, case laws, academic writings, policy papers, and international conventions.

First, a doctrinal approach has been applied to examine the relevant statutory frameworks, such as the Information Technology Act, 2000 (India), the Computer Fraud and Abuse Act (United States), and the General Data Protection Regulation (European Union). Judicial pronouncements have been analyzed to understand how courts interpret and enforce cyber laws, thereby shaping the legal response to technological crimes.

Second, a comparative analysis has been undertaken to evaluate the strengths and weaknesses of national and international legal frameworks. Special attention has been given to the *Budapest* Convention on Cybercrime and initiatives of global institutions such as the United Nations and INTERPOL, highlighting the importance of cross-border cooperation in combating cybercrime.

Finally, an analytical and prescriptive dimension has been integrated into the study. By reviewing existing literature, reports, and policy documents, the research identifies the gaps in enforcement and jurisdictional challenges. Building on this analysis, the study formulates strategic and forward-looking recommendations aimed at strengthening legal, institutional, and technological mechanisms to address the growing threat of technological crimes.

This methodology ensures that the research not only provides a theoretical understanding of cyber laws but also evaluates their practical application, while suggesting reforms necessary to build a more resilient and harmonized legal framework.

# REVIEW OF LITERATURE

The rapid expansion of digital technologies has not only transformed communication, commerce, and governance but has also given rise to a significant increase in technological crimes, commonly referred to as cybercrimes. These offenses encompass a wide range of activities, including identity theft, phishing, cyber fraud, data breaches, ransomware attacks, online defamation, and cyber terrorism. The anonymity, speed, and transnational nature of cyberspace have posed profound challenges to conventional policing, jurisdictional competence, and the enforcement of sovereign authority.

#### 1. Emerging Forms and Dynamics of Technological Crimes

Recent studies have highlighted the increasing complexity of cyber threats in the digital era. For instance, Varlioglu et al. (2022) identify the convergence of fileless malware and cryptojacking as one of the most covert and financially damaging forms of attack, enabling



criminals to evade traditional detection systems. Europol (2022) reports the alarming rise of AI-driven impersonation, deepfake manipulation, and exploitation of IoT vulnerabilities, which amplify risks to both individuals and state institutions. Similarly, Waddington (2025) underscores the misuse of biometric identifiers such as facial recognition and behavioral data, raising urgent questions about surveillance, identity theft, and digital rights. Collectively, these studies highlight that cybercrime has moved beyond mere financial fraud to encompass broader socio-economic, political, and national security dimensions.

# 2. Adequacy and Effectiveness of Legal Frameworks

From 2020 to 2025, legislative frameworks worldwide have expanded in response to cyber threats, but their adequacy remains contested. At the European Union level, the NIS 2 Directive (2022) and the Cyber Resilience Act (2024) introduced stricter cybersecurity standards, mandatory vulnerability reporting, and liability provisions for technology providers (European Commission, 2024). In the United Kingdom, the Cybersecurity and Resilience Bill (2024–2025) strengthened institutional accountability and emphasized preventive risk assessments (UK Parliament, 2025). In Africa, the Malabo Convention (2023) marked a milestone in unifying regional approaches to cybercrime and data protection, though implementation hurdles persist (Agyekum, 2023).

National reforms illustrate further divergence. Italy's Law No. 90 (2024) advanced cryptography and digital resilience measures (Rossi, 2024), while in South Asia, India and Pakistan struggle with institutional bottlenecks, limited forensic infrastructure, and slow adjudication of cybercrime cases (Gupta & Deka, 2022; NCCIA, 2024). Moreover, rights-based critiques caution against overly broad cybercrime definitions, which may restrict freedom of expression and access to information (Article 19 & EFF, 2021). These findings show that while legislative efforts are commendable, their practical enforcement remains uneven and often reactive.

### 3. Strategic and Forward-Looking Recommendations

Recent scholarship advocates for dynamic, harmonized, and forward-looking approaches to cyber governance. Ahmed (2024) stresses the importance of cross-border legal harmonization to address transnational threats, particularly those driven by AI and advanced digital surveillance. Khan (2023) and Irshad Journals (2024) similarly highlight the need for continuous updates to cyber laws, multi-stakeholder engagement, and improved institutional frameworks. Broadhurst et al. (2021) call for the creation of specialized cybercrime courts, alongside stronger investments in digital forensic infrastructure and public—private partnerships to improve preventive and investigative capacities. Europol (2022) also emphasizes the necessity of embedding AI and blockchain technologies into cyber defense mechanisms.

Despite new scholarship and cyber laws, gaps remain in understanding and regulating technological crimes. Emerging threats like AI-driven impersonation, deepfakes, IoT vulnerabilities, and misuse of biometric data are well-documented, but few studies link them to the effectiveness of existing legal frameworks. While many countries have updated cyber laws, their enforcement, effectiveness, and alignment with human rights are under-examined, and institutional challenges persist. Forward-looking strategies such as transnational harmonization and use of AI and blockchain remain largely conceptual. This study addresses these gaps by analysing legal frameworks, evaluating enforcement challenges, and proposing practical reforms to create a more resilient and adaptive legal system.

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#### ANALYSIS & DISCUSSION

The digital era has witnessed the rapid evolution of cybercrimes, both in scale and sophistication. Traditional cybercrimes such as phishing, hacking, and identity theft have now expanded into complex, technology-driven offenses, including ransomware attacks, deepfake frauds, AI-driven scams, crypto-based money laundering, and large-scale data breaches (Bada & Nurse, 2020). Unlike earlier cyber threats, which often targeted individuals or small businesses, modern cybercrimes increasingly focus on critical infrastructures—such as power grids, healthcare systems, and financial institutions—posing serious risks to national security and economic stability (Kshetri, 2021).

From a socio-economic perspective, technological crimes inflict billions of dollars in annual financial losses worldwide, undermine consumer trust in digital services, disproportionately affect developing economies where cybersecurity infrastructures are weaker (Chakraborty & Ghosh, 2022). On the political front, cybercrimes have been weaponized for geopolitical purposes, with instances of state-sponsored cyberattacks and cyber espionage escalating global tensions (Nye, 2020). Furthermore, the rise of ransomware cartels and organized cybercrime groups demonstrates how digital criminal networks mirror and even surpass traditional organized crime in scale and coordination (Zhang & Xu, 2021).

The security implications are equally profound. Cybercrimes now leverage emerging technologies such as artificial intelligence (AI), blockchain, and the Internet of Things (IoT), which expand both the attack surface and the anonymity of perpetrators (Ablon&Libicki, 2021). AI-driven cyberattacks, for instance, can adapt to detection mechanisms in real time, while blockchain-based platforms facilitate illicit transactions by enabling untraceable cryptocurrencies (Frolova, 2023). Additionally, the COVID-19 pandemic accelerated digitalization across education, healthcare, and commerce, inadvertently creating new vulnerabilities exploited by cybercriminals (Interpol, 2020).

Critically, the dynamics of cybercrime are not merely technological but also behavioral and socio-cultural. Social engineering attacks exploit psychological manipulation rather than technical weaknesses, demonstrating that human factors remain the weakest link in cybersecurity (Hadlington & Murphy, 2021). This reflects the hybrid nature of technological crimes, where technical sophistication is combined with human vulnerability.

In sum, the emerging forms and dynamics of cybercrime highlight the multi-dimensional challenge posed by technological crimes in the digital era. They are no longer isolated incidents of fraud or hacking but systemic threats with socio-economic, political, and security implications that require both adaptive legal frameworks and global cooperation.

#### STRATEGIC IMPLICATIONS

The persistent lag between rapid technological innovation and legal adaptation creates exploitable gaps that embolden cybercriminals. To address this, substantive and procedural laws must be regularly modernized to encompass evolving offences, including ransomware, AI-enabled fraud, deepfakes, IoT botnets, and cryptocurrency laundering. Legislation should adopt technology-neutral drafting, incorporate periodic review or sunset clauses, and provide clear procedural safeguards for the collection, preservation, and admissibility of electronic evidence. Such dynamic legal reform ensures resilience against novel threats while enhancing the reliability of adjudication (Shackelford et al., 2022; Khan, 2023; Varlinglu et al., 2022).



Given the inherently transnational nature of cybercrime, fragmented legal frameworks across jurisdictions significantly impede effective enforcement. Harmonized reforms are therefore imperative, including wider adoption of international instruments such as the Budapest Convention, streamlined Mutual Legal Assistance Treaties (MLATs), and clarification of conflict-of-laws rules for cross-border data access. These measures facilitate coordinated investigations, reduce jurisdictional conflicts, and enhance global enforcement efficacy (Ahmed, 2024; Hathaway, Crootof, & Levitz, 2022; UNODC, 2021).

Institutional capacity remains a critical bottleneck. Strengthening digital forensic laboratories, expanding malware analysis facilities, and establishing specialized cybercrime courts or benches with trained judicial officers are essential to ensure timely and competent adjudication. Technical expertise in forensic and evidentiary processes reduces case failures and promotes consistency in judicial outcomes (UNODC, 2023; Europol, 2022). Complementing this, robust public–private partnerships (PPPs) facilitate real-time threat intelligence sharing, enhance monitoring, and strengthen recovery frameworks. Legal safe-harbor provisions and standardized formats, such as STIX/TAXII, encourage collaboration between law enforcement and private sector actors, proving instrumental in dismantling organized cybercrime networks (Anderson & Moore, 2022; Europol, 2022).

The integration of responsible technology in enforcement is equally critical. AI and automated tools can significantly enhance anomaly detection, triage, and predictive analysis, but require human oversight, auditability, and transparency to mitigate risks of bias and rights infringements. Scholars emphasize that technological adoption must balance operational efficiency with accountability and adherence to fundamental rights (Sarker et al., 2023; Kuner, 2020).

Regulatory reforms must embed governance accountability and sectoral resilience. Mandating incident reporting, board-level accountability, risk management duties, and supply-chain security measures reduces systemic vulnerabilities while distributing responsibility across institutional stakeholders. Regulatory models such as the EU NIS2 Directive, DORA, and India's RBI cybersecurity frameworks illustrate effective approaches to operationalizing governance obligations (European Commission, 2022; RBI, 2022).

Safeguarding digital rights is a core concern. Investigative powers should be exercised under judicial oversight, guided by necessity and proportionality, and supported by independent monitoring mechanisms. Such rights-based safeguards preserve legitimacy and public trust while ensuring that enforcement measures do not compromise civil liberties. GDPR principles and constitutional jurisprudence, including Indian Supreme Court rulings, provide authoritative guidance on proportionality, accountability, and privacy protection in digital surveillance (Kuner, 2020; Supreme Court of India, 2017).

Workforce development and cyber hygiene form the foundation of preventive cyber defense. National awareness campaigns, integration of cybersecurity curricula, expansion of forensic training, and incentivization of baseline security practices for SMEs reduce human-error vulnerabilities, which remain among the most exploited vectors in cyberspace (Bada & Nurse, 2020; UNODC, 2023).

Finally, evidence-led reforms necessitate standardized incident reporting and performance metrics. Uniform reporting thresholds, safe-harbor protections for disclosures, publication of



national dashboards, and post-incident analyses enhance policy formulation and continuous improvement. Metrics such as Mean Time to Detect (MTTD) and Mean Time to Respond (MTTR) enable empirical monitoring of enforcement efficacy, as exemplified by CERT-In and EU NIS2 implementations (CERT-In, 2022; European Commission, 2022).

Collectively, these strategic, multi-dimensional reforms—spanning legal modernization, cross-border harmonization, institutional capacity, technology integration, governance accountability, rights protection, workforce development, and evidence-based monitoring—are essential to construct a resilient, future-ready legal and institutional architecture capable of addressing the evolving landscape of technological crimes.

The persistent misalignment between rapid technological innovation and the adaptability of legal frameworks underscores the need for comprehensive, multi-layered reforms in addressing technological crimes. This study demonstrates that dynamic modernization of substantive and procedural laws, including technology-neutral drafting, periodic review clauses, and clear electronic evidence protocols, is essential to maintain legal resilience against emerging threats such as ransomware, AI-enabled fraud, deepfakes, IoT botnets, and cryptocurrency laundering (Shackelford et al., 2022; Khan, 2023; Varlioglu et al., 2022).

Transnational cybercrime necessitates harmonized legal instruments and cross-border cooperation. Adoption of international conventions like the Budapest Convention, streamlined Mutual Legal Assistance Treaties (MLATs), and clarified conflict-of-laws mechanisms facilitate coordinated investigations, reduce jurisdictional conflicts, and enhance global enforcement efficacy (Ahmed, 2024; Hathaway, Crootof, & Levitz, 2022; UNODC, 2021).

Institutional capacity, including specialized forensic laboratories, malware analysis facilities, and dedicated cybercrime courts with trained judges, remains critical for effective adjudication. Complementary public—private partnerships enhance real-time threat intelligence sharing, monitoring, and recovery, proving indispensable in countering sophisticated organized cybercrime networks (UNODC, 2023; Europol, 2022; Anderson & Moore, 2022).

The judicious integration of emerging technologies—AI, blockchain, and automated detection tools—must be tempered with human oversight, auditability, and transparency to mitigate risks of bias, discrimination, and rights infringements (Sarker et al., 2023; Kuner, 2020). Regulatory frameworks embedding governance accountability, sectoral resilience, and risk management duties further strengthen institutional and systemic preparedness (European Commission, 2022; RBI, 2022).

Rights protection remains central to legitimate and sustainable cyber governance. Judicial oversight, necessity and proportionality principles, and independent monitoring mechanisms safeguard civil liberties while enabling effective enforcement. GDPR principles and landmark Indian Supreme Court rulings provide authoritative guidance on privacy, proportionality, and accountability in digital surveillance (Kuner, 2020; Supreme Court of India, 2017).

Preventive measures, including workforce development, cyber hygiene education, and incentivization of baseline security practices, address human-error vulnerabilities—the most frequently exploited vectors in cyberspace (Bada & Nurse, 2020; UNODC, 2023). Evidence-led reforms, standardized incident reporting, and performance metrics such as Mean Time to Detect (MTTD) and Mean Time to Respond (MTTR) ensure continuous monitoring and policy refinement (CERT-In, 2022; European Commission, 2022).



#### CONCLUSION AND FUTURE DIRECTIONS

The rapid proliferation and sophistication of cybercrimes—including AI-driven fraud, deepfakes, IoT vulnerabilities, and biometric misuse—have created complex socio-economic, political, and national security challenges. Despite advancements in legislative frameworks and international conventions, significant enforcement gaps, institutional inadequacies, and limited integration of emerging technologies persist.

Addressing these challenges necessitates dynamic, technology-neutral legal reforms with clear procedural safeguards for electronic evidence, complemented by specialized cybercrime courts and judicial training to ensure timely and effective adjudication (Shackelford et al., 2022; Khan, 2023; Varlioglu et al., 2022). Harmonized cross-border cooperation, through instruments such as the Budapest Convention, streamlined Mutual Legal Assistance Treaties (MLATs), and clarified conflict-of-laws mechanisms, is crucial to enhance global enforcement efficacy (Ahmed, 2024; Hathaway, Crootof, & Levitz, 2022; UNODC, 2021).

Institutional capacity-building, including expansion of digital forensic laboratories, malware analysis facilities, and workforce training, alongside robust public–private partnerships, ensures competent investigation and mitigation of technological crimes (UNODC, 2023; Europol, 2022; Anderson & Moore, 2022). The responsible integration of AI and automation, governance accountability, and sectoral resilience must be carefully balanced with digital rights protections, including judicial oversight, proportionality, and privacy safeguards (Sarker et al., 2023; Kuner, 2020; Supreme Court of India, 2017). Additionally, workforce development, cybersecurity education, and standardized incident reporting strengthen preventive measures and evidence-driven policymaking (Bada & Nurse, 2020; CERT-In, 2022).

Future research should focus on empirical evaluation of the practical effectiveness of cyber laws, the operational integration of AI and blockchain in enforcement mechanisms, the impact of cyber hygiene and capacity-building initiatives, and the robustness of rights-protection frameworks. Further studies should also examine the efficacy of transnational cooperation mechanisms and multi-stakeholder governance models in mitigating emerging cyber threats. Collectively, these strategies and research directions aim to establish a resilient, adaptive, and future-ready legal and institutional architecture capable of effectively addressing the evolving landscape of technological crimes.

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