Article Review #2: The Legal Response to the Intrusion into Digital Identity in Social

Media

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Introduction/BLUF

This study from the University of Valladolid examines the consequences of Spain's 2022 criminalization of fake online profiles. As part of a larger look at the adequacy of cybercrime regulation and the necessity of transnational cooperation.

Relation/Connection to Social Science Principles

From this study, four of the principles that stand out are objectivity, empiricism, skepticism, and determinism. Objectivity for the authors' unbiased and neutral researcher, relying only on legal texts, EU directives, and comparative frameworks. Empiricism is demonstrated by incorporating evidence such as statutes and enforcement cases, grounding the study in a provable reality. Skepticism with a critical lens placed on whether criminalization alone is working to deter cybercrime and to what limitations. Finally, determinism is displayed in their argument that policy and structure, like law enforcement and international cooperation, have a greater extent of will on cybercrime regulation than any one individual.

Research Question /Hypothesis/ Independent Variable/Dependent Variable

- Research Question: Does Spain's 2022 criminalization of fake online profiles adequately regulate cybercrime; does it necessitate international cooperation in enforcement.

- Hypothesis: this criminalization would work at its best with transnational collaboration

    - Independent Variable: Spain's 2022 legal reform

    - Dependent Variable: cybercrime enforcement effectiveness and deterrence

Types of Research Methods used

The primary focus was on qualitative research, legal analysis and review, as to whether Spain's

2022 criminalization had made any ground. EU directives and legal documentation were

evaluated to observe any discrepancies that might hinder wide-reaching enforcement. With

cybercrime being inherently transnational, a comparative perspective was needed to ensure

consistency with the EU and adaptability to other frameworks. Paired with doctrinal

interpretations to understand enforcement limits when offenders operate outside Spain's

jurisdiction

Types of Data Analysis used

An analysis of legal content and normative evaluation was used to obtain data for this study. The

whole of cybercrime activities can be underlined by their anonymity and by targeting that cover

in Spain's legal reform. Through examining Spanish statutes and case law, this study can gauge

the criminalization of fake online profiles. Comparative analysis was used to measure Spain's

reform against other jurisdictions and whether it's up to par.

Connections to other Course Concepts

This study highlights how legal reforms based on social sciences must integrate with technology

in STEM fields to meaningfully regulate cyberspace. Reinforcing that cybersecurity requires an

interdisciplinary lens, balancing human behavior with technical protection. By conducting their

analysis through archival research, via legal texts and EU directives. This study directly aligns

with the approach of archival research, providing access to records and case studies that can be

used to examine specific acts or policies in depth.

Connections to the Concerns or contributions of Marginalized Groups

This study carries implications for the migrant community, who often face harsher digital smears from those walled off by digital secrecy. For example, Spain's first prosecution under the new law involved a fabricated video falsely claiming violence committed by Moroccan migrants, illustrating how such groups can be stigmatized through digital manipulation. The broader debate on limiting online anonymity further complicates matters, as stemming the harmful disinformation is a benefit. At the same time, possibly expose those whose protection may be necessary.

Overall societal contributions of the study/Conclusion

This study contributes to our social fabric by demonstrating how legal reforms can help to reduce harmful online behaviors and achieve larger success with broader collaboration. The study acts as a lens into just how much cybersecurity is woven into our society. Not merely just as a technical issue, but as a social one shaped by law, politics, and human behavior.

Reference

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