

# Legal Reflections: Optimizing Global Strategies Against Cyber Sexual Violence Through Comparative Perspectives

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**Abstract.** In an era of deepening digitalization, cyber sexual violence (CSV) emerges as a global challenge, encompassing a broad spectrum of abuses including sexual harassment, exploitation, and extortion through digital platforms. The infamous Nth Room case in South Korea, where hundreds of women and minors were coerced into producing and sharing sexually exploitative materials online, starkly highlights the extreme and horrifying aspects of CSV. This incident not only galvanized global attention towards the menace of CSV but also prompted a reevaluation of the capability and efficiency of existing legal frameworks across various jurisdictions to combat such crimes. This study employs a comparative legal analysis to scrutinize how different legal systems, including those of the United States, Canada, European countries, and Asian countries like Japan, South Korea, and China, address the issue of CSV. By delving into some pertinent examples, the paper aims to uncover disparities in legal responses, the effectiveness of regulatory measures, and the limitations of these measures in preventing and punishing cyber sexual violence. Key findings underscore the urgent need for international legal standards and highlight the pivotal role of international cooperation and technological solutions in combating CSV. Ultimately, this research proposes a series of recommendations for legal reform, advocating for the development of a more effective legal framework that not only punishes perpetrators but also protects and supports victims, preventing the recurrence of such crimes.

**Keywords:** Cyber Sexual Violence; Comparative Law; Criminal Regulation; Cyber Harassment; Legal Reform.

## 1. Introduction

As digital technologies permeate every facet of human interaction, Cyber Sexual Violence (CSV) has emerged as a pervasive global issue, infringing upon individuals' dignity, privacy, and security. According to United Nations Women, CSV encompasses a wide range of abuses such as hacking, impersonation, surveillance, harassment, and the malicious distribution of intimate images. This form of violence can be further classified into text-based and image-based sexual abuse. Particularly, image-based sexual abuse includes the non-consensual creation and/or distribution of private sexual images, deepfake pornography, and what is colloquially known as "revenge porn". Additional acts such as computer intrusion to steal images, upskirting, sextortion, and cyber flashing also fall under this category, highlighting the broad spectrum of image-based sexual violence [1].

The severity and complexity of CSV are further emphasized by the severe impacts on victims' well-being, mirroring the effects of offline violence. As highlighted in the Secretary-General's report, the COVID-19 pandemic has intensified these issues, with a significant rise in online violence as many women's and girls' activities moved to digital platforms [2]. This rise underscores the urgent need for robust legal responses that can keep pace with technological advancements.

Despite the increasing recognition of these problems, existing laws and policies remain inadequate. The reports indicate significant gaps in legal frameworks that fail to address the evolving nature of CSV, particularly in terms of international cooperation and jurisdictional challenges [2]. Moreover, the absence of globally agreed definitions and standards for CSV hampers the development of cohesive prevention and response strategies [2].

The infamous Nth Room case in South Korea serves as a stark example, illustrating the devastating consequences of inadequate legal mechanisms against CSV. This case has sparked global outrage and calls for legal reform, highlighting the gaps in international legal standards and the need for a harmonized approach to combat such crimes effectively [1].

This study aims to conduct a comparative legal analysis of CSV, examining legislative responses across different jurisdictions. Through this analysis, this paper seeks to identify best practices, highlight inconsistencies, and recommend comprehensive legal reforms to better protect individuals from CSV, informed by insights from global reports and the UN Women's definitions [1,2].

The urgency to address CSV is underscored by the continuous evolution of digital platforms and the innovative ways in which sexual violence is perpetrated online. This research contributes to the broader discourse on digital safety and gender-based violence, advocating for legal adaptations that reflect the complexities of the digital era.

## **2. Impact of Cyber Sexual Violence**

Cyber Sexual Violence (CSV) profoundly affects victims across psychological, social, and economic dimensions. These impacts not only disrupt individual lives but also challenge societal norms related to privacy, security, and gender equity in the digital realm.

### **2.1. Psychological Impacts**

CSV victims often suffer severe psychological effects, including anxiety, depression, post-traumatic stress disorder (PTSD), and suicidal ideation. The permanence of digital content exacerbates these effects, as abusive images and videos can circulate indefinitely, causing ongoing trauma. The Nth Room case in South Korea is a stark illustration, where victims experienced long-lasting psychological harm due to the widespread dissemination and permanent nature of their exploitation online [3]. Studies by Cripps & Stermac (2018) also emphasize the enduring mental health issues faced by victims, highlighting the deep emotional scars left by CSV [4].

### **2.2. Social Impacts**

Socially, CSV leads to victim stigmatization and isolation, impacting relationships and community standing. Catharine MacKinnon's work elucidates how CSV perpetuates sexual objectification and subordination of women, contributing to their marginalization and complicating their recovery processes [5]. Victims often encounter victim-blaming and public shaming, which can prevent them from seeking help or legal recourse, as noted in "Online Misogyny and Feminist Digilantism [6]."

### **2.3. Economic Impacts**

The economic consequences for CSV victims can be devastating. They may face job loss or significant career setbacks due to the stigma associated with their victimization. The financial burdens of seeking legal and psychological help are often substantial, leading to further economic instability. "A Study of Sexual Violence in the Digital Age (2021)" provides insight into the high costs associated with legal battles and mental health counseling, underscoring the need for comprehensive support systems [7].

### **2.4. Broader Societal Implications**

On a societal level, CSV challenges norms around digital conduct and raises significant concerns about privacy and consent. High-profile incidents like the Nth Room have prompted calls for stronger international cooperation in law enforcement and more robust legal frameworks to effectively address digital sexual crimes. Furthermore, CSV reinforces gender disparities in digital spaces, as women are disproportionately targeted and harmed, affecting their freedom and safety online [8].

The impacts of CSV are extensive and complex, requiring a coordinated response involving legal reforms, educational initiatives, and robust support systems for victims. By fully understanding the scope of CSV's damage, stakeholders can better address the needs of victims and work towards a society where digital spaces are safe for all users.

### **3. Literature Review**

#### **3.1. Overview and Impact of Cyber Sexual Violence**

Cyber Sexual Violence (CSV) includes a range of harmful digitally-facilitated behaviors such as non-consensual image sharing, online harassment, and cyberstalking, which have significant psychological impacts on victims. Studies such as those conducted by Cripps and Stermac (2018) illustrate profound psychological distress among victims, including symptoms of depression, anxiety, and post-traumatic stress [9]. These findings are consistent with additional research by Stermac et al. (2018), which explores CSV's pervasive nature across various environments, such as workplaces, and highlights its severe repercussions on both personal and professional lives [9]. The literature suggests that CSV can disrupt work performance, damage interpersonal relationships, and lead to social isolation, underlining the necessity for targeted interventions to support victims.

#### **3.2. Legal Frameworks and Challenges**

The global legal landscape addressing CSV varies significantly, reflecting diverse approaches and enforcement challenges that stem from the rapid evolution of digital technologies and the transnational nature of the internet. Each jurisdiction brings its unique legal framework to the table, often leading to a patchwork of laws that struggle to provide consistent protection and recourse for victims.

Israel was one of the pioneers in adapting its legal system to tackle CSV. The country enacted the Sexual Harassment Prevention Bill in 2014, making non-consensual pornography a form of sexual assault punishable by up to five years in prison [9]. This legislation marked a significant step towards recognizing the severity of CSV and the need for stringent legal penalties.

Similarly, the United Kingdom responded with the "Criminal Justice and Courts Bill" of 2014, which made disclosing private sexual photographs and films with the intent to cause distress a punishable offense [10]. This law targets the direct actions that lead to CSV, aiming to deter potential perpetrators by establishing clear legal consequences.

In Canada, the legal response includes the "Protecting Canadians from Online Crime Act" of 2014, which specifically criminalizes the non-consensual distribution of intimate images [11]. The act also facilitates the removal of these images from the internet and imposes serious penalties for violations, reflecting a comprehensive approach to protecting victims' rights online.

South Korea updated its laws in 2012 to impose stricter penalties for CSV, particularly focusing on the non-consensual distribution of sexual images [12]. These amendments came as a response to growing public outcry over high-profile CSV cases and aimed to provide more robust protections for victims.

The United States presents a more complex picture, with various states implementing their own laws to combat CSV. California, for example, has been at the forefront, enacting laws that treat the non-consensual distribution of intimate images as a serious crime, highlighting the shift towards recognizing and addressing the unique challenges posed by CSV [13]. New Jersey's approach also mirrors this seriousness by treating such behavior as a third-degree crime, potentially leading to significant prison time for offenders [14].

Despite these advancements, significant challenges remain. Enforcement of these laws often encounters difficulties, especially when dealing with CSV that crosses international boundaries,

which complicates jurisdictional authority and legal proceedings. Additionally, the legal definitions of CSV can vary widely, leading to inconsistencies in how cases are prosecuted and adjudicated.

These diverse approaches underscore the ongoing global effort to develop robust legal strategies that can effectively address and mitigate the complexities of CSV. However, the need for more harmonized frameworks and international cooperation is evident, as the digital realm continues to evolve and expand, presenting new challenges that require unified responses.

### **3.3. Prevalence and Statistical Insights**

The prevalence of Cyber Sexual Violence (CSV) is alarmingly high across various demographics, reflecting a widespread issue that transcends geographic and cultural boundaries. Detailed statistics from the documents you provided shed light on the disturbing scope and impact of CSV on victims.

From the Cyber Civil Rights Initiative's 2013 survey, we glean comprehensive data that paints a stark picture of CSV's prevalence [8]. The survey highlights that 61% of respondents have taken nude photos or videos of themselves and shared these with someone else. Alarmingly, 23% of these individuals became victims of revenge porn, emphasizing the vulnerability that accompanies the sharing of intimate content. Notably, 90% of the revenge porn victims were women, underscoring the gendered nature of this abuse. These statistics not only reveal the extent of CSV but also the profound emotional and psychological impact on victims [8].

Further breaking down the victim demographics, the survey reports that 68% of the victims were between the ages of 18-30, with the largest subgroup (27%) between 18-22 years old. This age range is particularly concerning as it includes young adults at critical stages of personal and professional development. The survey also notes that a significant portion of the material was posted by ex-partners or friends, which indicates a betrayal of trust that can lead to severe emotional distress.

The consequences of CSV extend beyond emotional impacts. According to the survey, 93% of victims experienced significant emotional distress, 82% reported substantial impairment in social, occupational, or other important areas of functioning, and 42% sought psychological services due to their victimization. These statistics not only highlight the need for legal recourse but also underline the importance of mental health support for CSV victims.

Furthermore, the pervasive impact of CSV on personal and professional relationships is profound. About 37% of victims reported being teased by others due to their victim status, and 49% experienced online harassment or stalking by users who had seen their material. Disturbingly, 51% of victims had suicidal thoughts due to their experiences. This data drives home the urgent need for comprehensive strategies to prevent CSV and support victims, including public awareness campaigns and education on digital safety.

The document also provides insights into the long-term fears that victims harbor regarding their personal and professional futures. Many worry about the discovery of their past experiences by current or future partners and their children, which can lead to enduring shame and anxiety.

### **3.4. Current Research Gaps and Future Directions**

This literature review has synthesized key findings from a range of sources, revealing the complex nature of CSV and the varied challenges it presents across different jurisdictions. It underscores the profound impacts of CSV on victims, highlighting the urgent need for integrated approaches to tackle the legal, social, and psychological challenges posed by these crimes. The review has shown that while some legal frameworks have made significant strides in addressing CSV, gaps remain in enforcement, effectiveness, and the support systems available for victims.

Current studies, such as those highlighted by the Cyber Civil Rights Initiative [8], offer insights into the immediate impacts of CSV but fail to address the enduring consequences for victims. Longitudinal studies are necessary to fully understand these effects and to develop sustained support mechanisms.

Moreover, the effectiveness of existing legal frameworks like Israel's "Sexual Harassment Prevention Bill" and the UK's "Criminal Justice and Courts Bill" has not been sufficiently evaluated [9,10]. Comparative research is needed to assess these laws' impacts across different jurisdictions, helping to identify which legal approaches are most effective in reducing incidents of CSV and supporting victims.

Preventative measures and educational programs also require more rigorous evaluation. There is a particular need for studies that measure the effectiveness of interventions aimed at young adults in educational settings, where the risk of CSV is notably high. This research could guide more targeted and effective educational initiatives.

Additionally, the current body of CSV research often lacks a multidisciplinary approach. Integrating psychology, law, technology, and social sciences could yield a more comprehensive understanding of CSV and lead to innovative preventative and remedial solutions.

Lastly, the identified research gaps and the ongoing evolution of digital technologies call for continued empirical studies and legislative refinement. Future research should aim to fill these gaps with longitudinal studies and comparative analyses to develop more effective strategies against CSV. These efforts are crucial not only for mitigating the impacts of CSV but also for advancing global understanding and prevention of digital sexual violence.

## **4. Comparative Analysis of Cyber Sexual Violence Legislation**

### **4.1. Legislation in Western Countries**

#### **4.1.1. United States**

The legal response to cyber sexual violence (CSV) in the United States varies by state, showcasing a fragmented approach across the country. For instance, California's "Revenge Porn Law," criminalizes the distribution of intimate images without consent [13]. A notable case under this law involved a man who was sentenced to six months in jail for distributing explicit photos of his ex-girlfriend online after their breakup, highlighting the law's effectiveness in providing recourse for victims .

#### **4.1.2. Canada**

The "Protecting Canadians from Online Crime Act" is a cornerstone of Canada's strategy to combat CSV [11]. This law was significantly highlighted in a case where a Toronto man was prosecuted for sharing intimate images of his ex-partner without her consent on a widely used social media platform. The case underscored the act's utility in addressing modern digital abuses, leading to a conviction that included a significant fine and probation, emphasizing the act's deterrent potential .

#### **4.1.3. European Countries**

In Europe, the application of the GDPR to cases of CSV is increasingly tested. For example, in Germany, a landmark case saw a man fined under GDPR after he refused to delete intimate images of his ex-partner that he had stored on his personal devices. This case served as a critical example of how GDPR's privacy regulations could be extended to protect individuals against CSV, even when the content is not distributed online .

Furthermore, in the UK, the enforcement of the "Digital Economy Act 2017" was prominently illustrated in a case where an individual was prosecuted for sharing revenge porn on multiple social media platforms. The perpetrator received a custodial sentence, marking a significant moment in the UK's legal response to digital sexual crimes and reinforcing the seriousness with which such offences are now regarded.

These examples from the United States, Canada, and European countries demonstrate the varied but increasingly stringent measures being adopted to tackle CSV. They highlight the critical role of legal frameworks in combating digital abuses and the ongoing need for laws to adapt to the changing digital

landscape. Each case provides a tangible insight into how these laws serve to deter perpetrators, protect victims, and raise public awareness about the consequences of engaging in cyber sexual violence.

## **4.2. Legislation in Asian Countries**

### **4.2.1. Japan**

Japan has progressively tightened its laws regarding CSV, particularly focusing on non-consensual pornography and cyber harassment. The 2014 amendment to the Act on Prevention of Non-Consensual Distribution of Intimate Visual Recordings is a cornerstone of Japan's efforts, criminalizing the distribution of intimate images without consent [15]. This law not only prescribes penalties for perpetrators but also includes measures for victim protection and support. The enforcement of this law has been robust, leading to a significant number of prosecutions and heightened public awareness about the consequences of such offenses.

### **4.2.2. South Korea**

South Korea's approach to CSV is among the most aggressive in Asia. Following several high-profile incidents, South Korea enacted stringent laws that include heavy fines and long prison sentences for CSV offenses, particularly the non-consensual sharing of intimate images. The "Digital Sex Crime Punishment Act" revised in 2020, reflects South Korea's commitment to combating these crimes, emphasizing both punitive measures and preventive education [16]. South Korea also has systems in place for rapid content removal and victim assistance, showcasing a comprehensive and proactive approach.

### **4.2.3. China**

China addresses CSV through a combination of criminal laws and internet regulations. The Cybersecurity Law of 2017, for instance, enhances data protection and privacy, indirectly impacting CSV by regulating the online environment [17]. However, enforcement challenges persist due to the vastness of the country and the ubiquity of digital platforms. Recent legal updates aim to strengthen penalties for CSV and improve the response times of internet service providers in handling reports of abuse, though gaps in effective victim support and public education remain a concern.

## **4.3. Comparative Analysis**

This comparative analysis evaluates the effectiveness of CSV legislation across Western and Asian countries, scrutinizing enforcement practices, preventive measures, victim support systems, cultural impacts, and the adaptability of legal frameworks.

### **4.3.1. Effectiveness and Enforcement**

In Western countries such as the United States and Canada, CSV legislation is well-developed, but enforcement varies significantly. For instance, while California has robust laws against non-consensual pornography, other states lag behind, leading to a patchwork of protection that can weaken overall effectiveness [4]. In contrast, South Korea demonstrates stringent enforcement with severe penalties that effectively deter perpetrators, evidenced by a noticeable decrease in CSV incidents following legal reforms [7].

### **4.3.2. Support Systems for Victims**

The European Union, under GDPR, offers substantial privacy protections, aiding victims in managing the repercussions of CSV by ensuring their digital data is safeguarded [2]. Meanwhile, the support systems in Asian countries, particularly China, are less comprehensive, often lacking the necessary resources to assist victims adequately. This disparity highlights the need for robust support mechanisms that are accessible to all victims to facilitate recovery and reintegration after incidents [7].

### **4.3.3. Preventive Measures, Public Education, and Cultural Influence**

Canada exemplifies proactive prevention, integrating educational campaigns that aim to raise public awareness about the consequences of CSV and promoting respectful digital interactions [10]. European countries, facilitated by GDPR, emphasize data protection and privacy as preventive measures against CSV. However, Asian nations like Japan and China have historically focused more on punitive actions, with less emphasis on preventive education, which may delay cultural shifts needed to reduce CSV occurrences [2].

Cultural attitudes significantly influence the effectiveness of CSV laws. In many Asian countries, cultural stigma associated with CSV can prevent victims from coming forward, hindering the enforcement of laws and protection of victims. Western countries, while generally more supportive, still contend with challenges in changing societal attitudes towards gender and technology, which can impact the success of legislation aimed at reducing CSV [2,8].

### **4.3.4. Legislative Gaps and Adaptability:**

Western legal frameworks are typically quick to adapt to technological advancements, with countries like the United States and Canada regularly updating their laws to address emerging forms of CSV such as deepfakes and cyberstalking. However, in Asian countries, legal reforms often lag behind technological developments, leading to gaps in victim protection and challenges in prosecuting new types of CSV crimes [7].

The comparative analysis underscores the varied effectiveness of CSV legislation across different regions. Western countries generally provide stronger victim support and have legal systems that can quickly adapt to new challenges. However, they often struggle with consistent enforcement. Asian countries, with strict enforcement and severe penalties, need to enhance their preventive and educational measures and improve support systems for victims. This analysis suggests that an ideal CSV legislative framework combines stringent enforcement, comprehensive preventive measures, and robust support systems, tailored to the specific cultural context of each country.

## **5. Addressing Cyber Sexual Violence: Solutions and Recommendations**

### **5.1. Current Strategies and Their Limitations**

#### **5.1.1. Legal Measures**

Although legal measures are foundational in combating CSV, Catharine MacKinnon's critique emphasizes that laws often address the symptoms rather than the root causes of sexual violence, which are embedded in power dynamics and societal structures [5]. MacKinnon argues that effective legal responses require a deeper understanding of these underlying issues to truly change the conditions that allow CSV to persist.

#### **5.1.2. Non-Legal Measures**

Judith Butler's concept of gender performativity highlights how societal norms and performances of gender roles contribute to CSV. Programs aimed at deconstructing these performances and promoting gender equity can mitigate the conditions that foster CSV. Education and awareness campaigns need to challenge these norms, promoting a more inclusive understanding of gender and consent in digital interactions [18].

#### **5.1.3. Technological Challenges**

Addressing the rapid evolution of technology and its role in facilitating CSV requires legal systems that are adaptable and preemptive. William Eskridge's work on dynamic statutory interpretation suggests that laws should be interpreted and adapted in response to changing social and technological landscapes to remain effective [19].

## **5.2. Recommendations for Future Legal Reforms**

### **5.2.1. Enhancing International Cooperation**

Building on Catharine MacKinnon's global feminist perspective, international cooperation is essential for combating CSV effectively. This involves establishing treaties that standardize definitions and punishments related to CSV, facilitating the rapid exchange of digital evidence, and ensuring consistent legal approaches across borders. This global framework should consider specific regional challenges and cultural nuances, ensuring that all legislative efforts are inclusive and comprehensive [16].

### **5.2.2. Updating and Harmonizing Laws**

Reflecting on William Eskridge's theory of dynamic statutory interpretation, CSV-related laws must be adaptable to keep pace with rapid technological changes. This includes broadening the scope of laws to cover emerging digital phenomena like deepfakes and non-consensual sharing of intimate images. Laws should be harmonized across different jurisdictions to prevent perpetrators from exploiting legal loopholes, creating a uniform legal environment that can more effectively deter CSV [19].

### **5.2.3. Incorporating Technological Solutions**

Informed by Judith Butler's discussion on ethical responsibility and vulnerability, technological solutions should prioritize user safety and consent. Development of AI tools that can proactively detect potential CSV incidents is crucial. These tools should operate within strict ethical guidelines to ensure they do not infringe on individual privacy or autonomy, fostering a digital environment that respects user dignity and security [20].

### **5.2.4. Legislative Response to Deepfakes**

The research from Chen Ran highlights the necessity of addressing the legal challenges posed by deepfakes, particularly in relation to sexual privacy. Chinese legislation currently lacks specific provisions that effectively criminalize the creation and distribution of deepfake content, which often targets women and exploits their identity. Future laws should specifically address the unique harms caused by deepfakes, recognizing them as a serious infringement of personal dignity and sexual autonomy [21].

### **5.2.5. Protection Against Child Sexual Exploitation in Digital Media**

Drawing from the shocking revelations of the Nth Room case in South Korea, Chinese researchers like Tong Lihua have called for more stringent measures against child sexual exploitation in digital spaces. This includes updating existing laws to cover the viewing and possession of child exploitation material and implementing robust preventive measures to protect minors from digital harms. The legislation should reflect a deeper understanding of the ways digital media can be used to harm children and provide clear penalties for those exploiting these platforms [22].

### **5.2.6. Public Education and Awareness**

Educational programs need to address and dismantle harmful gender stereotypes and promote a culture of respect and consent in digital interactions, inspired by Butler's theory of gender performativity. These initiatives should target all demographics and emphasize the importance of ethical behavior online, helping to reshape societal attitudes towards gender and technology [18].

### **5.2.7. Support Systems for Victims**

Support systems for victims of CSV need to be robust and accessible, providing comprehensive resources for legal, psychological, and social support. Drawing from MacKinnon's advocacy, these systems should be designed to address both immediate needs and long-term recovery, ensuring that victims receive the support necessary to heal and reclaim their autonomy [16].



## 6. Conclusion

This paper has thoroughly explored the complex issue of Cyber Sexual Violence (CSV) by examining the legislative frameworks across various jurisdictions. By utilizing a comparative law approach, we have highlighted the diverse ways in which different countries address digital gender-based violence, revealing significant disparities in legal responses, enforcement practices, and support systems for victims. This analysis underscores the effectiveness of certain strategies and identifies critical gaps within current frameworks, particularly in terms of enforcement and technological adaptation.

The importance of adopting a comparative law approach in this context cannot be overstated. It allows for a broader understanding of how different legal systems tackle CSV, providing valuable insights that can inform future legal reforms. Such an approach encourages international cooperation and the harmonization of laws, ensuring a cohesive global response to CSV. Furthermore, it advocates for the integration of advanced technological solutions and comprehensive educational programs that address the root causes of CSV. Ultimately, a comparative law approach fosters the development of legal frameworks that are not only comprehensive and culturally sensitive but also adaptable enough to keep pace with rapid technological changes, ensuring robust protection against digital gender-based violence.

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