

Research on Cyber Insult Crimes in China from a Crime Script Perspective: An Empirical Analysis Based on 89 Judicial Decisions

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Abstract

Grounded in environmental criminology and employing a crime script methodology, this study conducts an empirical analysis of 89 judicial decisions on the offense of cyber insult in China from 2014 to 2024, examining types, pathways, characteristics, causes, and governance strategies. Findings show four crime types: emotion-driven catharsis (64.04%), interest-dispute driven (14.61%), sex-related online conflict (6.74%), and relationship-unclear (17.98%). Key features include higher incidence in East and North China; female offenders concentrated in emotion-driven cases (75%); intensified harm under the “WeChat plus multi-platform” combined insult pattern; and “aggregative” diffusion of consequences. Script analysis indicates a common pathway of “conflict—opportunity pre-setting—open insult.” Offender profiling identifies typical groups such as “men engaging in extreme breakup retaliation” and “women betrayed in intimate relationships.” Causal analysis spans the individual level (offender, victim, third-party platform), legal level (legal characterization, offense nature, legislative gaps), and social level (herd behavior among netizens, platform review failures). Governance recommendations propose four pathways: enhancing digital literacy and rights awareness among netizens, strengthening platform algorithmic oversight, advancing legislative and litigation mechanisms, and improving law-enforcement training and fairness in practice.

Keywords

Insult Offense, Cyberspace, Crime Script, Crime Governance.

1. Research Background and Problem Statement

With the deepening penetration of the internet, as of June 2025 the number of online video users has reached 1.085 billion [1]. Cyberspace has become a major vehicle for social interaction and the dissemination of public opinion. However, the problem of online violence has increasingly come to the fore; criminal conduct represented by online insult occurs frequently, seriously infringing upon citizens’ rights and disrupting social order. The 2024 Work Report of the Supreme People’s Procuratorate explicitly emphasized the need to uphold the rule of law in cyberspace and to purify the online environment [2]. In real-world cases, incidents such as the suicide of a physician in Henan following prolonged online abuse further reveal the profound harm that online insult inflicts on individuals’ physical and mental well-being.

Although various sectors of society have accumulated experience in risk prevention and promoted technological upgrades, online insult facilitated by social applications and short-video platforms remains prevalent and has even escalated into criminality. This reflects significant shortcomings in the current governance system with respect to behavior

identification, attribution of responsibility, and legal regulation. Consequently, a systematic analysis of the generative logic and behavioral characteristics of online insult crimes, and the construction of scientific and efficient governance pathways, has become an urgent requirement for cyberspace governance today.

Existing domestic research on online insult crimes is largely situated within the criminal law perspective, lacking in-depth examination of the dynamic processes and behavioral patterns of offending. This study introduces the crime script analysis method, integrating rational choice theory, crime pattern theory, and routine activity theory to construct a dynamic “motivation – behavior – context” explanatory framework. In doing so, it addresses the empirical gap in process-focused analyses of crime, and advances the localization and cross-disciplinary integration of relevant theoretical approaches.

2. Overview of the Crime of Online Insult

2.1. Conceptual Definition

In September 2023, the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security issued the Guiding Opinions on Lawfully Punishing Online Violence-Related Illegal and Criminal Acts. According to these Opinions, the crime of online insult refers to publicly insulting another person via information networks by means such as wanton abuse, malicious vilification, and disclosure of privacy, where the circumstances are serious, thereby meeting the requirements of Article 246 of the Criminal Law [3].

Scholars have also advanced their own views.

Zhang Xiaohu argues that “when online insulting behavior satisfies the objective elements of the offense of insult—namely, using verbal violence to insult another in a public context and reaching the threshold of serious circumstances—it constitutes the crime of insult [4]. The criminalization of ‘insult-type’ online violence must comply with the constituent elements of the insult offense [5].” This view underscores the decisive role of the threshold of “serious circumstances” in judicial determinations and is one of the author’s key criteria for case retrieval and screening.

Song Jianing contends that “the openness and decentralization of cyberspace enable insulting information to be disseminated instantaneously to an indeterminate multitude, thereby satisfying the essential requirement of ‘public’ insult. Conduct involving malicious attacks, defamation, and abuse via the internet that causes victims to suffer severe psychological harm meets the constituent elements of the crime of insult under the Criminal Law of the People’s Republic of China.” This insight illuminates how the online environment satisfies the core element of publicity, that is, “insulting others in the presence of the public or by using methods that enable many people to hear or see it [7].”

The foregoing perspectives elaborate the constituent elements of the crime of online insult and each offers instructive reference. In this paper, the author takes the Guiding Opinions on Lawfully Punishing Online Violence-Related Illegal and Criminal Acts as the normative baseline.

2.2. Typology of Online Insult Crimes

Based on 89 qualifying judicial decisions retrieved by the author, and using “relationship between the perpetrator and the victim” and “cause of the offense” as reference criteria, three principal types of online insult crimes are summarized: emotion-driven retaliation, interest-dispute driven, and sexualized online relationship conflicts, detailed as follows:

Emotion-driven retaliation type. A total of 55 cases were identified. Using the presence or absence of a “sexual/romantic relationship” as the criterion, two subtypes are distinguished. Forty-nine cases involved such relationships, including: spouse versus third party, former dating partners, lovers (casual sexual partners), divorced spouses, and couples on the verge of

breaking up. Seven cases did not involve sexual/romantic relationships, including relations such as sisters-in-law, stepmother-child, and friends.

Interest-dispute driven type. Thirteen cases were identified. Based on whether the “interest dispute is lawful,” two subtypes are distinguished. Six cases involved lawful interest disputes, such as sales transactions and lease relationships; three cases involved unlawful interest disputes, such as solicitation of prostitution, human trafficking, and nightclub companion singing, which themselves may implicate other offenses.

Sexualized online relationship conflict type. Six cases were identified, in which both parties met online and never met offline. These cases involve sexualized online behaviors such as nude video chatting, online romance, and exchanging nude photos, without further specific categorization. This type is distinct from the emotion-driven retaliation type: the former unfolds entirely online, with parties engaging only in online romance or sexualized interactions and no offline meetings; the latter is grounded in some real-world relationship between the perpetrator and the victim, with the crime arising from emotional disputes.

Unknown type of online insult. In addition, there are 15 cases in which the relationship between the perpetrator and the victim is not specified, described in the judgments merely as “acquaintances with conflicts.” These are grouped under the “unknown type of online insult.”

Main Type	Subtype	Number of Cases	Proportion (%)	Typical Characteristics
1. Emotional Outburst Dominant		57	64.04	Based on breakdown of real social bond relationships
	1.1 Marital/romantic relationship conflicts (couples, lovers, involving third parties, etc.)	53	59.55	Emotional entanglements and betrayal accusations as main triggers
	1.2 Family relationship conflicts (parent-child, siblings, sisters-in-law, etc.)	2	2.25	Public disclosure of family conflicts
	1.3 Close friendship relationship conflicts	1	1.12	Mutual attacks after friendship breakdown
2. Interest Dispute Dominant		13	14.61	
	2.1 Colleague/classmate relationship conflicts	3	3.37	Workplace/campus conflicts
	2.2 Economic transaction relationship conflicts	8	8.99	Disputes escalating into insults
	2.3 Neighbor/community relationship conflicts	2	2.25	

3. Sexual Online Relationship Conflict Type	6	6.74	
3.1 Conflicts based on online sexual interactions	6	6.74	Entirely online
4. Unclear Relationship Type	13	14.61	Documents did not specify specific relationships
Total	89	100	

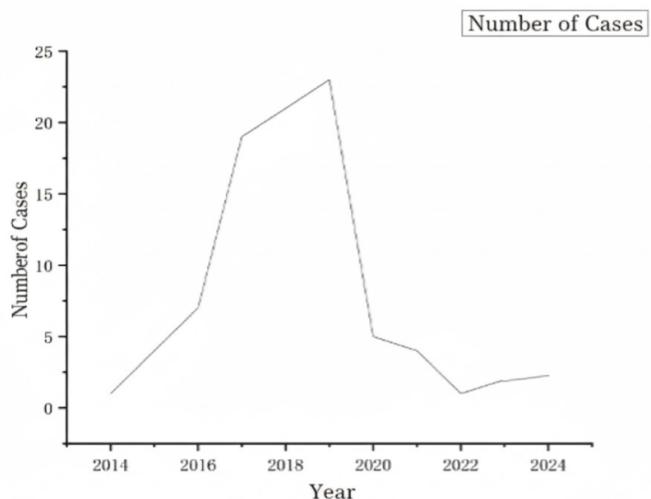
As detailed in the following table:

3. Current Status and Characteristics of Online Insult Offenses in China

3.1. Current Status

3.1.1. Temporal Perspective

Based on 89 valid cases from 2014 to 2024, the incidence peaked between 2017 and 2019 (19 cases in 2017, 21 in 2018, and 23 in 2019) and declined markedly after 2020, as shown in the figure.



3.1.2. Spatial Perspective

By province, Hebei and Guangdong record the highest numbers (10 cases each), followed by Sichuan and Zhejiang (7 each), and Shanxi and Shandong (6 each). By region, East China has the most cases (29), followed by North China (17) and South China (14). No data are available for Tibet, Xinjiang, or Taiwan.

3.1.3. Gender Distribution

There are 97 offenders: 58 male and 39 female. By type, affective offenses (67 offenders) include 36 males and 31 females; economic offenses (9) include 6 males and 3 females; virtual offenses (8) are all male. Notably, affective cases include “spouse accusing the third party,” predominantly involving women (24), with men more often in assisting roles (8).

3.1.4. Occupation and Education

Offenders are primarily farmers (27, 33.33%), unemployed (17, 20.99%), and self-employed (11, 13.58%), with others including drivers and salespersons. Educational attainment is mainly

primary education (44, 68.75%), with 3 at secondary level (4.69%), 9 at higher education (14.06%), and 4 illiterate or semi-illiterate (6.25%).

3.1.5. Platforms Used

WeChat is the most frequently used platform (48 cases), including 13 via Moments and 2 via official accounts; followed by QQ (14), Weibo (5), Kuaishou (4), and Douyin (3). A minority employ forums, Youku, and other niche platforms.

3.1.6. Consequences of Insult

All victims suffered infringements on reputation and personal dignity. Three victims died; eight experienced psychological issues such as depression and anxiety; and five family members were indirectly affected (e.g., bereavement, psychological disorders, inability to attend school). The primary driver of psychological harm and insecurity is the uncontrollable diffusion of insulting content in digital space [8]. International literature echoes these findings: using quantitative methods under Indonesia's IT Act, Alfarizy verified that online violence leads to anxiety, depression, and self-deprecation among victims, evidencing an "spillover effect" of online insults [9].

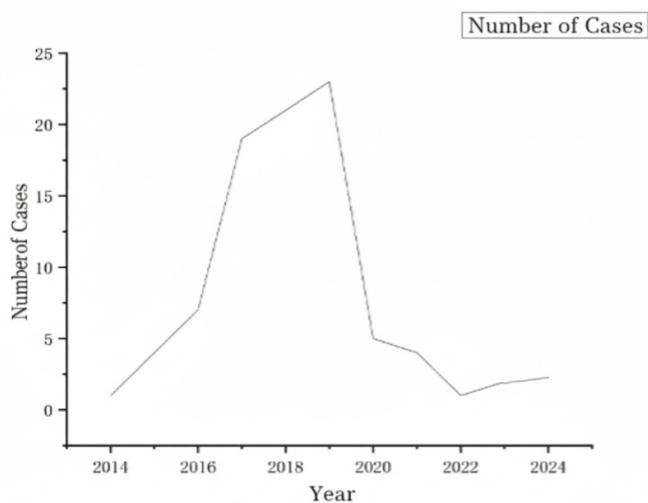
3.1.7. Offenders' Subjective Purposes

Subjective purposes fall into five overlapping categories: venting dissatisfaction, emotional coercion, trend-following, gratification of fetishes, and trivial-threat motives. Specifically, "venting dissatisfaction" is most prevalent (56 cases, 75.68%); "emotional coercion" (6, 8.11%); "trivial-threat" (2, 2.7%); "trend-following" (2, 2.7%); and "gratification of fetishes" (7, 9.46%).

3.2. Characteristics

3.2.1. Stabilization with Minor Fluctuations over the Past Decade

Over the past decade, online insult offenses have shown a trajectory of "growth—decline—stabilization." Incidents rose sharply from 2015 to 2019, peaking in 2019. From 2020 onward, they declined significantly, and between 2021 and 2024 stabilized with minor fluctuations, as illustrated above.



3.2.2. Female Offenders Concentrated in Affective-Type Cases

Approximately 40.21% of offenders are female, concentrated in affective-type cases involving "the spouse insulting the third party." There are 20 such cases involving 32 offenders, including 24 women and 8 men; women are often principal offenders, while men typically play supporting roles.

3.2.3. The “WeChat + X” Interactive Insult Modality

Some offenders employ two or more apps. Owing to its ubiquity, WeChat is the primary platform (48 cases). Offenders frequently combine QQ, Kuaishou, Momo, Douyin, forums, and others, producing cross-platform diffusion that accelerates spread, expands reach, and increases exposure, yielding an insult impact greater than the sum of its parts.

3.2.4. Aggregative and Radiative Spread of Harm

Online insults target not only direct victims; influenced by cultural factors such as self-esteem, vanity, family norms, and kinship ties, harms spread to relatives, leading to severe illness and death, psychological disorders, and school avoidance. Compared with traditional insult/defamation offenses, online variants exhibit an “aggregative” character manifested in crowd effects, spillover effects, and cyberbullying effects [10]. The impact radiates “from the core target to the family and extended kin,” producing uncontrollable scope and complex aftermath.

4. Script Analysis of Online Insult Offenses

Drawing on 89 judicial decisions, this study constructs crime scripts for online insult offenses. The data were sourced from China Judgments Online, Peking University Law Database, and the People’s Court Case Database. As secondary data, these sources are public and ethically compliant; however, they are limited in capturing offenders’ subjective states. The scripts therefore remain open to refinement, though they resemble the script deconstructions proposed by international scholars. Van Berkel integrates crime scripts with digital communication to reveal the “crime-enabling” mechanisms of social media, and—using Dutch adolescents’ violent-crime chat logs—articulates four stages of crime scripting: preparation, execution, escape, and evaluation. These exhibit certain parallels with the stages identified by Chinese scholars [11].

Cases are categorized by “insult cause” into three types: affective (57), economic (9), and virtual (7). In the script diagrams, steps in black denote necessary actions, while steps in blue denote optional actions.

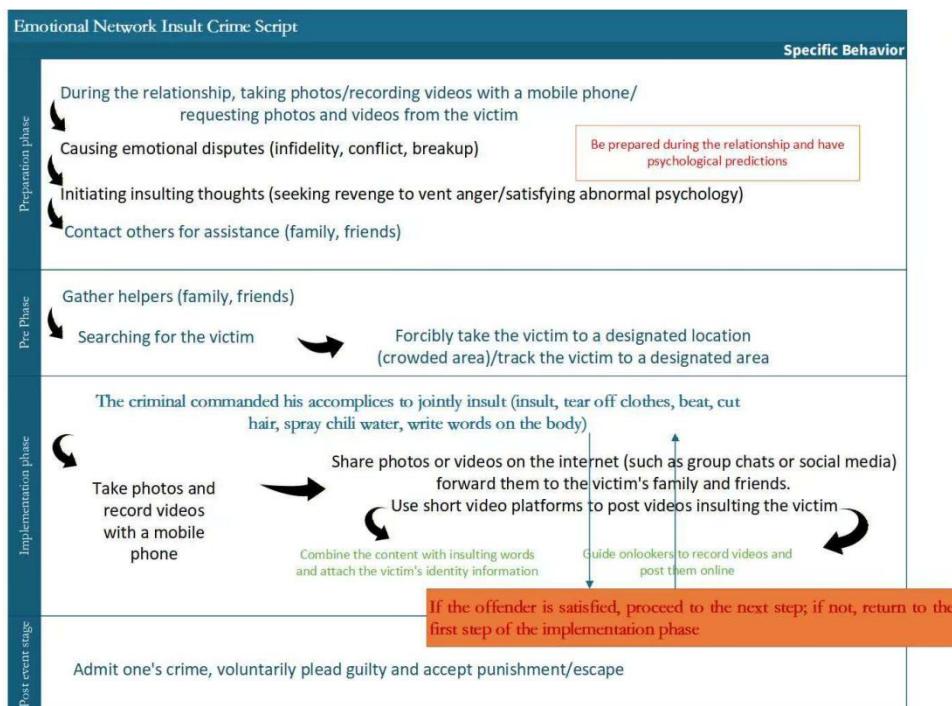
4.1. Affective online insult crime script

The affective script comprises four stages, with preparation and implementation as the core phases. During the relationship, offenders may pre-collect intimate materials (e.g., nude photos, sex videos) of the victim to pave the way for subsequent offending, reflecting rational choice theory. Affective conflicts—such as infidelity, breakups, or family disputes—trigger motives to insult, primarily revenge and venting, with a minority driven by deviant gratification. Some offenders solicit assistance from friends or relatives, commonly seen in scenarios like “the spouse and associates jointly insulting the third party” (e.g., Case No. (2017) Jin 03 Xing Zhong 217).

The pre-offense phase includes preparatory acts such as assembling accomplices and locating or restraining the victim to create conditions for the crime.

All cases involve online insult, most accompanied by offline abuse. A typical pattern is: the offender first engages in offline verbal abuse, tearing clothing, cutting hair, or writing on the body and records the acts; they then upload the footage with insulting captions to platforms such as WeChat Moments, QQ Space, or Douyin, and may even incite netizens to join the attack. If the venting objective is not achieved, the offender may repeat the insulting conduct.

After the incident, most offenders voluntarily confess, while a minority evade responsibility.

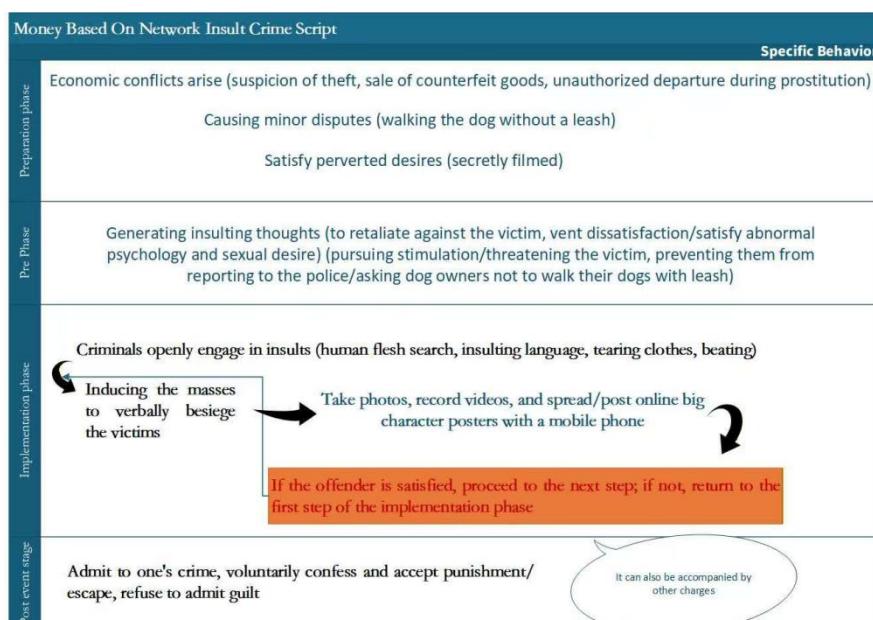


4.2. Economic online insult crime script

The economic script is comparatively simple, comprising four stages: preparation, pre-offense, implementation, and post-offense. The preparation stage—also the “root of the conflict” — generally falls into three categories: economic disputes (e.g., debts, counterfeit sales), trivial quarrels (e.g., walking a dog off-leash), and deviant desires (e.g., voyeurism).

Conflicts trigger motives to insult, with diverse purposes including revenge and venting, deviant sexual gratification, threats to deter reporting, and attempts to stop specific behaviors.

The core of this type of offense is public insult of the victim, with methods including doxxing, tearing clothing, assault, and the use of derogatory language. Offenders typically record photos or videos, produce online “big-character posters,” and upload the materials with captions. In some cases, offenders incite netizens to engage in verbal mobbing, and the conduct may be repeated.

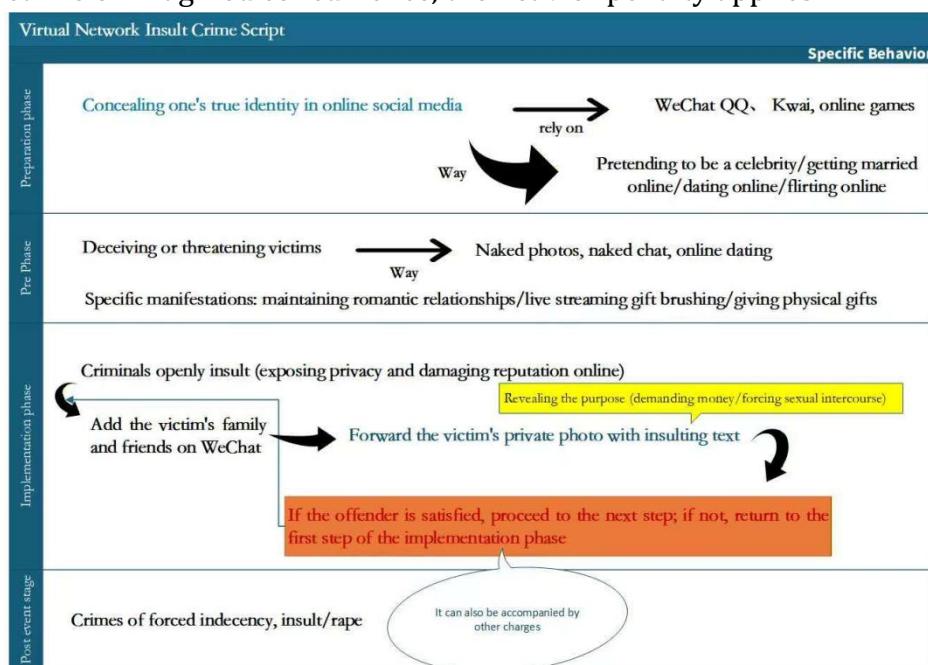


4.3. Virtual-coercion online insult crime script

The virtual script unfolds entirely online across four stages. Offenders connect with victims via platforms such as WeChat, QQ, and Kuaishou, often concealing their true identities, and engage in high-risk behaviors such as nude chats, online romances, or in-game pairing and “marriage.” Once the relationship stabilizes, offenders employ inducement (e.g., maintaining an online romantic façade, gifting) and threats to deepen trust or exert control, thereby setting conditions for the crime.

Implementation is the core phase, involving online insults under threats to expose privacy or destroy reputation. Offenders often add the victim’s friends and family on WeChat and make their aims—extorting money or coercing sexual relations—explicit. If the victim refuses, offenders escalate coercion and disseminate private materials.

Such conduct may simultaneously constitute the crime of insult and the crime of extortion; under the doctrine of imagined concurrence, the heavier penalty applies.



This study distills a typical behavioral pattern for online insult offenses: conflict—opportunity pre-setting—public insult. The pattern spans specific types, indicating a general process whereby offenders generate conflict, create opportunities, and perpetrate insult, thereby furnishing theoretical support for the effectiveness of situational prevention.

5. Analysis of the Causes of Cyber Insult Crimes

5.1. Individual-Level Factors

5.1.1. Offender-Level Factors

Based on crime scripts, offenders can be categorized into three types: emotion-driven, profit-driven, and virtual-entertainment-driven.

- Emotion-driven. These offenders have typically experienced betrayal or setbacks in intimate relationships (e.g., infidelity, breakups). Their motivations often stem from a pursuit of “unlawful justice” or an extreme “if I cannot have it, I will destroy it” mindset. With weak legal consciousness, their rights-protection impulses distort into criminal conduct.
- Profit-driven. These offenders act with clear instrumental purposes, using insults to extort money or to resolve economic disputes and other tangible interests.

- Virtual-entertainment-driven. These offenders seek gratification from perverse psychology, insulting others for amusement; their subjective malignancy is often more severe.

5.1.2. Victim-Level Factors

Victims are predominantly women, who, due to more delicate emotional sensitivity and stronger self-esteem, tend to suffer more severe psychological harm. In some cases, victims may exhibit moral lapses (e.g., extramarital affairs), but such factors do not justify legal violations against them.

5.1.3. Third-Party-Level Factors

As critical nodes in information dissemination, online platforms significantly influence the occurrence and amplification of offenses through regulatory and technical shortcomings. For example, platforms have low recognition rates for metaphorical insults and delays in human review; recommendation algorithms may inadvertently amplify the spread of insulting content, aggravating harm. Consequently, the harmfulness of online insults exhibits spillover effects and diffusion risks [12].

5.2. Legal-Level Factors

5.2.1. Difficulties in Legal Regulation

(1) Challenges in determining the nature of conduct

Subjectively, establishing intent is difficult. Cyber insult crimes require intent, yet the multiplicity of participants complicates assessment of whether their motivations are intentional; insulting language is intrinsic to such incidents, but language is random, polysemous, and ambiguous, complicating its use as criminal evidence. Moreover, online insults feature low costs and relative traceability barriers [13]. Objectively, the “aggregated” nature of conduct hampers the collection of elements constituting the crime.

(2) Blurred line between illegality and crime

Insults primarily cause mental harm, and social harmfulness is hard to quantify. Current judicial interpretations specify “serious circumstances” for online insults only in general terms, lacking quantitative indicators such as clicks and shares, which blurs boundaries in practice.

5.2.2. Crime Prosecuted Only upon Complaint

In China, insult is a complaint-driven private prosecution offense. As a result, some victims abandon pursuit due to evidentiary difficulties or fear of retaliation, contributing to dark figures of crime. Electronic evidence is easily deleted, destroyed, or tampered with, and victims lack independent evidence-gathering capacity, further impeding accountability. It is thus necessary to clarify the timing for linking public prosecution to private complaints, unify the handling of terminations of private prosecution, and delineate the power and responsibility boundaries for initiating public prosecution — three main pathways to systematizing the procedural conversion from private to public prosecution [14].

5.2.3. Incomplete Legal Framework

The existing governance system for cyber violence lacks specialized legislation, and the bases for regulation are fragmented, leading to inconsistent adjudicatory standards. Current administrative penalties lack deterrent force and are insufficient to curb crime effectively. It is therefore necessary to advance specialized legislation to clarify behavioral standards and to explore the possibility of public prosecution intervention in egregious cases.

5.3. Societal-Level Factors

5.3.1. Herding in Online Commenting

Consistent with social contagion theory, some netizens lack critical thinking and are easily incited into irrational, bandwagon commenting. Additionally, profit-motivated “astroturfing”

operations (water armies) build comment matrices to conduct large-scale attacks, exacerbating cyber violence.

5.3.2. Cognitive Misperceptions among Netizens

Some offenders misperceive the functions of the internet, fail to recognize its coercive “force” and its potential for harm, and lack due reverence for the legal consequences of online conduct.

6. Governance Strategies for Cyber Insult Crimes

6.1. Enhancing Netizens’ Literacy and Rights Protection Capacity

6.1.1. Strengthening Digital Literacy Education

As the primary actors in cyberspace, netizens’ literacy is central to building a civilized online environment. In accordance with the Action Plan for Improving National Digital Literacy and Skills, netizens should be guided to consciously practice the core socialist values, abide by online behavioral norms, and maintain rational expression and civil interaction. Innovative educational formats may embed cognitive-behavioral therapy (CBT) concepts into massive open online courses (MOOCs) on “anger management,” enabling users to utilize fragmented time to learn emotional regulation and thereby reduce impulsivity-driven online insults at the source.

6.1.2. Raising Rights-Protection Awareness among Netizens

Weak legal awareness is a major driver of frequent cyber violence. It is essential to strengthen netizens’ rule-of-law thinking so they understand the boundaries of rights and the responsibilities of conduct—namely, that exercising one’s own rights must not infringe upon others’ lawful interests, and that infringements entail legal consequences. Public security, procuratorial, and judicial organs should cultivate a climate of rigorous governance in cyberspace to reinforce legal authority, while providing accessible platforms for legal education and remedies, thereby boosting users’ confidence and capacity to protect their rights in accordance with the law.

6.2. Strengthening the Technical Effectiveness of Platform Governance

6.2.1. Optimizing Content Moderation Technologies and Processes

Online platforms play a pivotal role in preventing and controlling cyber insults. Although most platforms currently employ text and image recognition, AI-based supervision, and human review, their effectiveness remains limited. For example, even with multiple technologies operating in parallel, Douyin has not fully eliminated harmful content; survey data indicate that nearly 60% of users rate its review mechanism as average or unsatisfactory. This reveals the need to improve detection precision (e.g., for metaphorical or borderline content), algorithm-update speed, and human review efficiency. Platforms should continuously refine moderation algorithms and upgrade handling workflows to more accurately and efficiently identify and filter insulting content, creating a cleaner online environment. However, governance pressure should not be shifted entirely onto platform review; effective coordination among civil, administrative, and criminal mechanisms is necessary [15].

6.3. Improving Laws, Regulations, and Judicial Sanctions

6.3.1. Refining the Legislative Framework for Cyber Violence

China currently lacks specialized legislation targeting “cyber violence,” leading to difficulties in legal characterization and fragmented regulatory bases. It is imperative to refine relevant legislation by providing authoritative, unified definitions of the legal concept, constituent

elements, and characterization standards of cyber violence [16], thereby offering clear statutory grounds for judicial practice and ensuring laws are available and applicable.

6.3.2. Strengthening Judicial Sanctions

On the basis of improved legislation, judicial sanctions should be enforced strictly to enhance the deterrent effect of law. By clarifying legal liabilities and imposing stringent consequences, the public can be effectively warned to standardize online speech and conduct, develop a clear understanding of behavioral boundaries and legal responsibilities, and thereby deter potential offenders.

6.4. Optimizing Enforcement Procedures and Enhancing Fairness

6.4.1. Intensifying Capacity-Building for Law Enforcement

Given the complexities of characterization and evidence collection in cyber violence cases, law enforcement agencies must keep pace with legislative developments and strengthen training in professional knowledge and skills for case-handling personnel. This will improve their judgment and efficiency in addressing new forms of cybercrime and ensure that cases are handled properly and expeditiously.

6.4.2. Ensuring Fair and Effective Law Enforcement

Fairness is the lifeline of the rule of law. In the era of short-video dominance, law enforcement must adapt to changes in the internet environment by integrating traditional policing with digital technologies. Officers should continuously improve their legal literacy and enforcement capabilities, uphold fairness and justice in every case, protect the rights and interests of the people through impartial enforcement, and enhance the credibility of law enforcement.

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