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Reading intent from text: forensic pragmatics, digital messages, and the legal interpretation of *mens rea* in Indonesia

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ABSTRACT

Background: Digital messages have become legally consequential in Indonesian criminal proceedings, yet their use to infer *mens rea* remains vulnerable to pragmatic ambiguity, evidentiary fragmentation, and doctrinal over-extension. **Objective:** This study examines how Indonesian legal discourse interprets intent, knowledge, unlawfulness, and distribution from digital-message evidence through forensic-pragmatic, evidentiary, and criminal-law lenses. **Method:** This study applies qualitative document analysis to 25 verified public legal-linguistic documents, comprising statutes, Constitutional Court decisions, scholarly articles, and contextual legal-policy sources, coded through pragmatic intent-cue analysis, digital evidence reliability assessment, and *mens rea* threshold mapping. **Results:** Pragmatic intent-cues are distributed across conceptual-methodological framing, normative offence-language cues, publicness-oriented interpretation, and transmission-sequence evidence. Digital-message evidence becomes legally usable only when textual meaning is stabilized through source authority, authentication, metadata, completeness, and procedural reliability. Mens rea appears as a thresholded inference rather than a direct textual fact, requiring convergence between speech acts, evidentiary integrity, and offence elements. **Implication:** This study shows that Indonesian courts and legal analysts should distinguish communicative meaning, evidentiary reliability, and doctrinal liability before attributing criminal intent to digital texts. **Novelty:** This study offers an integrated forensic-pragmatic model for reading *mens rea* from digital messages in Indonesia's post-2026 criminal-law environment.

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1. INTRODUCTION

Indonesia's criminal justice system now confronts a communicative environment in which intention is increasingly archived, contested, and reconstructed through digital text. APJII reported 221,563,479 internet users in Indonesia in 2024 [1], equal to 79.5% of the national population, while DataReportal recorded 143 million social media user identities in Indonesia in January 2025 [2]. This social density makes ordinary messages WhatsApp chats, Telegram exchanges, social media posts, captions, screenshots, and forwarded content available as evidentiary material in defamation, fraud, gambling promotion, pornography, hate speech, corruption, and threat cases. Indonesian law already recognizes electronic information, electronic documents, and their printouts as valid legal evidence, while Law No. 1 of 2024 further amended the ITE Law amid continuing controversy over multi-interpretive digital offences. The crucial issue is therefore not

only evidentiary admissibility, but how legal actors infer *mens rea* from unstable, context-dependent textual traces.

Recent scholarship has examined several parts of this problem without yet integrating them into a single forensic-pragmatic account of intent. Indonesian legal-linguistic studies have discussed language use in ITE-related cases, cyberbullying, religiously charged hate speech, commercial pornographic content, courtroom forensic evidence, and police interrogation discourse [3], [4], [5], [6], [7], [8]. Legal scholarship has also addressed *mens rea* in corruption, interception, juvenile liability, pornography, online fraud, and artificial-intelligence-related criminal responsibility [9], [10], [11], [12], [13], [14]. Yet these studies rarely explain how courts move from message form to mental-state attribution. The gap lies between doctrinal analysis of criminal intent and linguistic analysis of digital meaning.

This study addresses that gap by asking how *mens rea* is pragmatically constructed from digital messages in Indonesian legal discourse. More specifically, this study examines three interrelated questions: first, what textual and interactional cues are treated as indicators of intention, knowledge, recklessness, or deliberate wrongdoing; second, how evidentiary form screenshots, printouts, metadata, deleted messages, forwarded texts, and platform context shapes legal confidence in those cues; and third, how judicial and investigative reasoning manages ambiguity when digital messages are ironic, elliptical, fragmentary, decontextualized, or disputed in authorship. Methodologically, this study positions digital messages not as transparent containers of subjective intent, but as communicative events whose legal meaning is mediated through pragmatic inference, evidentiary stabilization, and doctrinal categorization. This orientation draws together forensic pragmatics, speech act theory, electronic evidence analysis, and Indonesian *mens rea* doctrine.

This study argues that legal interpretation of digital intent depends on a threefold movement: textualization, stabilization, and juridification. Textualization occurs when ordinary digital interaction is extracted into legal records; stabilization occurs when screenshots, timestamps, account identity, or procedural documentation make that interaction appear evidentially reliable; juridification occurs when linguistic cues are translated into categories such as intent, knowledge, threat, deceit, incitement, or deliberate dissemination. This argument does not assume that messages causally reveal mental states. Rather, it tests whether Indonesian legal discourse constructs *mens rea* through patterned pragmatic reasoning that may either clarify or overextend textual evidence. This contribution is significant because Indonesia's post-2026 criminal-law environment places renewed pressure on courts to align criminal liability with legality, evidentiary certainty, and communicative fairness. By foregrounding inference rather than mere message content, this study offers a more precise framework for evaluating digital-message evidence.

2. LITERATURE REVIEW

2.1. Forensic pragmatics

Forensic pragmatics offers a productive entry point for examining how intention is inferred from legally consequential language. In its foundational sense, pragmatics treats meaning as action situated in context rather than as a property of words alone, a view associated with speech act theory and inferential pragmatics [15], [16], [17]. In legal settings, however, pragmatic interpretation is constrained by evidentiary standards, institutional authority, and doctrinal consequences. Indonesian scholarship has applied pragmatic reasoning to interrogation transcripts, constitutional reasoning, hate speech, and courtroom evidence, showing that utterances acquire legal significance through institutional uptake rather than linguistic form alone [8], [18], [7], [5].

The major indicators of forensic-pragmatic interpretation include speech act type, implicature, deixis, modality, presupposition, sequential positioning, and uptake. Threats, solicitations, instructions, accusations, and promises may be explicit, but they may also be conveyed indirectly through elliptical phrasing, repetition, sarcasm, or contextual reference. Studies of cyberbullying, UU ITE language cases, and commercial pornographic content demonstrate that Indonesian legal discourse often relies on lexical and contextual cues when classifying digital utterances as harmful, defamatory, obscene, or threatening [3], [4], [6]. Yet such cues remain vulnerable to over-interpretation when interactional context is incomplete.

2.2. Digital-message evidence

Digital-message evidence requires a separate conceptual treatment because online texts are not merely written statements; they are platform-mediated artifacts. Electronic evidence scholarship distinguishes between message content, metadata, authorship, transmission route, platform architecture, and preservation format. Indonesian studies on fragmented forensic standards, ephemeral messages, Telegram fraud, and electronic evidence in corruption cases indicate that digital communication becomes legally usable only after its authenticity, continuity, and relevance are stabilized [19], [20], [13], [9]. This complicates pragmatic

analysis because meaning must be assessed alongside questions of sender identity, screenshot reliability, deletion, forwarding, and evidentiary chain.

The main indicators of digital evidentiary reliability include source traceability, account attribution, timestamp consistency, device or platform linkage, screenshot completeness, metadata availability, and procedural validation. These indicators are especially significant in instant messaging, social media offences, online gambling promotion, pornography circulation, cyberbullying, and cybercrime prosecution, where legal narratives may depend on partial textual records rather than full conversational histories [21], [22], [23], [12], [6]. Digital evidence therefore cannot be treated as self-explanatory language data. It must be analysed as a mediated record whose evidentiary form shapes legal interpretation.

2.3. Mens rea

Mens rea provides this study's doctrinal anchor because criminal liability depends not only on prohibited conduct but also on legally relevant mental states. Classical criminal law distinguishes intention, knowledge, recklessness, negligence, and absence of fault, but Indonesian scholarship shows that these categories remain contested in practice, especially when discretion, interception, juvenile responsibility, online fraud, artificial intelligence, and pornography are involved [24], [25], [10], [26], [11], [14]. The difficulty is epistemic: courts cannot observe mental states directly and must infer them from conduct, context, and communicative traces.

The relevant indicators of *mens rea* in digital-message cases include explicit intention markers, knowledge claims, repeated dissemination, concealment, deletion, instruction, coordination, profit orientation, awareness of illegality, and response to warnings. Yet these indicators are not equivalent in legal strength. A direct instruction may support a stronger inference than a forwarded meme; repeated transactional messages may differ from ironic commentary; deletion may suggest concealment but may also reflect ordinary platform use. This study therefore positions *mens rea* as a legally constructed inference emerging from the intersection of pragmatic meaning, evidentiary reliability, and doctrinal classification. Its theoretical position is that digital intent must be read through disciplined inference, not textual literalism.

3. METHOD

The unit of analysis in this study is the document-level legal-linguistic segment in which digital messages, electronic documents, or online speech are legally framed as evidence of intention. The corpus contains 25 verified public documents: 11 primary legal documents, 10 scholarly sources, and 4 contextual legal-policy sources. Primary data consist of statutes, implementation guidelines, and Constitutional Court decisions; secondary data consist of peer-reviewed or DOI-indexed scholarship on forensic linguistics, digital evidence, and *mens rea*; contextual data consist of official releases, professional legal commentary, and civil-society legal analysis. This composition enables this study to examine intent inference without treating non-case commentary as direct empirical proof.

This study uses qualitative document analysis with a forensic-pragmatic orientation. The design is appropriate because this study does not measure attitudes, predict behaviour, or establish causality; it examines how legal meaning is constructed from textual and evidentiary materials. Digital messages are approached as mediated communicative artifacts rather than transparent records of mental states. The design combines close reading, legal-doctrinal mapping, and evidentiary assessment to identify how intention, knowledge, unlawfulness, and contextual ambiguity are framed. This structure follows recent Indonesian work on UU ITE language cases, forensic linguistic evidence, cyberbullying, hate speech, and electronic evidence, while retaining a stricter distinction between data description and legal interpretation.

Information sources were selected from public, verifiable, and legally accessible repositories. Primary sources came from JDIH BPK RI, Mahkamah Konstitusi, JDIH Komdigi, and official institutional channels because these sources provide authoritative legal texts and judicial reasoning. Secondary sources were drawn from journal pages, DOI records, and GARUDA-indexed entries, including studies by Agatha and Rahaditya [19], Faqih and Mintarsih [9], Pastika et al. [3], Syahid et al. [4], Waljinah et al. [6], Anggrayni et al. [5], Aprianti and Jamba [14], Ramadan and Mandala [25], Prasetyo et al. [10], and Utama et al. [20]. Contextual sources from Komdigi, Hukumonline, and ICJR were used only to situate legal debate, not to establish findings.

Table 1. Dataset composition

Code	Data Type	Source	Period	Quantity	Characteristics
PRI-001	Primary statute	JDIH BPK RI	2008–2026	1	UU ITE 2008; electronic evidence baseline
PRI-002	Primary statute	JDIH BPK RI	2016–2026	1	First ITE amendment
PRI-003	Primary statute	JDIH BPK RI	2024–2026	1	Second ITE amendment
PRI-004	Primary guideline	MA–Kominfo–Kejaksaan–Polri	2021–2026	1	SKB implementation guideline
PRI-005	Primary statute	JDIH BPK RI	2023–2026	1	KUHP 2023; criminal liability framework
PRI-006	Primary statute	JDIH BPK RI	2025–2026	1	KUHAP 2025; procedural evidence context
PRI-007	Primary statute	JDIH BPK RI	1981–2025	1	Historical KUHAP baseline
PRI-008	Primary decision	Constitutional Court	2008–2026	1	ITE defamation constitutionality
PRI-009	Primary decision	Constitutional Court/JDIH Komdigi	2023–2026	1	WhatsApp forwarding and private/public boundary
PRI-010	Primary decision	Constitutional Court	2024–2026	1	Post-amendment ITE defamation scope
PRI-011	Primary decision	Constitutional Court	2023–2026	1	Insult, defamation, and offence classification
SEC-001–SEC-010	Secondary articles	Journal/DOI/Garuda sources	2023–2026	10	Forensic linguistics, digital evidence, *mens rea*
CTX-001–CTX-004	Context sources	Komdigi, Hukumonline, ICJR	2021–2025	4	Policy and professional legal context
Total	Mixed corpus	Public verified sources	1981–2026	25	Legal, scholarly, and contextual documents

Data collection followed a staged documentary protocol. First, relevant institutions, statutes, decisions, scholarly articles, and legal-policy sources were identified. Second, searches used terms such as "*mens rea*," "*bukti elektronik*," "UU ITE," "*pesan digital*," "forensic pragmatics," "WhatsApp," "screenshot," "ephemeral message," "defamation," "hate speech," "cyberbullying," and "intent." Third, items were limited to Indonesia-focused sources from 1981–2026, with emphasis on 2021–2026. Fourth, metadata were recorded, including code, source, year, title, status, legal issue, platform relevance, URL or DOI, corpus role, and inclusion rationale. Fifth, duplicate records were removed through document title, source, year, and legal-issue matching.

Data analysis proceeded through three linked instruments. The first instrument examined pragmatic cues, including speech acts, modality, deixis, implication, repetition, sequence, and public/private uptake. The second instrument assessed evidentiary reliability through source traceability, authentication status, screenshot or printout form, metadata availability, message completeness, forwarding, deletion, and chain-of-custody concerns. The third instrument mapped linguistic and evidentiary cues onto legal categories of intention, knowledge, unlawfulness, distribution, awareness, and threshold uncertainty. Coding was conducted at document level, then cross-checked across legal, evidentiary, and pragmatic dimensions. This procedure prevents isolated textual literalism and avoids causal claims unsupported by this documentary design.

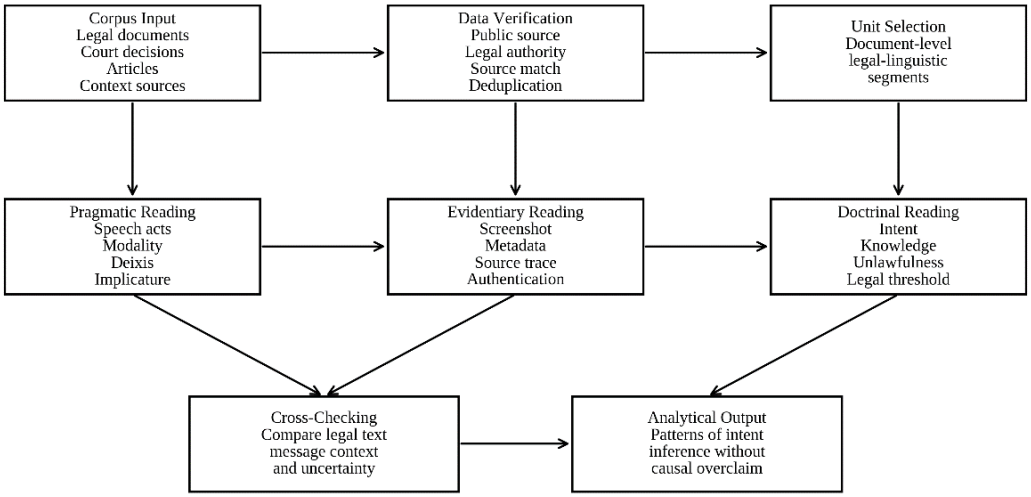


Figure 1. Operational analysis matrix

4. RESULTS

4.1. Pragmatic Intent-Cue Configuration in Digital-Message Legal Interpretation

Digital-message intent is distributed across four interpretive configurations rather than concentrated in one type of legal material. The largest category is conceptual-methodological framing, covering 10 documents or 40% of the corpus, while normative offence-language cues and publicness-oriented interpretive cues each account for 7 documents or 28%. A single document, representing 4%, focuses specifically on transmission sequence and private forwarding. This distribution indicates that intent is not read only from the literal wording of a message. It is assembled through a combination of statutory language, forensic-pragmatic reasoning, legal commentary, and judicial treatment of communicative movement. The corpus therefore supports an analysis of intent as an inferential construction rather than a direct textual fact.

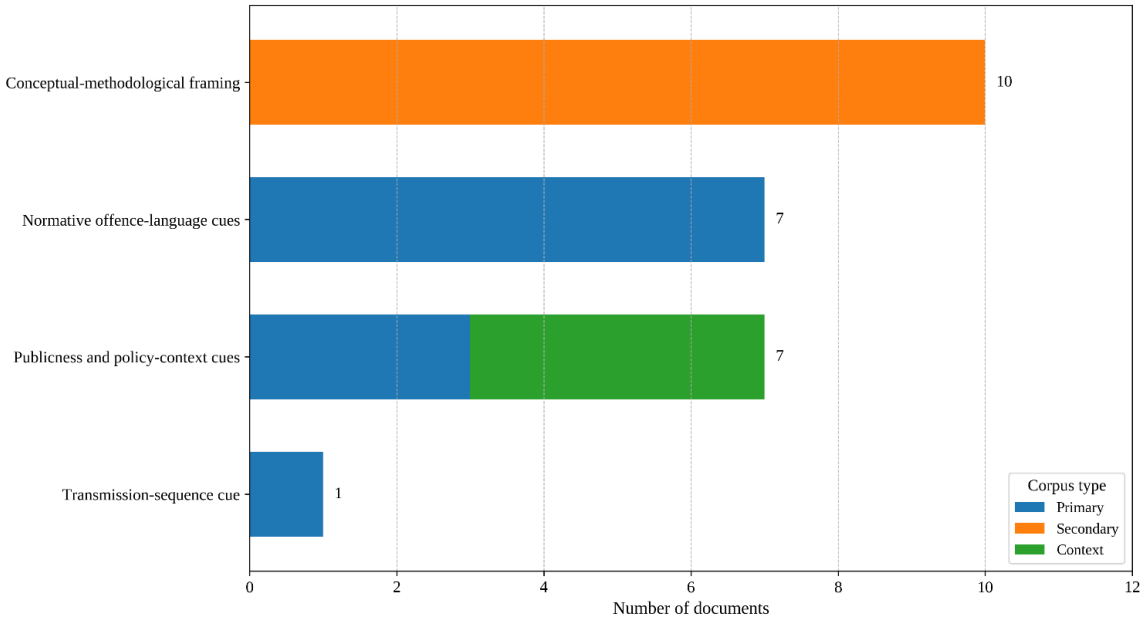


Figure 2. Pragmatic intent-cue configuration across corpus types

Table 2. Pragmatic intent-cue configuration in digital-message legal interpretation

Main Category	Subcategory	Indicator	Primary	Secondary	Context	Frequency	Percentage	Example / Short Quotation
Conceptual-methodological framing	Forensic-pragmatic and doctrinal lens	Speech act, forensic pragmatics, *mens rea*, digital evidence	0	10	0	10	40%	"speech act, forensic pragmatics, *mens rea*, digital evidence"
Normative offence-language cues	Statutory formulation of intent and unlawfulness	*sengaja*, *tanpa hak*, *mendistribusikan*, *mentransmisikan*, *membuat dapat diakses*	7	0	0	7	28%	"*Informasi Elektronik dan/atau Dokumen Elektronik*"; "Kitab Undang-Undang Hukum Pidana"
Publicness and policy-context cues	Interpretive framing of public/private digital speech	Policy explanation, legal debate, media framing, offence threshold	3	0	4	7	28%	"*ketidakjelasan ukuran dan makna*"; "*definisi, syarat, dan keterkaitan*"
Transmission-sequence cue	Private forwarding and communicative trajectory	Sender, recipient, forwarding path, private/public boundary	1	0	0	1	4%	"*melalui aplikasi whatsapp kepada Pemohon*"

The dominant pattern is the strong presence of conceptual and methodological sources, followed by statutory and publicness-related materials. The 10 secondary documents supply analytical vocabulary such as "speech act, forensic pragmatics, *mens rea*, digital evidence," while 7 primary legal instruments foreground offence-language cues such as *sengaja*, *tanpa hak*, *mendistribusikan*, *mentransmisikan*, and *membuat dapat diakses*. The publicness cluster is marked by phrases such as "*ketidakjelasan ukuran dan makna*," which signals concern over indeterminate legal meaning, and "*definisi, syarat, dan keterkaitan*," which reflects official attempts to stabilize interpretation. The WhatsApp-related phrase "*melalui aplikasi whatsapp kepada Pemohon*" shows that message trajectory can become legally salient when private forwarding is assessed against public dissemination.

These findings position forensic pragmatics as a bridge between textual form and legal mental-state attribution. Speech act theory explains why a message may function as instruction, threat, solicitation, or dissemination even when its literal wording appears indirect, while *mens rea* doctrine requires that such pragmatic readings be disciplined by legal thresholds. Indonesian studies on UU ITE language cases, cyberbullying, hate speech, forensic courtroom evidence, electronic evidence, and fragmented digital forensic standards support this intersectional reading [3], [4], [5], [7], [19], [9]. This pattern suggests that digital intent becomes legally meaningful only when pragmatic cues, evidentiary form, and doctrinal categories are interpreted together.

4.2. Evidentiary stabilization of digital-message intent

Digital-message evidence is stabilized through institutional form before it becomes available for legal interpretation of intent. The corpus shows that 10 documents, or 40%, function as scholarly evidentiary sources, while 7 documents, or 28%, operate as legal rules governing evidence or offence elements. Another 7 documents, also 28%, provide judicial-policy interpretation, and only 1 document, or 4%, directly foregrounds recording and WhatsApp forwarding as a transmission problem. This configuration indicates that intent is not inferred from message content alone. Legal actors first depend on verified source status, procedural authority, public accessibility, and evidentiary integrity before treating textual cues as relevant to criminal mental-state attribution.

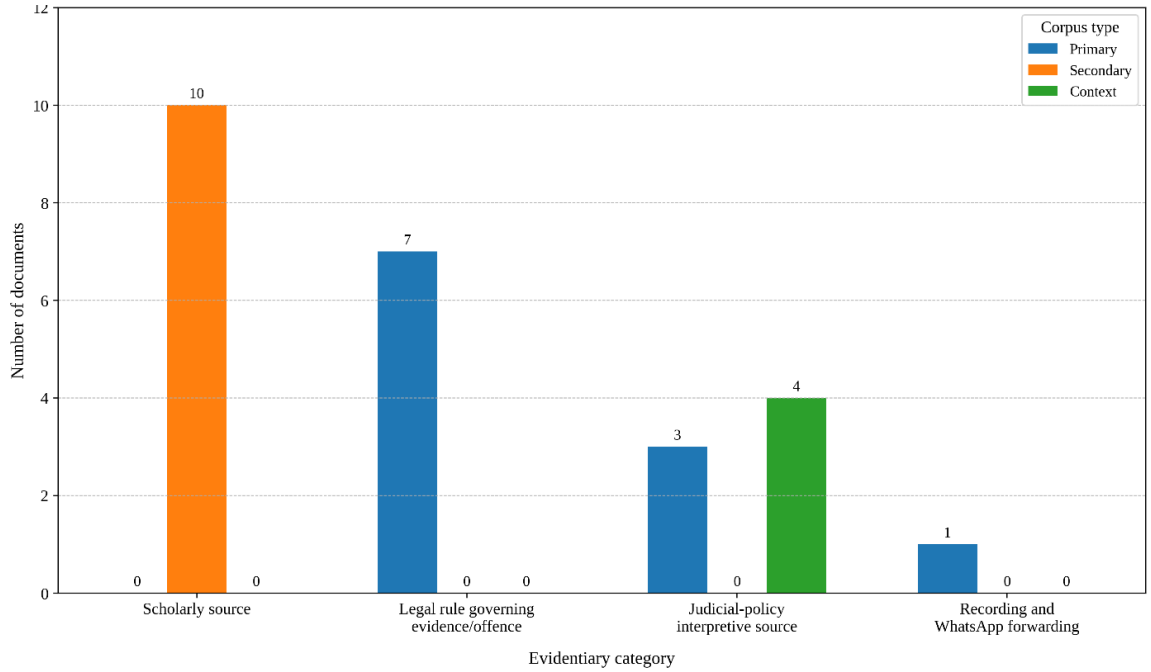


Figure 3. Evidentiary reliability matrix across corpus types

Table 3. Evidentiary reliability configuration in digital-message legal interpretation

Evidentiary Category	Stabilizing Mechanism	Authentication Status	Integrity Concern	Primary	Secondary	Context	Frequency	Percentage	Example / Short Quotation
Scholarly evidentiary source	DOI, journal page, article metadata, methodological argument	DOI or journal page available	Used as literature, not as case fact	0	10	0	10	40%	"Fragmented Digital Forensic Standards"; "Electronic Evidence in Proving the Mens Rea Element"
Legal rule governing evidence or offence	Statute, procedural law, official guideline, formal legal text	Official source verified	No message-level integrity issue; interpretive issue remains	7	0	0	7	28%	"*Informasi Elektronik dan/atau Dokumen Elektronik*"; "*kemajuan teknologi informasi*"
Judicial-policy interpretive source	Public judgment, legal commentary, institutional communication	Public source	Used as context only	3	0	4	7	28%	"*ketidakjelasan ukuran dan makna*"; "*definisi, syarat, dan keterkaitan*"
Recording and WhatsApp forwarding	Message transmission path, recipient relation, private/public movement	Requires source, sender, device, and chain-of-custody check	Context loss, forwarding, and unknown completeness	1	0	0	1	4%	"*melalui aplikasi whatsapp kepada Pemohon*"

The dominant pattern is a strong separation between evidentiary authority and evidentiary vulnerability. Official legal texts are stable at source level because they come from public legal repositories, but they still leave interpretive issues unresolved, especially around phrases such as "*Informasi Elektronik dan/atau Dokumen Elektronik*" and "*kemajuan teknologi informasi*." Scholarly items strengthen methodological interpretation but remain literature rather than case facts. Contextual materials, marked by phrases such as "*ketidakjelasan ukuran dan makna*" and "*definisi, syarat, dan keterkaitan*," show that public explanation does not replace evidentiary proof. The single WhatsApp-related item, "*melalui aplikasi whatsapp kepada Pemohon*," is analytically important because it exposes risks of context loss, forwarding, authorship uncertainty, and incomplete communicative sequence.

Digital evidentiary reliability therefore operates as a filter between pragmatic meaning and criminal intent. Agatha and Rahaditya's discussion of fragmented digital forensic standards [19], Utama et al.'s concern with ephemeral messages [20], and Faqih and Mintarsih's treatment of electronic evidence in proving *mens rea* [9] support the need to separate textual interpretation from evidentiary validation. Forensic-pragmatic analysis may identify speech acts, implication, and contextual meaning, but criminal-law reasoning must still ask whether the message is attributable, complete, preserved, and procedurally reliable. This finding refines the earlier pragmatic pattern: a message may appear intentional in language, yet remain legally fragile if authorship, transmission, metadata, or contextual completeness cannot be stabilized.

4.3. Mens rea thresholds in digital-message interpretation

Across the same 25 document-level legal-linguistic units, *mens rea* appears less as a single mental-state label than as a thresholded interpretive problem. The largest group, 10 documents or 40%, provides conceptual mapping rather than direct legal findings. Seven documents, or 28%, require element-by-element matching between offence language and mental-state categories such as intent, knowledge, or unlawfulness. Another 7 documents, also 28%, function only as contextual interpretive material. The smallest category, 1 document or 4%, concerns knowledge or intent to distribute in relation to message forwarding. This distribution confirms that digital intent cannot be isolated from statutory wording, evidentiary status, and communicative trajectory.

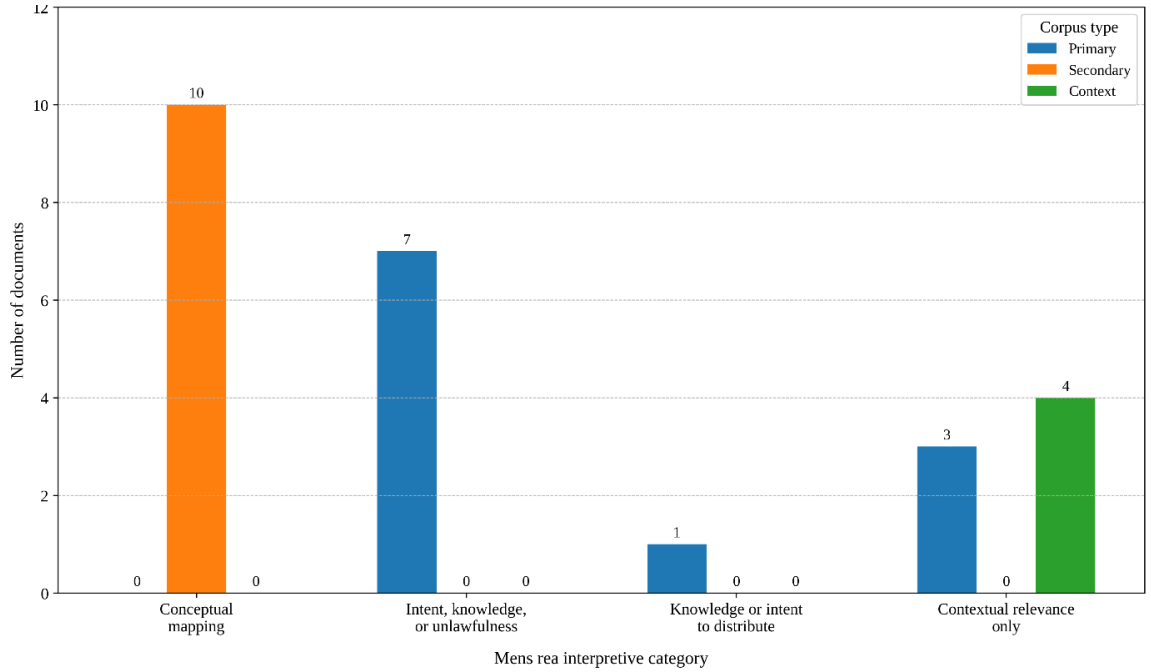


Figure 4. Mens rea threshold configuration across corpus types

Table 4. Mens rea threshold configuration across corpus types

Mens Rea Category	Legal Threshold	Uncertainty Marker	Primary	Secondary	Context	Frequency	Percentage	Example / Short Quotation
Conceptual mapping	Use to define categories	Avoid importing external empirical results	0	10	0	10	40%	"*mens rea*"; "forensic pragmatics"; "electronic evidence"; "digital forensic standards"
Intent, knowledge, or unlawfulness depending on offence	Element-by-element matching required	Ambiguity in statutory scope or digital publicness	7	0	0	7	28%	"*sengaja*"; "*tanpa hak*"; "*Informasi Elektronik dan/atau Dokumen Elektronik*"
Contextual relevance only	Contextual relevance only	Do not treat as primary legal authority	3	0	4	7	28%	"*ketidakjelasan ukuran dan makna*"; "*definisi, syarat, dan keterkaitan*"
Knowledge or intent to distribute	Must distinguish private sharing from public dissemination	Private channel; limited audience; contested legal meaning	1	0	0	1	4%	"*melalui aplikasi whatsapp kepada Pemohon*"

The dominant pattern is a division between doctrinal category-building and legal threshold application. Scholarly documents repeatedly supply terms such as "*mens rea*," "forensic pragmatics," "electronic evidence," and "digital forensic standards," but these terms do not independently prove intent. Primary legal materials instead foreground offence-language indicators such as "*sengaja*," "*tanpa hak*," and "*Informasi Elektronik dan/atau Dokumen Elektronik*," which require careful matching to conduct and evidence. Contextual and policy materials are analytically useful because phrases such as "*ketidakjelasan ukuran dan makna*" and "*definisi, syarat, dan keterkaitan*" reveal interpretive uncertainty. The WhatsApp-related phrase "*melalui aplikasi whatsapp kepada Pemohon*" shows that distribution-based *mens rea* depends on whether message movement is private, limited, forwarded, or publicly disseminated.

Mens rea in digital-message cases is therefore best understood as a legally disciplined inference, not as a psychological fact directly visible in text. Ramadan and Mandala [25], Balya et al. [24], Sihombing [26], Prasetyo et al. [10], Faqih and Mintarsih [9], and Aprianti and Jamba [14] show that intentionality remains contested across Indonesian criminal-law contexts, especially where digital evidence, discretion, interception, corruption, and artificial intelligence complicate attribution. This corpus adds a forensic-pragmatic refinement: legal actors must not only ask whether a message contains intentional wording, but whether that wording is attributable, contextualized, evidentially stable, and aligned with offence elements. This study therefore treats *mens rea* as an intersection between language, evidence, and doctrinal threshold.

5. DISCUSSION

The distribution of pragmatic intent-cues shows that Indonesian digital-message cases cannot be read through lexical meaning alone. Its implication is functional and cautionary at once: forensic pragmatics helps courts identify how messages perform actions, yet it also reveals how easily intention may be over-attributed when context is thin. The corpus indicates that speech act, modality, publicness, forwarding, and offence-language cues operate as interpretive bridges between digital text and legal mental-state categories. This supports Ansori's analysis of institutional speech acts [8] and Setiyawan's account of forensic linguistic evidence [7], while extending Pastika et al. [3] and Syahid et al. [4], who show that online language becomes legally consequential through offence classification. The dysfunction appears when pragmatic inference is treated as certainty. Digital messages may signal threat, coordination, solicitation, or dissemination, but their meaning remains dependent on uptake, sequence, platform, and relationship. This study therefore reframes intent as disciplined inference rather than textual discovery.

The pattern emerges because digital-message interpretation is structurally located between ordinary interaction and institutional judgment. In everyday communication, indirectness, sarcasm, ellipsis, and shared background are normal pragmatic resources; in criminal proceedings, these resources are reclassified into possible evidence of intent. This structural shift explains why conceptual-methodological sources dominate this corpus: courts and scholars require interpretive tools before text can be linked to *mens rea*. Anggrayni et al. [5] demonstrate this problem in hate-speech discourse, where sacred symbols and pragmatic force shape legal interpretation, while Waljinah et al. [6] show similar issues in pornography-related language evidence. These studies support this corpus pattern, but they do not always foreground *mens rea* as an inferential threshold. The underlying structure is therefore not a direct correlation between words and guilt, but a mediated relation between communicative form, institutional uptake, and legal categorization. This is why pragmatic analysis must remain evidentiary, not intuitive.

The evidentiary configuration adds a second implication: digital intent becomes legally usable only after message evidence is stabilized. This matters because screenshots, printouts, forwarded messages, metadata, and platform traces are not neutral containers of meaning; they actively shape what legal actors can claim about authorship, continuity, audience, and context. The corpus distinguishes source authority from message reliability, showing that official legal texts are stable as sources but do not automatically resolve message-level ambiguity. This finding aligns with Agatha and Rahaditya's concern about fragmented digital forensic standards [19] and Utama et al.'s discussion of ephemeral messages [20], both of which caution against assuming that digital traces are inherently complete. It also supports Faqih and Mintarsih's argument that electronic evidence may assist *mens rea* proof only when evidentiary conditions are sufficiently articulated [9]. The dysfunction lies in treating procedural availability as interpretive sufficiency.

This evidentiary pattern arises from a structural tension between legal formalization and platform contingency. Law requires a stable object that can be admitted, examined, and reasoned from; digital communication often exists as partial, edited, deleted, forwarded, or recontextualized fragments. That tension explains why this corpus separates statutes, scholarly sources, contextual commentaries, and message-transmission materials instead of collapsing them into one evidentiary category. Taqi's discussion of cybercrime prosecution across jurisdictions [23] and Yasinta's analysis of Telegram-based online fraud [13]

both indicate that platform-mediated offences complicate attribution and responsibility. Yet doctrinal or normative studies sometimes understate how evidentiary form affects linguistic interpretation. This study's contribution is to show that reliability is not a technical supplement added after pragmatic analysis; it is a condition that shapes whether pragmatic meaning may be legally trusted. Message intent is therefore filtered through authenticity, completeness, traceability, and procedural validation. Isharyanto et al. [27] identify regulatory gaps in protecting children's constitutional rights in Indonesia's online gaming ecosystem, an example of how Indonesian regulation of digital practice can lag behind the communicative and evidentiary realities it governs.

The *mens rea* threshold pattern has a further implication for Indonesian criminal law: intent should not be inferred merely because a message appears morally troubling, offensive, harmful, or digitally circulated. The corpus shows that conceptual mapping, statutory offence language, contextual interpretation, and dissemination-related evidence occupy different legal positions. This distinction is important because Indonesian scholarship on *mens rea* has repeatedly identified ambiguity in intentionality, discretion, interception, juvenile liability, pornography, and AI-related criminal responsibility [24], [25], [10], [26], [11], [14]. This study supports those concerns but adds a linguistic dimension: *mens rea* is not only doctrinally difficult; it is pragmatically mediated. The functional value of this finding is that it protects legal reasoning from both under-reading harmful communication and over-criminalizing ambiguous digital expression.

The underlying structure of *mens rea* interpretation is threshold-based rather than content-based. Criminal liability requires movement from message form to mental-state category through offence elements, evidentiary reliability, and contextual interpretation. This explains why phrases such as *sengaja*, *tanpa hak*, dissemination, knowledge, and publicness matter differently depending on offence type and communicative trajectory. Zaid et al. [12] and Waljinah et al. [6] show that pornography-related offences require close attention to intent and distribution, while Arganesya and Rijadi's work on online gambling promotion [21] highlights how platform visibility and promotional conduct shape liability. However, a message's existence does not itself settle whether intent, knowledge, recklessness, or unlawfulness is present. This study therefore proposes a restrained model: digital *mens rea* should be assessed through converging pragmatic, evidentiary, and doctrinal indicators. Such convergence does not eliminate uncertainty, but it makes legal interpretation more transparent, reviewable, and resistant to speculative mental-state attribution.

6. CONCLUSION

This study demonstrates that *mens rea* in Indonesian digital-message cases is not simply located in textual content, but constructed through pragmatic inference, evidentiary stabilization, and doctrinal thresholding. Its main lesson is that intent must be read as a disciplined legal-linguistic inference rather than as an immediately visible mental state. The strength of this study lies in combining forensic pragmatics, digital evidence analysis, and criminal-law doctrine within one coherent framework. By aligning corpus design, coding categories, and interpretive instruments, this study renews scholarly perspective on digital messages as communicative events whose legal meaning depends on speech acts, platform mediation, and evidentiary reliability.

Several limitations remain. This study relies on public legal, scholarly, and contextual documents, so it cannot capture closed case files, police-level evidentiary negotiations, expert testimony, or full conversational histories behind selected message excerpts. Its document-level design also prevents causal claims about how judges actually decide intent across all Indonesian criminal proceedings. Future research should expand this framework through larger judgment corpora, comparative offence categories, expert-interview triangulation, and message-level analysis of authenticated digital evidence. Further studies may also examine multimodal communication, ephemeral messaging, AI-generated texts, and cross-platform dissemination to test how pragmatic uncertainty affects *mens rea* interpretation in more complex digital evidentiary environments.

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Olifa Watugigir: conceptualization, methodology, formal analysis, writing – original draft, writing – review and editing.

CONFLICT OF INTEREST STATEMENT

Author states no conflict of interest.

AI USE DECLARATION

The author used artificial intelligence tools to assist with the generation of illustrative figures and with the formatting and layout of this manuscript. AI was not used to generate the substantive content, conceptualization, data, analysis, or conclusions of the research, all of which remain the sole responsibility of the author.

INFORMED CONSENT

Not applicable – this study did not involve direct human participants. Data consisted solely of publicly accessible statutes, Constitutional Court decisions, scholarly articles, and contextual legal-policy sources.

ETHICAL APPROVAL

This research did not involve human or animal subjects; it analyzed publicly accessible statutes, Constitutional Court decisions, scholarly articles, and contextual legal-policy sources, and therefore no institutional review board approval was required. Where research does involve human subjects, the author affirms that such research would be conducted in full compliance with all relevant national regulations and institutional policies, in accordance with the tenets of the Declaration of Helsinki, and would be approved by the author's institutional review board or equivalent committee.

DATA AVAILABILITY

The corpus of publicly accessible statutes, Constitutional Court decisions, scholarly articles, and contextual legal-policy materials analyzed in this study are available from the corresponding author upon reasonable request.

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