



Fear and Control: Rethinking Criminal Policy through the Lens of Moral Panic

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ABSTRACT

Moral panic illustrates how social fear can be directed and instrumentalized as a foundation for policy legitimation – often at the expense of justice. Policies formulated under such conditions frequently marginalize structural and evidence-based approaches, relying instead on punitive responses to reassert social order. This study employs a qualitative research method using a conceptual approach. Data were collected through library research and analyzed qualitatively, with findings presented in descriptive form. The results indicate that criminal justice policies developed in the context of moral panic exhibit patterns of disproportionate response, in which the state opts for repressive punitive measures driven by social pressure rather than addressing the structural roots of criminality. Preventing the recurrence of such destructive policymaking requires legal reform grounded in empirical data, procedural rationality, public participation, and strengthened accountability and critical literacy – ensuring that criminal justice systems not only maintain order but also uphold justice and human rights within the framework of the rule of law.

INTRODUCTION

Fear is one of the most influential psychosocial determinants in shaping public attitudes, legal orientations, and state policy. In matters related to crime, collective fear of certain perceived threats often triggers public pressure on governments to enact swift and punitive legal measures. Such reactions create space for the development of criminal policies that prioritize immediate response over structural analysis and long-term resolution (Zul Khaidir Kadir, 2025). This phenomenon has become a central topic in criminological literature, particularly due to the proliferation of policies that are not grounded in empirical assessments of actual danger but rather stem from socially constructed threats, amplified by mass media, political actors, and legal institutions. The concept of moral panic offers a relevant theoretical framework to examine how collective fear is mobilized and capitalized upon as a source of legitimacy for policies that tend to negate principles of distributive justice, proportional punishment, and the protection of human rights.

The term *moral panic*, first introduced by Stanley Cohen in the early 1970s, describes conditions in which public reactions to events or social groups become excessive and disproportionate to the actual level of threat. Cohen identified a recurring pattern whereby certain individuals or groups are constructed as common enemies so-called *folk devils* who are portrayed as threats to the dominant moral values of society. This representation does not emerge organically but is produced through meaning-making processes that rely heavily on media as a principal agent of influence. Media coverage of crime often lacks neutrality, with narratives designed to intensify public fear and prompt political action. Institutional responses shaped by this pressure often take the form of policies targeting individuals or groups who have already been delegitimized socially, even in the absence of substantive factual grounds (Sunday Olayinka Alawade & Maria Kisugu Obun-Andy, 2024).

Criminal policy shaped by moral panic is not confined to specific sociopolitical contexts; rather, it is a phenomenon observable across a range of regimes, from liberal democracies to populist authoritarian systems. In the United States, the moral panic surrounding drug abuse during the 1980s led to the "War on Drugs," presented as a protective measure for society but implemented through systemic criminalization, particularly against minority communities. This resulted in a dramatic rise in mass incarceration and the entrenchment of structural legal inequality. In the United Kingdom, the introduction of the *Anti-Social Behaviour Order* (ASBO) was a response to media-fueled anxiety about undisciplined urban youth, despite the fact that many sanctioned behaviors had minimal social impact. In Indonesia, public fear over drug circulation was leveraged to justify the implementation of the death penalty. Although framed as a measure to protect the younger generation, its effectiveness as a deterrent remains empirically unsubstantiated.

A salient feature of policies emerging under the influence of moral panic is the absence of any serious effort to understand the structural causes of crime. Instead of offering evidence-based and multidisciplinary solutions, these policies often reinforce punitive logic as the principal mechanism of social control. When

law is utilized as a political instrument rather than a means of addressing social problems, it becomes a stage for legitimacy that sacrifices both procedural integrity and substantive justice. Security narratives are deployed to defuse social tension and garner electoral support, while fundamental questions concerning inequality, poverty, and exclusion are neglected. Such legal regimes do not resolve crises but perpetuate them by producing internal enemies who become recurring targets of control and by postponing necessary structural reforms.

The role of media in sustaining and amplifying moral panic is inseparable from the logic of the attention economy. Presenting crime as an extreme threat remains an effective strategy to capture public interest, even at the expense of factual accuracy. Misrepresentation, individual case generalization, and the use of emotive language have turned the media into a primary catalyst in transforming concern into collective hysteria. This environment compels policymakers to respond to what they perceive as popular demand – though, in reality, the pressure originates from media constructions that fail to reflect the full complexity of social realities. The alliance between political populism and media market logic produces a cycle of fear that is repeatedly instrumentalized as the foundation for disproportionate legal reforms (Dina Listiorini, 2022).

Objections to such policy models are grounded in various traditions of legal and critical criminological thought that emphasize the necessity of rationality, empirical data, and ethical consideration in policymaking. Moral panic tends to generate regulatory responses built upon untested assumptions such as the belief that increasing punitive measures will automatically reduce crime or that incarceration alone can suppress criminal behavior. However, empirical evidence from multiple jurisdictions indicates that the correlation between punishment severity and crime reduction is far from linear, and frequently inconclusive. Furthermore, these approaches systematically overlook structural drivers of crime, including income inequality, unequal access to education, and social exclusion all of which significantly contribute to the genesis of criminal behavior.

Socially, moral panic-driven policies intensify patterns of discrimination against already marginalized populations. The processes of labeling and scapegoating serve to rationalize unequal legal treatment, resulting in systemic exclusion from socio-economic participation. Immigration discourse in Europe, for instance, illustrates how fear of the “other” has been channeled into exclusionary policies that violate foundational principles of equality and humanity. Meanwhile, excessive surveillance of urban youth fosters a generation marked by early experiences of stigma and marginalization. Over time, such policies erode trust in legal institutions and undermine the legitimacy of the criminal justice system as a vehicle for justice and individual rights (Yue Zhang & Surinderpal Kaur, 2024).

A more constructive response to moral panic requires a reorientation of the fundamental principles underlying criminal policy formulation. Legal frameworks should be grounded in verified crime data, comprehensive social analysis, and inclusive deliberation, rather than emotional reactions shaped by media sensationalism or political rhetoric. Media accountability must also be

strengthened by promoting ethical, accurate journalism that prioritizes context over spectacle. Public education plays a key role in cultivating critical awareness, enabling citizens to assess information and understand crime-related issues proportionally. Only through such an approach can criminal policy fulfill its function as an instrument of social justice, rather than a reactive mechanism to collective fear.

This article analyzes how the exploitation of fear through moral panic distorts criminal policymaking in destructive ways. Employing a theoretical framework and comparative case analysis across various jurisdictions, it seeks to unravel the dynamics between fear construction, political pressure, and the design of penal policy. The aim is not only to expose the flawed logic and moral hazard of such policies but also to advocate for a rational, accountable, and rights-based approach to criminal law. In doing so, this study contributes to a broader discourse on public policy oriented toward justice and offers strategic direction for inclusive and sustainable criminal justice reform.

THEORETICAL REVIEW

Fear Construction

Fear, in the context of criminal policy, is not a neutral or spontaneous emotional response. Rather, it is socially constructed through an interplay of media narratives, political discourse, and institutional rhetoric. The theory of *moral panic*, introduced by Stanley Cohen, illustrates how specific groups or behaviors are symbolically framed as threats to societal values. These constructions do not emerge from objective crime data, but from cultural anxieties and political interests that amplify certain incidents while ignoring broader social conditions. As fear is shaped, it becomes a political resource—mobilizing public sentiment and justifying urgent, often punitive, responses. This concept of *fear construction* helps explain how crime is transformed from a legal issue into a moral and existential threat, setting the stage for disproportionate policy reactions.

Control Logic

Control logic refers to the ideological and institutional tendency of the state to convert public fear into expanded mechanisms of surveillance, punishment, and social regulation. Under moral panic, this logic replaces deliberative policy-making with reactive legislation aimed at demonstrating the state's authority rather than resolving root causes of crime. Laws introduced during periods of panic—such as mandatory sentencing or emergency security acts—frequently bypass empirical evidence, due process, or proportionality. The state, seeking to reassert legitimacy or distract from structural failures, deploys punitive instruments as symbols of control. This logic not only reshapes criminal law but also reinforces hierarchical power relations, whereby marginalized groups become targets of exaggerated scrutiny and coercion.

Policy Reframing

Policy reframing is the conceptual response to the distortions introduced by fear-driven and control-oriented policy-making. It involves rethinking criminal

policy beyond reactive models by grounding legal reforms in empirical data, social equity, and democratic values. This concept emphasizes the need to develop criminal justice systems that prioritize prevention, rehabilitation, and accountability over repression. It also calls for institutional transparency, participatory governance, and critical media literacy to resist the instrumentalization of fear. Reframing is not merely a critique but a normative orientation toward criminal justice that upholds human rights and restores public trust in legal institutions. By shifting the policy paradigm away from moral panic, it lays the foundation for sustainable and inclusive governance.

METHODOLOGY

This study employs a qualitative research method. Qualitative research is designed to understand social phenomena and human behavior through the interpretation of descriptive data. The research adopts a conceptual approach, focusing on the analysis of key concepts and theoretical frameworks relevant to the topic under investigation. Data were collected through library research, involving the review of scholarly literature, legal documents, and other academic sources. The collected data were then analyzed qualitatively and presented in a descriptive manner to construct a coherent and critical understanding of the research problem.

RESEARCH RESULTS

Understanding Moral Panic

The concept of moral panic was first introduced by Stanley Cohen in his seminal work *Folk Devils and Moral Panics* (1972), and has since evolved into a foundational theoretical framework in the fields of criminology and media sociology. The term refers to a social condition in which a group, behavior, or event is constructed as a threat to dominant societal values, despite the threat often being disproportionate to empirical reality (O. Adams & J. Behl, 2024). The resulting fear is not merely a spontaneous emotional reaction but rather the outcome of a discursive process involving meaning production by the media, state apparatuses, and institutional actors. Social responses to such constructed threats frequently take the form of excessive actions, reflecting emotional collective reactions rather than rational, evidence-based strategies. While the escalation of moral panic tends to be temporary, its policy consequences may become embedded within legal structures and policymaking cultures over the long term (Curtis Puryear et al., 2024).

Cohen identified five core elements in the dynamics of moral panic. First, there is a labeling process wherein individuals or groups are categorized as deviant and constructed as threats to social order. These groups are positioned as *folk devils'* symbolic antagonists to the moral fabric of society. Second, the perceived threat is amplified through intensive media coverage that not only conveys information but also frames the issue as urgent and extraordinary. Third, the public and institutional response is often disproportionate, marked by demands for repressive policy or legal action. Fourth, a consensus emerges among political and social elites concerning the existence of the threat, thereby

accelerating the legitimation of punitive or corrective measures. Fifth, moral panic often results in long-term policy changes, such as the introduction of new laws, expansion of state jurisdiction, or mass incarceration schemes persisting even after the original source of panic has diminished (Christopher Pepin-Neff & Aaron Cohen, 2021).

Conceptually, moral panic can be understood as a reflection of societal anxiety triggered by changes that threaten symbolic stability. During periods of rapid social transformation and normative uncertainty, societies often seek reassurance by identifying common enemies. In these moments, the media and state institutions exploit the opportunity to control the narrative and use public fear as a justification for coercive actions. Thus, moral panic functions not only as a social symptom but also as an ideological tool of governance that operates through symbols, representations, and policy. The involvement of the state in this process demonstrates that legal and bureaucratic actors do not merely enforce laws—they also actively participate in shaping the image of threats and in distributing sanctions against those constructed as violators of normative order.

The media plays a pivotal role in constructing and perpetuating moral panic, particularly through issue selection, news framing, and repetitive narratives that emphasize the extreme dimensions of certain events. Media often highlight rare cases such as brutal murders or sexual crimes rather than more prevalent but less sensational offenses, thereby distorting public perception of actual risks. Sensationalism becomes the primary mechanism through which collective panic is generated and translated into pressure on policymakers. The circular relationship between media, the public, and the state creates a fertile environment for moral panic to evolve into formal legal legitimacy, often without undergoing rigorous empirical scrutiny.

In criminological discourse, moral panic is frequently linked with labeling theory, which emphasizes how stigmatization of specific groups reinforces their marginalization (Nur Fadhilah Mappaselleng & Zul Khaidir Kadir, 2017). Labeling does not merely affect social identity but also influences how individuals are treated within the justice system (Brian Martin, 2022). For instance, in the U.S. war on drugs, drug users particularly from African-American and Latinx communities were constructed as “criminals” rather than individuals in need of rehabilitation. This narrative supported the implementation of mandatory minimum sentencing, which exacerbated racial disparities in the criminal justice system. Such labeling mechanisms demonstrate that moral panic does not only generate temporary policy responses but also reconstitutes power relations through the legal reproduction of inequality (John R. Pamplin et al., 2023).

Moral panic can also be examined through a durkheimian lens, particularly the concept of *anomie*. When societies experience value dislocation due to social change or structural crises, there emerges a collective need to restore symbolic stability. One way to respond to anomie is by designating a shared enemy through the process of moral panic. In such situations, scapegoats are created to channel public anxiety, frustration, and social tension. The resulting policies tend

to be retributive not because of the inherent severity of the offense, but because of the need for society to see the state exerting control. In this context, moral panic reflects the inability of state and society to manage social transformations in an inclusive manner.

Some normative perspectives argue that moral panic serves a cohesive function by reinforcing threatened collective values. However, such views often overlook the exclusionary effects of moral panic and its tendency to widen the power gap between social centers and margins. Policies born out of panic rarely adopt a restorative approach; instead, they consolidate punitive logic while disregarding distributive justice principles. The consequences include discrimination against minority groups, erosion of individual rights, and the symbolic transformation of law into an instrument of state power rather than a medium of justice.

Historically, moral panic has taken various forms from the witch hunts of the 17th century, to fears over youth subcultures in the 20th, to contemporary narratives on terrorism, immigration, and narcotics. Across these contexts, a recurring pattern emerges: identification of threats, media amplification, excessive public reaction, and the enactment of disproportionate policies. This pattern suggests that moral panic is a social structure that can be manufactured and reproduced according to the political or economic needs of dominant actors. Therefore, distinguishing between real threats and discursively constructed ones is essential to resisting symbolic manipulation.

The relevance of moral panic in contemporary criminal policy studies continues to grow, as many states increasingly use threat narratives to justify rapid policy enactments that expand state authority. The moral legitimacy produced by panic allows governments to act without adhering to strict standards of empirical evidence. Such strategies are often deployed during electoral cycles or moments of state delegitimation, when criminality becomes a political commodity. However, the consequences are profound: distorted policy, weakening of public trust, and erosion of institutional credibility in the eyes of citizens.

Moral panic arises from the interaction between social structure, political interest, and media narrative. It is not a natural phenomenon, but rather one actively constructed through meaning-making processes and symbolic power struggles. Consequently, analyzing moral panic requires a framework that examines the relationship between discourse construction, authority distribution, and the design of criminal policy. Moral panic is not merely a public misperception; it is a social mechanism capable of shaping legal realities and power dynamics. By understanding its logic and effects, criminal policy can be redirected away from serving as a covert tool of repression and toward functioning as a medium for justice restoration and social integrity (Kobe de Keere et al., 2021).

Mechanisms of Moral Panic in Criminal Policy

The formation of moral panic within criminal policy cannot be understood as a spontaneous or purely reflective phenomenon; rather, it constitutes a socio-

political construct resulting from strategic interactions between the media, the state, and the public. These actors collaborate directly or indirectly in shaping exaggerated threat perceptions, which, in turn, catalyze repressive policy responses. The process unfolds through interconnected stages: the creation of threat narratives, their amplification by media, policy formulation as institutional response, and political consolidation through public legitimacy. This cyclical mechanism sustains a punitive logic, often without any critical evaluation of the actual effectiveness of the policies being implemented. In this process, moral panic functions not only as a product of public fear but also as a means of producing power through the apparatus of law.

The initial stage of moral panic construction involves selecting specific issues or social groups to be identified as sources of disruption to societal stability. This labeling process aligns with Cohen's concept of *folk devils*, referring to figures or communities portrayed as antagonistic to dominant values. The designation of targets in moral panic is heavily influenced by symbolic power structures; groups with limited access to media and institutional representation are more vulnerable to stigmatization. In practice, the identification of threats rarely relies on statistical evidence or social research. Instead, it is often shaped by ideological biases, political tensions, or majority-minority dynamics. For instance, negative portrayals of immigrants are frequently grounded in assumptions about threats to employment, cultural identity, or national security, despite empirical studies consistently demonstrating their positive contributions to economic and social sectors.

Once the threat is constructed, the media serves as the primary engine of narrative dissemination. In this context, media function not merely as channels of information, but as active agents that selectively and repetitively frame events. By emphasizing extreme cases, employing sensational headlines, and embedding emotional language, the media create a perception of crisis that disregards nuance and proportionality. Such framing not only shapes public opinion but also exerts pressure on policymakers to implement drastic responses. The shift in policy focus from addressing social roots to producing symbolic action reflects a reactive model that prioritizes public appeasement over structural resolution.

Political actors benefit from this dynamic by capitalizing on moral panic to secure electoral advantage or consolidate authority. Once the threat narrative has taken hold in the public imagination, politicians can position themselves as protectors of society without having to substantiate the efficacy of their proposed measures (Filipe Campante et al., 2024). Political rhetoric in such contexts often reduces complex problems to simplistic binaries between the righteous and the threatening thereby paving the way for repressive policies that lack rigorous policy analysis. The politicization of public fear can lead to disproportionate incarceration strategies that disproportionately impact racial and socioeconomically marginalized groups.

As public pressure intensifies, the state typically responds by enacting policies that serve as symbolic corrections. These policies often involve harsher criminal penalties, expanded law enforcement powers, or the curtailment of civil liberties under the pretext of national security. Such responses are rarely rooted

in scientific evaluation but are intended to project the image of a resolute state confronting crisis. A telling example is the imposition of the death penalty for narcotics offenses in Indonesia, driven by a public narrative framing drugs as the nation's existential enemy. While this discourse has generated broad public support, empirical research has consistently failed to confirm the death penalty's deterrent effect demonstrating that such policies operate more on the level of symbolism than on the resolution of underlying social problems.

The mechanism of moral panic also involves the formation of elite consensus, which suppresses space for critical discussion and policy alternatives. This consensus is produced through the convergence of interests among mainstream media, political elites, and legal institutions—all of whom share a stake in maintaining dominant threat narratives. Once the discourse surrounding a particular threat is accepted as “public truth,” alternative approaches are often framed as unpatriotic, insensitive to national security, or even sympathetic to the constructed violators of societal norms. These constraints not only hinder reform initiatives but also foster intellectual stagnation in public discourse and technocratic rigidity in legal policymaking.

The cumulative effect of this mechanism is the proliferation of criminal policies that emphasize retribution over prevention or rehabilitation. The focus on punishment as a response to moral panic encourages criminal justice systems to abandon restorative approaches, which are often more appropriate for addressing social forms of crime. As a result, legal systems not only fail to reduce crime sustainably but also deepen the exclusion of already marginalized groups. The persistence of mandatory minimum sentencing in the U.S. legal framework is a lasting legacy of institutionalized moral panic, despite extensive evidence of its ineffectiveness.

Beyond the policy dimension, moral panic significantly impacts the power dynamics between society and the state. When fear is capitalized upon, the public tends to trade civil liberties for promises of security. Yet, the accumulation of state power derived from such policies is often unaccompanied by proper mechanisms of oversight and accountability. Moreover, legal instruments introduced under the guise of crisis frequently outlive their original context and are repurposed for unrelated political objectives such as silencing dissent or restricting public space. The use of anti-terrorism laws to limit freedom of expression in various regimes is a compelling example of how moral panic can evolve into a mechanism for legitimizing covert authoritarianism.

Critique of Policies Based on Moral Panic

Criminal policies rooted in moral panic often distort the fundamental role of law as an instrument of justice. Instead of addressing crime through data-driven and empirical analysis, such policies are crafted in response to public pressure shaped by narratives of collective fear. This tendency to prioritize political symbolism over substantive effectiveness turns moral panic into a tool for maintaining power legitimacy, rather than a mechanism for structurally resolving criminal issues. In the long term, this policy logic not only creates

disparities within the justice system but also perpetuates discriminatory practices inherent in law enforcement.

The primary criticism of policies emerging from a moral panic atmosphere lies in the absence of empirical grounding and rationality during policy formulation (Oxana R. Mikhaylova, 2020). Threat narratives disseminated by the media and political elites often replace data as the foundation for decision-making. The disparity between perceived and actual threats also leads to disproportionate policies. When an issue is constructed as an existential threat, responses often become reactive and excessive. The enactment of anti-terrorism laws in various countries exemplifies how moral panic drives states to expand their powers beyond reasonable limits. Terrorism, statistically less frequent than other crimes, is treated as an extraordinary threat justifying mass surveillance, detention without trial, and restrictions on civil liberties. Such disproportionate reactions threaten the rule of law and undermine the legitimacy of constitutional democracy. When policies are formed based on exaggerated perceptions rather than actual risk levels, the resulting legal products are prone to abuse of power (Nandita Biswas Mellamphy, 2023).

Beyond being disproportionate, such policies also neglect the dimension of social justice. Moral panic facilitates the construction of social enemies, often targeting vulnerable or minority groups. Institutionalized discrimination through policy creates unequal power relations, where already marginalized groups become targets of an unfriendly legal system. This is evident in deportation policies and restrictions on immigrants' rights, who are portrayed as social and economic threats. Yet, their contributions to the informal sector, services, and taxes are substantial. Denying these contributions illustrates how moral panic is used to maintain the political and cultural dominance of majority groups at the expense of equality principles.

The erosion of human rights protections is another inevitable consequence of policies shaped by moral panic. States driven to demonstrate firmness tend to sideline fundamental principles of modern criminal law, such as proportionality, the presumption of innocence, and the right to a fair trial. An extreme example is the application of the death penalty for drug offenses in some countries. Narratives depicting drugs as the "enemy of the nation" provide moral justification for states to disregard the right to life and eliminate opportunities for rehabilitation. However, the effectiveness of the death penalty as a deterrent has never been consistently supported by empirical evidence. In such situations, law ceases to function as a means of protection and becomes a tool of state intimidation against those deemed deviant from majority norms.

The long-term impact of policies based on moral panic extends beyond policy ineffectiveness; it reinforces skewed social structures and exacerbates injustice. Mandatory minimum sentencing, for instance, not only results in sentencing disparities but also intensifies cycles of poverty, criminalization, and social exclusion long experienced by minority groups. Such policies also inflate social and fiscal costs without yielding commensurate reductions in crime rates. In this context, the legal system, which should guarantee protection, becomes a

vehicle for replicating inequality. Consequently, policies born from moral panic create entrenched legacies of injustice that are difficult to rectify.

Critiques of the substance of moral panic policies cannot be separated from the manner in which these policies are formulated. A major weakness is the lack of public participation and inclusive deliberative processes. When public opinion is controlled by media narratives, decision-making often becomes an elitist and closed response, where policies are hastily crafted to appease collective anxiety rather than substantively address issues. This condition highlights the dominance of state and media actors in shaping policy agendas while sidelining alternative voices that could offer corrective perspectives. As a result, not only is policy effectiveness compromised, but also the moral and legal legitimacy of such policies. The lack of public consultation and transparency contributes to the perception that policies serve short-term political interests more than they reflect the needs and aspirations of the broader society (Gijs Jan Brandsma & Albert Meijer, 2022).

To promote reform, it is essential to develop criminal policy approaches that are evidence-based, open to multi-actor participation, and sensitive to social complexities (Rajesh Kapoor, 2019). Public education on crime issues and the media's role in shaping risk perceptions is a crucial first step in building a non-reactive policy culture. The media, as key actors in the moral panic cycle, must be encouraged to uphold responsible journalism that prioritizes accuracy, balance, and context in crime reporting. Simultaneously, government institutions need to strengthen their capacity for data-driven policy analysis and create deliberative spaces involving civil society, academics, and affected groups in the policymaking process. Only through such means can the policy system break free from the cycle of law enforcement populism and move towards a fair, inclusive, and sustainable regulatory design.

The phenomenon of moral panic shaping criminal policy is not exclusive to any particular legal system; rather, it emerges transnationally across diverse social, economic, and political configurations. Case studies from various countries reveal a recurring pattern: the social construction of threats, the amplification of fear through media, and the adoption of policies that respond more to emotional public pressure than to rational, evidence-based analysis. Although the specific issues vary from drug-related crime, immigration, to terrorism the underlying similarity lies in the instrumentalization of collective fear as the foundation for repressive and exclusionary policymaking.

The "War on Drugs" in the United States represents a paradigmatic example of how moral panic can become institutionalized within the criminal justice system. During the 1980s and 1990s, the narrative framing narcotics as a moral and existential threat to the nation was reinforced by political rhetoric and media campaigns that depicted drug users and dealers as traitors to national values. The Reagan and Clinton administrations adopted aggressive legal approaches, including mandatory minimum sentencing and three-strikes laws (Ayesha Waraich, 2021). While these policies were promoted as crime-reduction strategies, they produced counterproductive social consequences. Data showed that African-American and

Latino communities were disproportionately affected in terms of arrests and sentence lengths, despite similar rates of drug use across racial groups. This punitive approach neglected public health strategies and community-based prevention, exacerbated prison overcrowding, deepened structural inequality, and eroded trust in legal institutions.

The case of the United Kingdom illustrates how moral panic surrounding anti-social behavior, particularly among urban youth, drove excessive social control measures. The introduction of the *Anti-Social Behaviour Order* (ASBO) by the Labour government in the late 1990s was a direct response to media and public pressure portraying young people as threats to public order (Vicky Heap et al., 2021). This policy granted local authorities the power to impose prohibitions on behavior deemed disruptive even when such behavior did not constitute a criminal offense. ASBOs were disproportionately applied to working-class youth and carried punitive consequences. Violating an ASBO, even for minor infractions such as entering a restricted area, could result in criminal prosecution. Studies of ASBO implementation have revealed a tendency toward the criminalization of youth already facing social and economic pressures, reinforcing exclusion and undermining their social reintegration prospects.

Indonesia offers a compelling example of how moral panic surrounding narcotics has been reproduced in the form of harsh criminal policies, including the use of the death penalty. The narrative positioning drugs as a threat to the nation's future continues to be reinforced by official rhetoric and media portrayals that frame users as failures and dealers as national traitors. This discourse has been mobilized to justify capital punishment as a deterrent, despite the absence of conclusive evidence regarding its effectiveness. Legal proceedings in narcotics cases have revealed systemic issues such as limited access to legal aid and judgments lacking transparent judicial evaluation. The fact that most defendants come from marginalized socio-economic backgrounds suggests that moral panic in this domain contributes to the criminalization of poverty and the erosion of defendants' fundamental rights (Giulia Berlusconi, 2022).

Immigration policy in Europe reflects how moral panic can be mobilized to shape exclusionary measures in contradiction with international human rights norms. The rising numbers of migrants and refugees driven by conflict, climate crises, and global economic inequality have been exploited by media and populist political actors to construct narratives of threats to sovereignty, cultural identity, and social welfare. Media coverage linking migrants to crime and economic burdens fosters an atmosphere of fear that pushes governments to implement restrictive policies such as border walls, asylum procedure limitations, and mass deportations. These measures not only contravene principles like non-refoulement and protections enshrined in international law but also reinforce stereotypes portraying migrants as burdens or threats. In contrast, economic and demographic studies consistently highlight migrants' positive contributions to labor markets and the sustainability of social systems.

Following the September 11, 2001 attacks, moral panic surrounding terrorism catalyzed a policy framework that structurally expanded state

authority, with serious implications for civil liberties. The United States enacted the Patriot Act, granting federal agencies broad powers for electronic surveillance, detention without charges, and searches without clear judicial warrants. In the UK, Control Orders enabled the government to restrict the movement of individuals suspected of terrorism-related activities without a public trial. Although these measures were framed as preventive, they blurred the line between law enforcement and political surveillance. In practice, Muslim communities became the primary targets of monitoring, resulting in structural discrimination and intensified social alienation. Critics argue that moral panic has been exploited to legitimize state overreach, thereby undermining the foundational principles of the rule of law.

These international case studies illustrate how moral panic operates across diverse contexts through a shared core pattern: the exaggeration of perceived threats, the dissemination of controlled narratives by media, and the adoption of reactive and exclusionary policies. Despite being framed in the rhetoric of security, these policies often fail to address the underlying issues they claim to confront. Instead, they exacerbate social inequality, undermine social cohesion, and weaken the principles of justice that should underpin legal systems. This cross-national analysis demonstrates that the influence of moral panic on criminal policy is not a policy anomaly but part of a global pattern that normalizes punitive responses over restorative, preventive, and reconciliatory approaches (Catherine Hensen, 2021).

Social and Political Impacts

Criminal policies shaped through mechanisms of moral panic generate far-reaching social and political consequences that extend well beyond the normative objectives claimed by their architects. At the social level, moral panic contributes to the reinforcement of exclusionary practices and systemic discrimination against groups symbolically labeled as threats. Politically, moral panic is often instrumentalized as a justification for expanding state authority and tightening control over civic space at the expense of democratic principles and the protection of constitutional rights. The interaction between public hysteria and state response produces a power cycle that sidelines restorative, balanced, and rational policy approaches. This phenomenon suggests that moral panic is not merely a social symptom, but an effective political instrument in shaping the legal landscape and governance structures.

One of the most visible social consequences of moral panic-driven policy is the institutionalization of structural discrimination through the legal system. Once a group is labeled as a "disruptor of order," they are systematically subjected to surveillance, policing, and social exclusion. This is clearly seen in U.S. drug policy, where African-American and Latino populations have been disproportionately targeted for arrest and imprisonment, despite equal rates of drug use across racial groups. The negative public portrayal of these communities has created the perception that they are inherently linked to criminality. This perception triggers a cycle of injustice that closes off access to

education, employment, and social mobility further entrenching racial and economic segregation.

Stigmatization, as a product of moral panic, not only affects targeted individuals but also isolates entire communities (Longtao He et al., 2023). The generalization of deviant behavior across an entire group creates social distancing and fragmentation within the societal structure. The moral panic surrounding immigrants in Europe illustrates how stigmas give rise to exclusive nationalist narratives that view migrant populations as threats to cultural identity and social stability. The consequences of such narratives are evident not only in restrictive policies but also in the rise of hate-based violence and widespread social rejection. This pattern weakens social cohesion and increases the risk of horizontal conflict, ultimately obstructing efforts toward integration and intergroup dialogue in pluralistic societies.

Moreover, moral panic amplifies social inequality by legitimizing differential treatment based on class and identity categories. In many cases, policies disproportionately target communities already suffering from structural vulnerabilities. In the United Kingdom, for example, *Anti-Social Behaviour Orders* (ASBOs) were predominantly applied to working-class youth perceived as public nuisances often based on subjective assessments of disorder. The punitive approach to these social symptoms reflects a policy logic that normalizes poverty as a security threat rather than acknowledging inequality as the root cause. Similarly, anti-terrorism policies have disproportionately targeted Muslim communities, reinforcing marginalization based on religious identity and framing religious practice as a potential security risk.

The political impact of moral panic is reflected in the expansion of state power justified through protective narratives. A fear-driven public is more likely to concede civil liberties to the state under the assumption that tightened law enforcement will deliver safety. This creates an opening for the enactment of authoritarian-style policies, such as mass surveillance, preventive detention, and restrictions on civic activities. The USA Patriot Act, for instance, blurred the boundary between national security and civil rights violations. When accountability mechanisms are weakened in the name of crisis response efficiency, the state acquires near-unchecked authority over its citizens – setting a dangerous precedent for constitutional democracy.

Beyond state expansion, moral panic is often strategically exploited by political actors to divert public attention away from deep-rooted structural issues. When fear rhetoric is capitalized upon, complex challenges such as economic inequality, unemployment, or corruption are pushed aside in favor of more emotionally charged but politically expedient issues. Governments may portray strong action against a "constructed threat" as proof of leadership, even when the threat lacks empirical basis. While this strategy may yield short-term political gains, it generates a fragile illusion of stability. Without addressing root causes, public trust in political institutions inevitably deteriorates as the ineffectiveness of reactive policies becomes apparent.

One of the most serious long-term effects of moral panic-based policy is the erosion of public trust in state institutions. When citizens recognize that policies

are driven not by genuine societal needs but by emotional pressure or media manipulation, they begin to question the legitimacy of both the legal and political systems. Left unaddressed, this distrust may evolve into civil resistance, political apathy, or even radicalization. In a plural and democratic society, such a legitimacy crisis poses a grave threat to institutional stability. If those targeted by moral panic believe the legal system no longer represents or protects their interests, exclusion can quickly give way to uncontrollable social disruption.

Thus, the social and political ramifications of moral panic-informed policies extend beyond immediate harm to targeted groups; they also corrode the trust and social cohesion that undergird healthy democratic systems. To prevent the repetition of such destructive patterns, a policy reorientation is needed – one that rejects the exploitation of fear as a basis for legitimacy and instead centers substantive justice, transparency, and public participation in legislative and legal processes.

CONCLUSIONS AND RECOMMENDATIONS

Criminal policies crafted within a climate of moral panic tend to produce disproportionate responses to the actual scale of the perceived threat. When public perception is shaped by emotionally charged media narratives and driven by political interests, resulting policies often reflect symbolic gestures rather than substantive, long-term solutions. Instead of addressing the structural roots of crime, the state frequently resorts to punitive, repressive measures as a means of affirming its authority. The outcome is not limited to policy inefficacy; it also includes the reproduction of social inequality, the marginalization of vulnerable populations, and the consolidation of a legal system that increasingly drifts away from its foundational commitment to corrective and preventive justice.

Preventing the recurrence of such destructive policy patterns requires a fundamental reform agenda grounded in data integrity, procedural rationality, and a commitment to social justice. Governments and legal institutions must reject the exploitation of public fear as a foundation for policymaking and instead foster decision-making processes that are participatory, transparent, and informed by rigorous empirical evaluation. While moral panic cannot be entirely eliminated from social life, its impact can be substantially mitigated through critical public education, responsible media regulation, and the strengthening of accountability mechanisms in legal governance. Through such measures, criminal policy can be redirected not merely toward maintaining public order, but toward restoring trust, reinforcing social cohesion, and ensuring the protection of human rights as the foundational pillar of a modern rule-of-law state.

ADVANCE RESEARCH

This advanced research examines the dynamics of criminal policy formation under the influence of moral panic, focusing on how emotionally charged discourse, media sensationalism, and political opportunism distort rational legal governance. It interrogates the tendency of states to prioritize symbolic punitive measures over evidence-based, preventive strategies, leading to

policy outcomes that exacerbate social exclusion, undermine justice, and reinforce systemic inequality. By situating these responses within broader theoretical frameworks of criminology, sociology, and political science, the study seeks to unravel the structural and ideological mechanisms that enable moral panic to shape penal agendas. Furthermore, the research advocates for a transformative policy paradigm grounded in empirical rigor, participatory governance, and a restorative vision of justice. Emphasizing the need for media literacy, institutional accountability, and civic engagement, the study aims to propose a sustainable model of criminal policymaking that aligns with democratic principles, human rights standards, and the long-term imperatives of social cohesion and rule-of-law governance.

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