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VICTIMS AND PERPETRATORS IN CYBERBULLYING

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Abstract

Starting from the definition and the framework that regulates the phenomenon of cyberbullying, the article aimed to present and analyze the main aspects related to the victims and criminals involved in this phenomenon. Cyberbullying refers to illegal actions that intentionally and repeatedly cause harm to minors through new technologies.

The article analyzes issues related to the motivation and typology of criminals, the impact of the cyberbullying phenomenon among victims and the causes of this illegal behaviour.

Key words: *cyberbullying, victims, cyberbully, cyberspace.*

INTRODUCTION

Currently, there is no internationally recognized definition of cyberbullying, which refers to the use of information and communication technology or other electronic communication devices by a person in order to harass, intimidate, threaten, to humiliate or cause harm to the persons affected by this illegal conduct (*McQuade III, Colt, Meyer, 2009, pp. 21-22*).

Cyberbullying uses electronic information and communication devices such as e-mail, instant messaging, text messages, blogs, cell phones, pagers, instant messaging, and defamatory Web sites for the purpose of harassing a minor or a group of minors through personal attacks or other means.

Hence, the phenomenon of cyberbullying can be defined as the willful and repeated harm caused through the medium of cyberspace (*Siegel, 2012, p. 532*). We underline that, like the real space, a cyberbully is a malicious aggressors who seeks implicit or explicit pleasure or profit by physically or mentally harming other people individually.

Cyberbullying is a form of harassment through computer systems only of minors, as this illegal behaviour involves only minors, both as criminals and as victims.

In the speciality literature (*Siegel, 2012, p. 532*) it was emphasized that there are two major formats that cyberbullies can use to harass their victims: a cyberbully can use an information system, such as the computer and send harassing e-mails or instant messages to threaten, insult or frighten victims or may use computer systems to spread and disseminate the defamatory content of the transmitted messages; the cyberbully may use another information system such as a mobile phone to send text messages with harassing content to the victim.

The phenomenon of cyberbullying can target both a child and several groups of children. We highlight the fact that cyberbullying does not involve adults who want to intimidate and harass minors. If the offenders are adults, then we are no longer in the presence of the phenomenon of cyberbullying, but of cyberstalking or grooming.

Therefore, the fundamental elements remain the same: repeated assaults, committed with the intention of causing harm to one or more young people or children. We believe that in most cases of cyberbullying, these illicit behaviours must be intentional, repeated and aggressive.

Teenage girls are much more likely to be cyberbullied and become victims of cyberbullying than teenage boys.

Regarding perpetrators, the type of cyberbullies differ by gender as well. So, boys post or spread images or videos that disturb, displease or scare potential victims of cyberbullying, while girls usually spread rumours about other young people.

1. THE REGULATION OF CYBERBULLYING

At the European and international level there are few countries that have developed laws against cyberbullying.

At the present time, given the forms, technological means and methods of cyberbullying, they can be investigated in accordance with the criminal laws of the national states, which already criminalize acts of threat, harassment and use of electronic communications that cause harm.

Although cyberbullying is not expressly criminalized within the legal instruments in the field of cybercrime at the international and European level, national states have begun to develop specific regulations to criminalize cyberbullying or to develop provisions that include certain forms of harassment carried out through electronic communications alongside traditional forms of harassment that take place in real space.

In Romania, the phenomenon of cyberbullying is regulated under Article 208 of the Romanian Criminal Code, which refers to the crime of harassment. However, recently, Romanian legislators chose to expressly regulate cyberbullying behavior in Law no. 221/18.11.2019 for the amendment and completion of the National Education Law no. 1/2011, which defines in the

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content of Article 1 point 6, for the first time expressly, the phenomenon of bullying committed in the real space and in the cyberspace.

We believe that all international, European and national legislators must cooperate to develop a uniform legal framework in the field of cyberbullying, as it has become a phenomenon that is present daily in schools and that affects many children and adolescents, by causing serious physical and mental harm.

2. THE MOTIVATIONS OF PERPETRATORS IN CYBERBULLYING

Cyberbullying occurs most of the time during school, but also outside of school, involving children or adolescents, as criminals, who use computer systems and other information and communication technology devices in order to threaten, harass or intimidate other children or teenagers, who become victims.

According to specialized literature, the most frequently encountered motivations are the following (*Easttom, Taylor, 2011, p. 309*):

II.1 Low self-esteem

Some cyberbullies have a sense of low self-esteem, and by denigrating other people they can feel better. The Internet allows cyberbullies to denigrate other people from a distance. Most cyberbullies have low self-esteem, and by insulting and threatening other young people, they feel much better.

II.2 Obsession

In some cases the cyberbully becomes obsessed with the target he wants to harass, because he has some unrequited feelings towards the victim. There are situations in practice when cyberbullying can start even if the relationship between the cyberbully and the victim ends against the will of the perpetrator.

II.3 Revenge

In some cases, the cyberbully wants to take revenge on the victim due to some injustices, regardless of whether they are real or imaginary. The cyberbully believes that only by causing significant harm to the victim through online harassment, he will consider himself avenged against this injustice. Cyberbullies may be motivated by revenge, often feeling aggrieved.

II.4 Mental instability

There are cases in which the cyberbully presents a mental instability and can harass a person due to some illusions that he has.

Another motivation of cyberbullies can simply be the desire to have fun at the expense of other children or teenagers.

3. THE CAUSES OF THE CYBERBULLYING PHENOMENON

Cyberbullying can be committed for many reasons. In some cases, this may be a consequence of Internet addiction and the cyberbully's ability to establish normal, healthy relationships that has been compromised.

Relationships, work and daily life can be severely affected as a result of obsessive internet use. This is in stark contrast to productive use of online time.

People often develop a preference for online interactions rather than everyday physical interactions.

Cyberbullying occurs because relationships, work and daily life are severely affected as a result of obsessive internet use.

Another cause of the emergence of the phenomenon of cyberbullying is that young people and children have developed a preference to interact in cyberspace, rather than to interact physically in current activities.

This situation leads to the impossibility of young people and children to participate in a number of useful daily activities, as they choose to stay connected to information and communication technology through a mobile phone or a smartphone, an electronic tablet or a personal digital assistant.

We believe that the main cause of the emergence of the phenomenon of cyberbullying is related to Internet addiction, this being defined as any compulsive online-related behaviour that interferes with normal life and causes severe stress on family, friends, loved ones and the work environment of at school, college or work (*The National Centre for Cyberstalking Research, University of Bedfordshire, 2015, p. 32*).

Internet addiction is very similar to other addictions, such as alcohol or drug addiction, providing the necessary support that a teenager or child needs to overcome a failure or emotional frustration, thus becoming an addicted person.

Cyberbullying perpetrators choose to satisfy all their unbridled desires or compulsions in cyberspace by directly harassing young people or children.

In the specialized literature (*The National Centre for Cyberstalking Research, University of Bedfordshire, 2015, pp. 33-34*), other dependencies or constraints that cause the phenomenon of cyberbullying have been identified, such as: cyber-relationship addiction; Internet compulsions; cybersex and pornography addiction.

Related to cyber-relationship addiction, information and communication technology has determined that young people, teenagers and children establish friendships much more easily in the online environment, because these people are less inhibited than in the real space. Many times young people have different fantasies and in order not to have any emotional disappointments, they tend not to reveal their real age, gender, or job to those they interact with in the online environment, offering false data to the interlocutors.

In connection with the Internet compulsions, the use of gambling in the online space, especially online casinos and auctions and games that use the opportunity for players to construct alternative identities, have disrupted the daily activities of young people, even affecting family relationships and other aspects of everyday life. Therefore, the level of self-isolation of teenagers has increased because they spend a lot of time in the virtual field of these games, and young people can become both perpetrators and victims of cyberbullying.

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Related to cybersex and pornography addiction, we underline that the excessive use of information and communications technology has led young people and teenagers to contact chat room services or the pornography industry on the Internet, all this situation contributing to the to the generation of the phenomenon of cyberbullying. Due to the inappropriate use of the Internet, the emotional health and activity of young people at school or at work has been seriously affected.

Therefore, young people choose to commit acts of cyberbullying, these illegal behaviors are the only way for them to free themselves from negative emotions, stress or other depressive states.

We emphasize the fact that some children or teenagers reported that they were victims of cyberbullying because of their physical appearance, while many adolescents reported that they were victims of cyberbullying as a result of aspects related to their sex life.

Other causes of committing acts of cyberbullying are the following (*McQuade III, Colt, Meyer, 2009, pp. 66-71*):

III.1 Social networks and social computing

Social networks, such as Facebook, YouTube, MySpace, are tools of new technologies that allow cyberbullying to be committed, as criminals more easily lure victims of cyberbullying on these networks.

Social computing applications take the form of instant messaging clients, chat rooms, forums or community forums, and blog-style social networking sites. Teens and young participants can exclude or include people in these online interaction groups (*Silde, 2014, pp. 5-6*).

Privacy controls are an essential part of identifying who can and cannot visit a personal web page or contact a young person or teenager through a social computing service. Given the potential flaws in computer coding, illegal exploits have been discovered in the privacy settings of software such as those used by social networking firms such as MySpace and Facebook.

When this happens, personal information posted by millions of young participants can become known, despite their efforts to prevent certain information from becoming public knowledge, and cyberbullies can commit acts of online harassment by using this personal data of victims.

III.2 Insufficient responsibility and discipline on the part of actors involved in preventing and combating cyberbullying

The lack of express regulations in the criminal legislation regarding cyberbullying, means that the law enforcement bodies do not act with maximum efficiency in combating and preventing this illegal behaviour.

The parents of the victims of cyberbullying, as well as the parents of perpetrators, are not always informed by law enforcement bodies about the criminal investigation of this illegal behaviour, about the physical and psychological consequences and damages caused by cyberbullying.

Thus, in the case of cyberbullying, school officials may not urgently contact parents of victims and perpetrators when cyberbullying is committed in schools.

Many parents do not take the time to monitor their children's use of information and communications technology resources, so they fail to discipline their children when they misuse the online environment. Moreover, some parents allow their children from the early grades at school to interact many hours a day on the Internet with the help of information systems, they often fail to discipline the children when they make mistakes or misbehave online.

We notice that both school and juvenile justice officials do not act firmly in combating the phenomenon of cyberbullying when victims of cyberbullying are identified.

III.3. Failure to report the acts of cyberbullying

Another societal cause of cyberbullying is the lack of timely reporting of online abuses that are committed and the determination of parents and victims of cyberbullying to take matters into their own hands and resolve their situation themselves.

Parents of victims do not report cyberbullying to school administrators or to the law enforcement bodies, except in extreme cases, primarily because they are unaware of the problems their children are facing, or they believe that this illegal behavior is not a significant problem.

Moreover, we note that both parents of youth or children and the victims of cyberbullying refuse to report cyberbullying because in its initial stages, the cyberbullying does not seem that serious.

4. THE IMPACT OF CYBERSTALKING ON VICTIMS

Cyberbullying occurs most often during school, but also in other places, such as a workplace, involving children or teenagers, as perpetrators, using computer systems in order to offend, threaten, harass or to intimidate other children or teenagers, who become victims of this illegal behaviour.

Victims of cyberbullying suffer physical and moral damages both in the short term and in the long term (*Moise, 2020, pp. 348-349*).

Criminological studies of cyberbullying suggest that there are short and long term consequences for both perpetrators and victims of cyberbullying (*Siegel, 2012, p. 532*). Thus, students who are chronically cyberbullied experience more physical and psychological problems than their peers who are not cyberbullied by other children and tend not to outgrow the victim role.

It was shown that young people abused by their peers, decided not to go to school and therefore some of the children no longer connected with the school system, some of them even dropped out of school and therefore missed out on educational progress. Other criminological studies have shown that victims of

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cyberbullying in early elementary grades also reported being cyberbullied several years later (*Silde, 2014, pp. 68-72*).

We highlight that some students affected by cyberbullying over a long period of time may be at increased risk of depression, low self-esteem and other mental health problems such as schizophrenia (*Campfield, 2008, p. 34*).

Anxious young people and young people who encounter difficulties during school and in the community regarding the phenomenon of juvenile delinquency, are more likely to commit acts of cyberbullying.

Younger elementary school children reported being cyberbullied because of their physical appearance, while high school students were cyberbullied with sexual elements (*McQuade III, Colt, Meyer, 2009, p. 113*). Cyberbullying can be committed by a stranger to the victim, but most often the acts of cyberbullying are committed by someone known, even close to the victim (*Moise, 2020, p. 350*).

Victims of cyberbullying often believe that the people who are aggressing them are friends, they can be intimate people, such as a boyfriend or girlfriend, very often the acts of cyberbullying are related to marital relationships.

We emphasize that all victims of cyberbullying suffered from the following conditions or ailments: depression, anxiety, loneliness and low self-esteem. The phenomenon of cyberbullying affects the functioning and social and emotional development of children and teenagers.

At the same time, the victims of cyberbullying reported to law enforcement bodies, as well as representatives from hospital units, the feeling of humiliation, the fear of going to school, as well as the feeling of confusion, depression, stress, frustration, sadness, anger, embarrassment and even suicidal thoughts.

CONCLUSIONS

Due to the anonymity provided by the Internet, the phenomenon of cyberbullying can multiply, as cyberbullies frequently use false identities.

The phenomenon of cyberbullying could undergo some changes, which appear as a result of the continuous development of information and communications technology.

Cyberbullies are constantly adapting their ways of operating to the constant changes in information and communications technology.

And because technology in society is always changing and affecting the communities in which people live, our view is that we need to think of cyberbullying as ethical, attitudinal and behavioral issues, not primarily a technological issue.

In order to prevent and combat the phenomenon of cyberbullying, we believe that all actors involved in preventing and combating this phenomenon should cooperate, and here we mean the parents of victims and criminals in the

field of cyberbullying, representatives of school units and enforcement bodies of the law.

We believe that the legislators at the national, European and international level must start taking steps so that the phenomenon of cyberbullying is expressly criminalized in the criminal legislation of the national states.

BIBLIOGRAPHY

Campfield, Delia Carroll (2008), *Cyber Bullying and Victimization: Psychosocial Characteristics of Bullies, Victims and Bully/victims*, Master of Arts, The University of Montana, Missoula, Montana, Dissertation presented in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Psychology, Clinical, The University of Montana, Missoula, Montana;

Easttom, Chick, Taylor, Jeff (2011), *Computer crime, investigation and the law*, Boston, Massachusetts: Course Technology, Cengage Learning;

McQuade, Samuel C. III, Colt, James P., Meyer, Nancy .B.B. (2009), *Cyber Bullying. Protecting Kids and Adults from Online Bullies*, Westport, Connecticut: Praeger;

Moise, Adrian Cristian (2020), *Dimensiunea criminologică a criminalității din cyberspațiu (The Criminological Dimension of Cybercrime)*, Second Edition, Bucharest: C.H. Beck Publishing House;

Siegel, Larry J. (2012), *Criminology*, eleventh edition, Belmont, California: Wadsworth Cengage Learning;

Silde Alice (2014), *Profiling the Cyberstalker*, A project completed as part of the requirements for the BSc (Hons) Computer Forensics and Security degree, University of Derby, School of Computing and Mathematics, the 11th of April 2014;

The National Centre for Cyberstalking Research, University of Bedfordshire (2015), *A practical guide to coping with cyberstalking*, Luton, Bedfordshire: Andrews UK Limited.