

Cyberbullying: A Special Threat to a Child's Presence in the Digital Environment

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Abstract:

The issue of bullying is undergoing radical changes due to the growth of modern technology, where this unethical behavior has taken on a digital form, now known as cyberbullying on social media and similar platforms. It has manifested in various electronic forms, relying on digital media, amidst legal gaps and loopholes, leaving severe psychological impacts on the future of youth.

The study of cyberbullying aims to understand the characteristics of this phenomenon and the extent of its growth concerning children. It analyzes its reality from a legal standpoint and the psychological effects that often result in disorders and crises for this segment of society, significantly affecting their security and peace in the near future. Thus, it seeks to propose solutions to avoid and prevent such unethical issues and crimes.

This topic is addressed from a comprehensive perspective that examines the specificity of this phenomenon and its reality concerning children, and how it can be confronted from both social and legal viewpoints, particularly regarding the Algerian legal system.

This research paper emphasizes the necessity of understanding this phenomenon and its forms to prevent it in the near future, providing accurate information about cyberbullying to support various legal and preventive approaches to protect children.

The study employs a rigorous scientific research methodology that integrates descriptive, analytical, and inferential approaches to highlight the specificity and reality of cyberbullying, within a dual plan that elaborates on this scientific discourse.

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One of the main findings is that cyberbullying is relatively new to the Algerian legal system, requiring rapid intervention through comprehensive legal and social measures aimed at precisely defining it and regulating children's behavior in the digital environment. This advocates for the explicit criminalization of cyberbullying in the Algerian Penal Code and enhancing educational awareness in elementary schools.

Keywords: *Cyberbullying, children, modern technology, social networking sites, immoral behavior*

Introduction:

The world in the age of technology has become akin to a digital café, a meeting place for various age groups. It has become an essential part of a child's life, who faces different challenges within it. With the increasing use of social media and electronic games, cyberbullying has emerged as a unique phenomenon that knows no spatial or temporal boundaries, occurring anytime and anywhere, and in repeated instances against children in the virtual environment.

Conversely, studying the issue of bullying in an era of widespread digital information, growing digital thought, and increasing cyber threats raises numerous ethical and legal questions regarding a child's right to exist in the virtual environment. These questions can be summarized in the problem of the phenomenon of cyberbullying in the digital environment, characterized by the diversity of forms and methods, the impact on children's psychology and behavior, and the extent of its recognition from a legal standpoint under Algerian legislation.

The topic of bullying In modern times raises many hypotheses about the nature of this phenomenon and its emergence as a specific threat to children, among which are the following:

- Cyberbullying is essentially traditional bullying but occurs differently, primarily via the internet on social media and similar platforms.
- Cyberbullying against children takes various forms, rooted in traditional backgrounds and supported by digital media.

- There is a significant legislative void regarding cyberbullying in the Algerian legal system, and the absence of explicit criminalization represents a legal gap.

This study primarily aims to clarify and elucidate the hidden aspects of the phenomenon of cyberbullying, or what is referred to as cyberbullying, in the context of modernization and the prevalence of data processing systems among children. This necessitates that children learn how to confront the risks of the digital environment and avoid falling into the traps of this phenomenon, to mitigate its psychological risks and attempt to regulate it legally.

Delving into understanding this topic and addressing the various research questions necessitates a methodological integration between the descriptive approach, which identifies the terms related to the study—primarily cyberbullying and its methods and forms—and the analytical approach, which analyzes and understands the reality of this phenomenon in modern times and its legal recognition. Finally, it relies on the inferential approach to present the main findings of the study and highlight significant suggestions that could help address this phenomenon and provide a safe virtual environment for children.

Addressing the posed issues in this topic requires a dual plan based on two axes: the first addresses the specificity of bullying in the modern era in general, while the second focuses on studying the reality of cyberbullying against children from legal and psychological perspectives.

First: The Privacy of Bullying in the Modern Era

The issue of bullying has become a focal point in legal and social discourse, adapting to the advancements of modern technology and securing its place within the digital environment, thus taking on new dimensions under the term cyberbullying. This study will focus on defining the concept of bullying in the context of traditional reality versus the digital or electronic pattern.

1_Bullying Between Real and Virtual Reality

Given the increasing use of the internet and social media by various segments of society, it has become essential to clarify what is meant by

cyberbullying, which can only be defined by understanding its general form.

A_ Definition of Bullying in Its Traditional Form

Some define bullying as any physical or verbal harm inflicted by the bully on a person who is weaker, younger, less popular, or feels less secure, through methods such as hitting, intimidating, coercing them into actions against their will, or by rejecting and excluding them from a group¹. The American Medical Association defines it more specifically as aggressive behavior intended to cause harm or distress, occurring repeatedly over time, characterized by an imbalance of power between the parties involved—the bully and the victim. It is important to note that bullying, as a form of peer abuse, arises from child maltreatment and domestic violence².

B_ Definition of Bullying in Its Digital Form

Defining cyberbullying is not an easy task due to the variety of terms used and the broad range of actions that can be considered cyberbullying, especially in an era of widespread digital information and rapid dissemination. Among the most common terms found in academic writings are “online harassment,” “cyberbullying,” “internet bullying,” and “online aggression,” which are just a few examples of the synonyms used³.

Media and communication technology have expanded the scope of criminal acts associated with bullying, presenting it in a more severe and widespread modern form. Cyberbullying occurs in the digital space and encompasses any aggressive act perpetrated by an individual or group using social media in a repeated manner against a victim who cannot easily defend themselves. It also reflects the intentional use of electronic

¹Gilbert, Study finds bullies and victims are more Alike than different both group likely to be suffering from depression. <http://www.sf Gate Com>, 25 august 1999, Browsed on 09/27/2024, at 17:43

²American Medical Association. Educational Forum Adolescent Health Youth Bullying, American Medical Association, America, 2002, p 04

³Corinne David-Ferdon, Ph.D. and Marci Feldman Hertz, M.S, Electronic Media, Violence, and Adolescents : An Emerging Public Health Problem, Journal of Adolescent Health 41, Volume 41, Issue 6, 2007.

communication tools to inflict repeated harm targeting an individual or group¹.

Cyberbullying is one of the negative outcomes resulting from technological advancement in our current era. Although bullying is an ancient behavior dating back to the existence of humanity for various reasons, its emergence in the virtual world has increased its danger more comprehensively, as the space for aggressors has expanded and the harm of this behavior on its victims has intensified. In this context, Buffy and Dianne noted that cyberbullying involves remote harassment and intimidation using electronic communication by a “bully” with the intent of creating a psychological atmosphere for the victim characterized by threat and anxiety²

As noted by Trolley, Hanel, and Shields³ (2006), bullying behaviors are different from public order offenses as they inflict psychological harm on the weaker party through the use of modern technology. This means that bullying in the age of modern technology is essentially a modernization of traditional bullying, utilizing the digital space as a new environment for its application, where moral harm is primarily inflicted by the bully on the victim through digital mediums and platforms in electronic writings that carry a harassing tone regarding the victim’s actions, statements, appearance, clothing, or anything that may cause distress to the weaker party, provided that it is based on one of the modern technological techniques.

This difference shows that the victim of bullying, in both forms, is subjected to insults or assaults in a specific place chosen by the bully, and then the bully can attack the victim at any time they want, trying to convey this negative image to the public more broadly and quickly. It is

¹Qadri Nour Al-Huda, Dahmani Kamal, “Combating Cyberbullying Crime in Light of Law No. 05/20: The Case of Discrimination and Hate Speech,” *Rawaef Journal for Studies and Scientific Research in Social and Human Sciences*, Volume 7, Special Issue, 2023, p. 654

²Buffy Fegenbush, Dianne F Olivier, *Cyberbullying : A literature Review*, Paper presented at the Annual Meeting of the Louisiana Education Research Association Lafayette, 2009.

³Trolley , B , Hanel , C and Shields , L *Demystifying & deescalating cyber bullying in the schools : A resource guide for counsellors, educators & parents* , Bangor, ME Book Locker, 2006.

noteworthy that cyberbullying lasts longer due to the extended duration of its effects compared to traditional bullying, as harmful messages or images remain online. More dangerously, the perpetrator in cyberbullying is often anonymous, which increases the victim's feelings of fear and anxiety. Therefore, understanding these differences helps in developing effective strategies to combat both types of bullying, which will be addressed in the study's recommendations at the end of the research.

2_ Parties Involved in Cyberbullying

At first glance, bullying behavior may seem like a fault, mistake, or action perpetrated solely by the aggressor. However, this is not the case ; several individuals in the surrounding environment of the victim, such as a Facebook page or a group on Instagram, participate in the act and its continuation.

The parties involved in cyberbullying can be categorized as follows¹:

- **The Aggressor:** The individual who engages in bullying is referred to as the « bully. » They choose their victims based on their internal desires in the virtual world, with a higher likelihood that aggressors may themselves become victims of harm, potentially experiencing violence in the real world and transferring it to the digital environment as a form of retaliation or as a result of psychological weakness.
- **The Victim:** Known as the « target, » this person is the one subjected to unethical acts, representing the weaker party exposed to bullying. They can transition within the web from the role of victim to someone capable of responding, as the absence of physical presence and features of the network, such as anonymity and the removal of constraints, allow for digital confrontation, unlike in real life.
- **Victimized Aggressors:** This type of party emerges when roles are reversed, and the bully becomes a victim, as in cases where two bullies encounter each other without knowing each other's

¹Shafiq Khenifer, "Cyberbullying: The Limits of the Phenomenon and Its Dimensions," *Al-Risalah Journal for Media Studies*, Volume 6, Issue 4, 2022, p. 321.

nature, engaging in mutual bullying through a give-and-take of electronic harassment. The number of aggressor-victims increases in the digital space while being fewer in traditional bullying. Some findings indicate that the boundary between the roles of aggressor and victim becomes increasingly blurred when discussing online bullying.

- **Bystanders:** This group consists of individuals who read about harassment from a distance or observe bullying incidents through phone and computer screens without any involvement. Their number remains unknown in the network, and they may witness the bullying later rather than in real time. They can shift from the role of «non-intervening bystander » to « encouraging participant, » becoming complicit in the harm when they like or share content, or vice versa.
- **Defenders:** This group opposes such actions in the digital space. They can defend the victim online by reporting the abuse to authorities, writing posts to raise awareness, or sending messages aimed at curbing the increasing digital harassment against children, who are considered a vulnerable group in both traditional and digital societies.

3. Bullying Techniques in the Digital Age

Bullying in the technological era occurs through a variety of methods and tools. Thanks to technological advancements, it has become easier to perpetrate bullying from a distance, without direct contact between the parties, often occurring for trivial reasons, as seen today on social media. Therefore, it is essential to identify the tools that facilitate bullying and then discuss its forms.

A. Modern digital technologies as a tool to facilitate the bullying process:

Modern technology tools include a range of contemporary and diverse techniques that facilitate the process of bullying in the virtual world quickly. Among the most important digital tools that enable bullying in this area are the following:

- **Phone Calls:** These refer to voice calls made via phone or the web, aimed at terrorizing victims through insults, slander, and

threats, or informing the victim that the bully has obtained their personal information.

- **Text Messages:** These typically involve threats to disclose secrets or create scandals, in addition to abusive language or attempts at extortion in exchange for not repeating the threats, occurring via phone or computer through any applicable app.
- **Images and Videos:** The bully may acquire a collection of personal photos or videos of the victim, which they might share with their friends online through social media without the victim realizing that their account could be hacked by others.
- **Email:** An electronic message may reach the victim upon clicking a specific link, allowing the bully to take control of the victim's email and access personal messages, data, and private conversations. The bully may also engage in actions that violate public decency, causing embarrassment for the victim and leading to various social problems that result in psychological distress and shame.
- **Web Chat Rooms:** Through these platforms, the bully communicates directly with the victim using a fake account, such as on Facebook or Messenger, trying to harm them or hack their personal account, as well as sharing personal photos or links to pornographic sites on the internet or in specific chat groups for this purpose.

From this perspective, it is clear that these digital technologies play a major role in facilitating the occurrence of cyberbullying. A prominent example of this is found in the content shared and circulated on social media platforms like Facebook, Instagram, and Twitter, where negative comments are directed at specific individuals. This includes disparagement of influencers—without naming names—and mocking content that uses insulting language, significantly impacting the mental well-being and social standing of the recipients. This is particularly concerning in the Algerian community, which suffers from a lack of awareness and ethical public mobilization regarding the dangers of cyberbullying, leading to the deterioration of social relationships and the emergence of other widespread negative effects. These psychological and social impacts will be examined in detail at the end of the article.

B. Methods of Practicing Bullying

Given the numerous tools facilitating bullying in the digital age, it has taken on various forms, all leading to the same unethical objective. Among the most prominent methods are¹ :

- **Harassment and Electronic Dialogue:** This occurs when derogatory messages are repeatedly sent to the victim via email or text messages to others about them, including threats of harm and excessive insults through virtual conversations.
- **Electronic Rage:** This refers to sending angry and abusive electronic messages targeting the victim, whether to a group online or to the victim directly, through any means that facilitates this process.
- **Electronic Devaluation:** This means sending insulting, untrue, or unjust statements about the victim to others or posting similar content online, attributing it to the victim in order to diminish their value or legal, professional, and social standing.
- **Impersonation:** This involves the bully pretending to be someone else and sending messages or posts that make the victim appear negatively, without revealing their true identity. This form is the most commonly practiced in modern times.
- **Outing and Violating Privacy:** This is done by sending or publishing private information, messages, or images of the person, employing deceitful methods that carry digital threats, such as hacking the electronic accounts of the targeted party in the bullying act.
- **Exclusion:** This refers to the bully's attempts to expel the victim from an online group or delete them from social media, inciting others to do so without any justification other than exercising power over the victim, which may result from envy, dislike, or hatred.

¹Shafiqa Khenifer, Op Cit, p322

Second: Cyberbullying against children from a legal and psychological perspective

The phenomenon of cyberbullying has recently surged dramatically. It is no secret that we experience a reality through social media where daily posts mock and ridicule specific groups using offensive language. This situation necessitates exploring the legal perspective on these electronic acts and their repercussions, particularly concerning children, who represent the vulnerable segment of the digital society.

1. The Impact of Cyberbullying on Children's Rights in the Modern Era

Children's rights are among the most significant issues of concern for the international community. The 2008 Convention on the Rights of the Child outlines several rights aimed at protecting this group, particularly those who are more susceptible to cyberbullying or online harassment. Children may also engage in such behaviors due to a lack of discernment or incomplete awareness. This United Nations convention clarifies who children are, their rights, and the responsibilities of governments toward them. Among the most affected rights by the wave of cyberbullying in the modern era are¹:

- **Non-Discrimination:** This is the second right in the convention, meaning that all children possess these rights regardless of their identity, residence, language, religion, beliefs, or physical appearance, whether they are boys or girls, disabled or able-bodied, rich or poor, and irrespective of their parents' or families' beliefs. No child should be treated unfairly for any reason.
- **Freedom of Expression and Respect for Children's Opinions:** This right ranks thirteenth in the convention, allowing every child the right to express their views, thoughts, and feelings,

¹Talbi Iman Aicha, and Mebarki Miloud, "Cyberbullying Crime in Light of Protecting Children's Rights and Legal Deterrent Mechanisms: A Comparative Study between Algerian, French, and Egyptian Legislation," *Rawaef Journal for Studies and Scientific Research in Social and Human Sciences*, Volume 7, Special Issue, April 2023, pp. 639-640.

seek information, and share it with others without harassment or fear. This can take various forms, such as conversation, drawing, or writing, as long as this expression does not harm others. This means that all forms of bullying that children may engage in while exercising this right should be prohibited.

- **Protection of Privacy:** Following any breach of a child's privacy, they may become victims of cyberbullying. According to the convention, the law must protect the privacy of children, their families, homes, communications, and reputations from any violation. Breaches of privacy often include discussing or mocking personal matters, which are forms of both traditional and electronic bullying.
- **Protection from Violence:** Right number 19 in the convention is a state-provided protection right, stating that "governments must protect children from violence, abuse, and neglect by anyone responsible for their care."

Cyberbullying significantly and increasingly impacts children's rights in the modern era. This newly established digital pattern threatens the fundamental rights of children as prescribed internationally, particularly their right to a safe presence in digital spaces. Cyberbullying endangers their right to protection from violence and abuse, making them vulnerable. It also obstructs their right to education through absenteeism or an inability to concentrate. Furthermore, bullying stifles freedom of expression and the ability to convey ideas fluently and easily in any language, creating an environment where children fear expressing their opinions. This leads to severe consequences for their future, such as psychological issues, reduced opportunities for digital empowerment, and diminished control over modern technology, adversely affecting their social development.

2. The Algerian Legal Perspective on the Phenomenon of Cyberbullying

Given the widespread occurrence of cyberbullying against children across digital platforms, it has become essential to examine the legal aspect to understand the availability of legal protection for minors within the legal system against the dangers of cyberbullying in light of modern developments.

A. Perspectives on the Legal Regulation of Cyberbullying

The Algerian legislator has not explicitly included the term “bullying,” as this concept is considered more social than legal. Instead, the legislator used the terms “discrimination” and “hate speech,” which encompass all criteria and conditions for the occurrence of bullying acts. Law No. 20-05, relating to this matter, defines the crime of discrimination as any distinction, exclusion, restriction, or preference based on gender, race, color, lineage, national origin, language, geographical affiliation, disability, or health status, provided it aims to hinder or impede the recognition of human rights and fundamental freedoms or the enjoyment and exercise of these rights equally across various fields¹.

Hate speech is a key factor in the rise of cyberbullying against children, as it is used to incite hatred against individuals or groups based on specific characteristics such as race or gender. This discourse targets children who are perceived as different, increasing their exposure to negative psychological effects such as depression and anxiety. Furthermore, the anonymity in digital spaces fosters a sense of immunity among bullies, leading to increased use of this discourse. Therefore, it is essential to promote values of respect and tolerance in society to protect children from the effects of hate speech and bullying.

In summary, while the Algerian legislator has not explicitly legislated against bullying, particularly in its modern form, it has referenced actions that fall under both traditional and electronic bullying in legal contexts, including hate speech and defamation directed at individuals, especially if the intent is to incite hatred among citizens or residents, as stated in Article 298 of the Penal Code.

B. Defining the Limits of Cyberbullying from Children Against Children from a Penal Perspective

The Algerian legislator has outlined the responsibility of children in the Criminal Procedure Law and the Penal Code through several provisions aimed at establishing effective protection for children. These include measures such as protection, education, and mitigated penalties.

¹Talbi Iman Aicha, and Mebarki Miloud, Op Cit ,p 637

The criminal responsibility of children is assigned within a specific age range. In this regard, Article 49 of the Penal Code states: “No measures other than protection or educational measures or mitigated penalties shall be imposed on a minor who has not completed the age of thirteen.” This text indicates that the legislator relies on age as a factor in applying and recognizing responsibility for minors, confining criminal responsibility to the age group from thirteen (13) to eighteen (18) concerning a child bullying other children.

_ Before the Age of Thirteen (13): A minor is exempt from criminal responsibility due to a lack of criminal capacity, meaning the individual cannot comprehend their actions or assess their consequences. This lack of capacity applies to two categories: first, individuals whose mental and psychological development is incomplete due to their young age, and second, individuals suffering from mental illness or disorders. Thus, any bully within this age group is considered not criminally responsible for any bullying actions.

_From the Age of Thirteen (13) to Eighteen (18): This stage is considered a period of diminished criminal responsibility, as manifested by the legal provisions for this age group, which include protective, educational measures, or mitigated penalties. Individuals over eighteen are considered adults under Algerian penal law.

3. The Consequences of Cyberbullying on the Reality of Children in the Modern Era

Cyberbullying, in any form it takes, primarily affects the mental health of the child due to their developmental stage and young age, making them highly susceptible. Among the most significant effects are:

- Victims of cyberbullying exhibit psychological and physical symptoms such as stress, anxiety, depression, and fear of new social situations. They may experience social rejection and develop behavioral issues, including suicidal thoughts, eating

disorders, and various psychological and mental health disorders¹.

- They may find themselves drawn into social vices, deviance, and crime, through choices like substance abuse, coupled with psychological strain due to poor mental health, loss of self-confidence, and diminished self-esteem. This can lead to difficulties in forming friendships both online and in real life.
- Cyberbullying can lead to severe depression, resulting in decreased self-esteem, ongoing stress, fear, instability, and a sense of insecurity. It may even lead to suicidal ideation. The victim's feelings can extend to affect their overall performance at home, at work, and with friends, and these effects may persist for an extended period².

This reality reflects that the sense of belonging for both bullies and victims often arises from troubled family backgrounds, where parents may be overprotective or exhibit insufficient supervision, leading to a lack of warmth, support, and harmony among family members³.

Conclusion:

In conclusion, I can assert that the issue of cyberbullying as a new threat to child safety in the digital environment is a contemporary topic within the legal field and social reality, particularly in Algerian society. It poses a specific threat and challenge to children's right to digital presence in virtual environments, with rates increasing significantly alongside the spread of social media and information technology. The manifestations and methods of cyberbullying have multiplied due to the development of modern technological techniques, causing children, as the vulnerable group in society, to suffer in silence from painful psychological effects and internal trauma. This inevitably leads to crises

¹Smokowski, P. R, & Kopasz, K. H. Bullying in school : An overview of types, effects, family characteristics, and intervention strategies, Journal Children & Schools, volum27, issue 2, 2005,

²Berry, K, & Hunt, C. J, Evaluation of an intervention program for anxious adolescent boys who are bullied at school, Journal of Adolescent Health, 45(4), 2009, p 376–382

³Ahmed, E, & Braithwaite, V, Bullying and victimization : Cause for concern for both families and schools. Social Psychology of Education : An International Journal, 7(1), 2004, p 35–54.

and other issues that threaten the security and peace in the lives of these child victims.

Study Results:

- Cyberbullying is considered a modern type of psychological pressure on children, accompanying advancements in modern technology behind the screens of data processing systems, thus threatening children's presence in the digital environment.
- Cyberbullying takes various forms depending on digital platforms and is also linked to the tools used and their contribution to the act.
- Child victims suffer from severe psychological effects, mainly depression, anxiety, and loss of self-confidence, which negatively impact their daily lives and academic performance.

Study Suggestions

- It is essential to enhance educational awareness regarding the risks of cyberbullying in modern times among children and their parents, to inform them about the virtual environment and its dangers, thereby providing a safe and sound digital space.
- It is necessary to update the legal framework concerning the future of cyberbullying, explicitly criminalizing it, while ensuring the provision of oversight mechanisms and digital platforms for reporting such cases, along with protecting whistleblowers and tightening penalties on bullies.
- Efforts should be made to support and enhance social behavior skills, integrating them with modern advancements, and promoting good communication and positive interactions with others, which will help reduce the likelihood of cyberbullying against children.
- Utilizing modern technological techniques to create electronic support platforms that provide counseling and advice to children facing bullying and their families would be beneficial, helping them connect with peers and attain security and stability in the digital environment.
- Encouraging academic scientific research in the psychological, legal, and social fields is crucial, promoting theoretical and

field studies that focus on the topic of bullying in general and cyberbullying in particular, and implementing effective suggestions and recommendations.