

Cyberbullying Among Students in an Educational Institution: Opportunities for Counteraction

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Summary

The paper examines the problems of counteracting cyberbullying among students in an educational organization by means of legal regulation. Under the conditions of total informatization of society, the problem of cyberbullying as a threat to an individual acquires impressive magnitude. Despite numerous studies of this problem, there is currently no clear legal solution that would allow to successfully counteract its spread or significantly reduce its socially dangerous consequences. The purpose of the study is to propose mechanisms to improve the counteraction to cyberbullying among students in educational organizations. The authors investigate the main varieties and forms of cyberbullying and their possible negative consequences, including those in the form of school shootings. The key preventive measures to hinder the development of cyberbullying and avoid or minimize the probable negative consequences of it as applied to educational organizations are proposed. Russian and international experience in combating cyberbullying and the potential for its use to improve Russian legislation in this area are studied. The authors deduce that insufficient research on the phenomenon and scarce government regulation adversely affect the effectiveness of combating this negative social phenomenon. A conclusion is drawn about the role of disciplinary liability of students in educational organizations in counteracting cyberbullying and preventing its possible negative consequences.

Keywords:

Cyberbullying, legal regulation, educational organization, school shooting, counteraction.

1. Introduction

In the 21st century, with the advent and distribution of new information and communication technologies, new information threats to society and individuals inherent in the new information order emerge and spread as well. One of these threats is online bullying [1], which became known as cyberbullying. Cyberbullying commonly takes the form of intimidation and threats over cell phones or a computer with Internet access via social media, forums, online chat rooms, email, etc. [2].

The term “cyberbullying” was first coined by Bill Belsey, who defined it as the use of information or communication technology for deliberate, repetitive, and hostile behavior intended to harm others [3].

The primary victims of cyberbullying are young people [4], including students, although there are also cases of harassment of adults [5]. From our point of view, cyberbullying poses the greatest problem primarily for young students in the social environment of educational organizations – schools, colleges, and even higher education institutions [6, 7]. According to some international studies, the prevalence of cyberbullying in higher education ranges from 8 to 56% [8].

Today the problem of cyberbullying is certainly of great interest to researchers in the field of pedagogy, psychology, law, and others. New studies and works are regularly published on this topic. At the moment, the most significant studies seem to be the works of I. N. Moseckin [9] exploring the possibilities of criminal liability for cyberbullying and its consequences and E. V. Bochkareva [4] unraveling the theoretical legal grounds of cyberbullying. In a number of works by T. S. Volchetskaia, cyberbullying is explored in the educational environment as a negative precondition for a more dangerous phenomenon – school shootings [10]. Cyberbullying is a frequent subject of debate not only in academia but also in legislative circles. The topicality of this phenomenon is also reinforced by its relative novelty and continued proliferation, which points to gaps in the existing legislation. Furthermore, there is practically no research on the role of administrative liability in counteracting cyberbullying in educational organizations. The present study aims to analyze the concept of cyberbullying for the purpose of optimizing legal liability for committing it as applied to educational institutions. Research hypothesis. The legal mechanism to counteract cyberbullying in an educational institution can be significantly reinforced through the use of disciplinary liability for students.

2. Methods

The study employs systemic and comprehensive approaches, as well as various methods of both the general scientific and private-scientific spectrum. Information sources are selected and studied using methods of analysis, synthesis, and generalization. The comparative method makes it possible to consider and generalize the international practice of establishing and applying legal liability for cyberbullying and to compare the Russian experience with it. The theoretical and methodological foundation of the study includes scientific and practical research by Russian and foreign scholars in the field of criminal, administrative, and disciplinary law. The research hypothesis is tested based on official statistical data and other information on the topic available on the Internet for free access. In accordance with the proposed hypothesis, the specialized research methods selected for the study are a questionnaire and an expert survey on the possibilities of using legal liability mechanisms in counteracting cyberbullying.

Experts recruited for the study are 23 teachers of various legal disciplines from four law colleges in the Central Administrative District of the Russian Federation. The experts were selected based on their experience in curatorial activities in study groups and participation in scientific activities according to the indicators of their publication activity in journals cited in Scopus or Web of Science, with at least three articles on related topics. The respondents were notified that their answers would be used in the study in a generalized form.

3. Results

Science distinguishes the following main forms of cyberbullying: 1. Defamation is a type of bullying that involves the dissemination of knowingly false information. 2. Harassment — repeatedly sending offensive text or other files, usually addressed to a specific person. 3. Cyberstalking — stalking the victim by means of Internet resources in order to organize extortion, assault, blackmail, beating, etc. 4. Happy slapping — filming real scenes of violence, beatings, or murders and then posting them on the Internet. 5. Masquerading — a type of cyberbullying in which the aggressor uses the victim's identity by using their password to access the victim's social media account or creates a page on the victim's behalf and communicates negatively with other users. 6. Flaming — the exchange of short insulting remarks between two or more people, occurring most often in public spaces on the Web (comments on blogs, social networks) [11]. Along with these forms of cyberbullying, there is another form — doxing — which consists in public disclosure of personal and confidential data over the Internet [4].

Clearly, some forms of cyberbullying (e.g., happy slapping, doxing) can cause harm to the victim even if they are done only once.

When attacked by a cyber aggressor, the victim usually feels helpless, stressed, humiliated, anxious, and angry and loses self-confidence. Cyber aggressors seek not only to frighten the victim but also to induce a state of paranoia in which the victim expects attacks where there are none and feels a complete lack of confidence in their ability to withstand the attacks. In this way, the aggressor destroys the victim's life in every aspect — the professional, social, and family. I. Piñuel notes that such cyberattacks have major psychological and physical effects on the victim, causing anxiety, insomnia, and depression [12]. Experts also draw attention to the consequences of prolonged cyberbullying. For example, the president of the European Mobbing Information Service (SEDISEM) M. Soliva points to the fact that “prolonged cyberbullying results in post-traumatic stress disorder, including the formation of strains in the ability to interact with the surrounding world. Because post-traumatic symptoms are persistent and varied, they can be confused with the victim's personality traits. Some time after the stalking has stopped, many victims still feel depressed” [13]. Results of a study by E.V. Bochkareva indicate that there are some changes in the behavior of the victim of cyberbullying, of which there are three types: – development of obsessive traits (anxiety, nervousness, etc.); – depressive state (helplessness, hopelessness, etc.); – voluntary social isolation of the victim. Although cyberbullying is not directly associated with physical violence, its consequences are often more serious as the victim suffers irreversible harm (e.g., in the case of suicide) [4].

Regarding the liability of cyber aggressors in Russia, it should be noted that the current legislation does not provide for liability for cyberbullying as an independent corpus delicti. At the end of 2019, an initiative was brought to the State Duma of the Russian Federation to amend the Criminal Code of the Russian Federation [14], yet the respective bill was never developed. However, certain forms of cyberbullying fall under a number of corpus delicti stipulated by the Russian Criminal Code and the Code on Administrative Offenses [15]. These include, for example, article 5.61 of the Code on Administrative Offenses (“Insult”); articles of the Criminal Code: 110.1 (“Inducement to commit suicide or assisting to commit suicide”), 119 (“Threatening to kill or cause grave bodily harm”), 128.1 (“Defamation”), 137 (“Violation of privacy”), 138 (“Violation of the secrecy of correspondence, telephone conversations, postal, telegraphic, or other communications”), 159 (“Fraud”), 163 (“Extortion”), 183 (“Illegal acquisition and disclosure of information constituting a commercial, tax, or banking secret”).

The survey asked experts to answer an open-ended question: “What types of legal liability do you consider most applicable to counteract cyberbullying in an educational institution?”.

The five options suggested by the respondents are provided in Table 1 showing the percentage distribution of expert opinions on the problem.

Table 1: Type of legal liability applicable to cyberbullying

Type of liability	Distribution of answers, %
1 Criminal	31
2 Administrative	55
3 Disciplinary	8
4 Civil	4
5 None	2

As can be seen from the data obtained, most experts believe that the fight against cyberbullying relies primarily on the measures of administrative and criminal liability.

In this light, we believe, of interest is the study of international experience. The global experience in solving the considered problem reveals several positive trends.

A number of countries, such as Italy, South Korea, and New Zealand, have enacted legislation regulating the behavior of actors on the Internet and prohibiting online harassment. In New Zealand, for example, the Harmful Digital Communications Act was passed in 2015 [16]. The Act establishes the following principles of digital communication: – digital messages must not disclose confidential personal facts about individuals; – no threats or intimidation are allowed in digital messages; – digital messages must not be of an offensive nature; – digital messages must not contain obscene or indecent language; – digital messages are not to be used to stalk a person; – digital messages must not contain false statements; – digital messages must not contain sensitive materials that violate the confidentiality of personal information; – digital messages must not encourage or suggest the idea of sending the recipient a message intended for an improper purpose; – digital messages must not incite or encourage suicide; – digital messages must not be derogatory on the basis of skin color, race, nationality, religion, gender, sexual orientation, or disability. Violation of these principles carries a fine of up to \$33,500, and two years in prison if detrimental socially dangerous consequences occur. New Zealand authorities are working with major digital companies such as Facebook and Google to identify attackers [4].

US legislation contains contradictory provisions, which is due to the multitude of sources of law and their level of validity. The laws of most states prosecute cyberstalking and cyberharassment. Yet the essence, content, and assessment of public danger of such acts differ [17]. Several states have laws aimed specifically at combating cyberbullying. According to the Center for

Cyberbullying Studies, 44 states have criminalized online harassment, indicating that the problem is serious. Schools in 45 states are allowed to punish students for cyberbullying [18]. At the same time, a strong emphasis is put on prevention. A discussion about responsible use of the Internet and acceptable ways of communicating online has been introduced into the school curriculum. The UK also has a number of laws aimed at countering all of the above forms of online violence. Some examples are the Protection from Harassment Act of 1997 and the Protection of Freedoms Act of 2012 [4].

Meanwhile, the legislation of EU countries addressing cyberbullying is not uniform. Studies by foreign authors show that in many EU member states, stalking and cyberstalking are prohibited under the threat of criminal punishment. The exceptions are Bulgaria, Cyprus, Denmark, Estonia, Greece, Latvia, and Lithuania [19]. Research on the legal formalization of the phenomenon of cyberbullying in different countries has enabled a comparative analysis, the results of which are shown in the table below.

Table 2: Comparison of the legal status of cyberbullying

Country	Characteristic of the legal status of cyberbullying
New Zealand	Special legislation covering all the features of cyberbullying as thoroughly as possible, criminal and administrative liability
US	Criminal and administrative liability for cyberbullying in most states, disciplinary liability of students in educational organizations
Russia	Criminal and administrative liability for only some forms of cyberbullying in the absence of specialized legislation

As can be seen from the table, Russian legislation provides only fragmentary protection from cyberbullying. Not all of its forms are reflected in the legislation, the offenses committed may not have all of the necessary characteristics, and as a result, the perpetrators escape responsibility.

In this view, it would be useful for the legislators to assess the opinions of actual and potential victims, sentiments in favor of or against the criminalization of certain cases of cyberbullying, as well as international practice in the criminalization of this act.

4. Discussion

Approaches to the criminalization of forms of cyberbullying differ from country to country. Even the unity of states does not mean unity in combating cyberbullying. Depending on where they are committed, acts of online harassment, stalking, and sexual harassment may entail criminal liability or not be criminalized at all.

Meanwhile, the prevalence of cyber violence is one of the indicators of the need for criminalizing its forms [20]. Consideration of the opinions of victims of cyber violence serves as an extra argument in view of the fact that there is no consensus on its criminalization either in national legislation or in scientific literature. There is even a very controversial opinion that cyberbullying should not be outlawed as it is a manifestation of freedom of speech [21]. Perhaps we could agree that the criminalization of cyberbullying is unlikely to be justified, and the costs of investigations and prosecutions could be better spent on cyberbullying prevention programs [9]. In support of this, it is worth recalling that the respondents interviewed for our study speak in favor of less repressive administrative liability (55%), which should be taken into account.

We should concur with the opinion of E. V. Bochkareva that the experience of New Zealand may be useful for Russia since the provisions of the New Zealand law discussed above mainly rely on universally recognized legal values rather than on the national features of the country's legislation [4]. Naturally, such principles of digital communication will need to be adapted to the Russian realities [22].

In the educational environment, the problem of cyberbullying as a source of the described consequences for the individual, in addition to those discussed above, may be interrelated with a much more dangerous phenomenon – the phenomenon of school shootings, which appeared in Russian criminological science relatively recently. J. Belknap, Professor of Ethnic Studies at the University of Colorado Boulder, defines school shootings as events in which a student at an educational institution uses a firearm to cause death or serious injury to at least one student or faculty member at the institution [23]. While just about 10-20 years ago, the problem of school shootings was mostly applicable in the US, over the past 10 years, cases of mass shootings have become more frequent at schools in EU countries and then in Russia, calling for a timely response from both the academic community and the competent law enforcement agencies [10].

This fact emphasizes the importance of the legal prevention of cyberbullying in the educational environment, a significant part of which is the disciplinary liability of students [24]. Discipline in an educational organization is the strict and exact observance by all students and pupils of the order and rules established by law, the charter, local acts, and orders of the head of the educational organization, as well as compliance with the provisions of a written agreement between the administration of the educational organization and students and their parents (legal representatives) [25].

Discipline in the educational institution provides regulation of the behavior of all participants in the educational and upbringing process; assimilation by them of honest rules and moral norms, development of good

habits; respect for the rights and freedoms of all participants in the educational process; promotion of lawful, positive behavior among students; prevention of disciplinary offenses by students themselves. Everyone is obliged to refrain from prohibited actions and comply with the established requirements, as a violation of legal obligations on the part of a student or pupil entails disciplinary liability [25]. Disciplinary liability as a type of legal liability is based on the general principles of legal science and practice. Many principles are enshrined in the Convention on the Rights of the Child, the Constitution of the Russian Federation, and other legislative acts. Local acts of the educational institution (the Charter, the Declaration of the Rights of Students, Rules of Conduct for Students, Rules on Incentives and Penalties for Students, the Disciplinary Charter, and other local acts) may also be the sources of grounds for disciplinary liability.

Only violations of written acts have legal force. Thus, an educational institution represented by authorized persons or bodies has the right to apply disciplinary measures provided by local acts to guilty students for committing disciplinary offenses.

The term “misconduct” refers to violating some rule of conduct, crossing the line of what is acceptable, and deviating from what is permitted. For example, disobeying mandatory school rules, mischief, and bullying are considered disciplinary misconduct [25]. Issues of disciplinary liability of students and pupils belong to the exclusive competence of the educational institution. Nevertheless, the autonomy of the educational institution in matters of disciplinary liability is limited by the norms of international and federal law. This restriction is expressed by the following principle of law: “everything that is allowed and not prohibited by state power is allowed”.

In view of the above, acts of cyberbullying have all the attributes of a disciplinary offense. All its known manifestations may well be prohibited by the local normative acts of the educational organization and the guilty may be subject to disciplinary liability for any kind of such behavior in the absence of signs of administrative and criminal liability. In this case, measures of disciplinary liability ranging from a reprimand or warning up to possible expulsion can serve as an additional legal instrument in the fight against cyberbullying in educational organizations.

5. Conclusion

The conducted research shows that cyberbullying is a widespread social phenomenon today that can have grave consequences for a person's mental health, as well as even more dangerous social consequences, such as school shootings. The criminalization of this act should be contingent precisely on these consequences. Therefore, it is necessary to develop a special legal concept of

cyberbullying, which does not yet exist in Russia, allowing for the most precise and broad definition of its types and forms, as well as to establish the responsibility of the perpetrators. With regard to counteracting cyberbullying in educational organizations, they have an additional legal mechanism in the form of disciplinary liability of students established by general and local regulations, which should be widely applied. Thus, the hypothesis of the study is confirmed. A promising area for further research in this direction could be the possibility of preventing cyberbullying in educational institutions.

References

- [1] Ang, R.P., Li, X., Seah, S.L.: *The Role of Normative Beliefs About Aggression in the Relationship Between Empathy and Cyberbullying*. Journal of Cross-Cultural Psychology, vol. 48(8), pp. 1138–1152 (2017). <https://doi.org/10.1177/0022022116678928>
- [2] Smith, G.J.D., Moses, L.B., Chan, J.: *The Challenges of Doing Criminology in the Big Data Era: Towards a Digital and Data-driven Approach*. The British Journal of Criminology, vol. 57(2), pp. 259–274 (2017). <https://doi.org/10.1093/bjc/azw096>
- [3] Belsey, B.: *Cyberbullying: An Emerging Threat To The “Always On” Generation*. <https://billbelsey.com/?p=1827>
- [4] Bochkareva, E.V., Strenin, D.A.: *Teoretiko-pravovye aspekty kiberbullinga* [Legal theory aspects of cyberbullying]. Russian Journal of Criminology, vol. 15(1), pp. 91–97 (2021). [https://doi.org/10.17150/2500-4255.2021.15\(1\).91-97](https://doi.org/10.17150/2500-4255.2021.15(1).91-97)
- [5] Brack, K., Caltabiano, N.: *Cyberbullying and self-esteem in Australian adults*. *Cyberpsychology*. Journal of Psychosocial Research on Cyberspace, vol. 8(2), Article 7 (2014). <https://doi.org/10.5817/CP2014-2-7>
- [6] Emel'yanenko, V.D., Vetoshko, A.N., Zolotarev, A.V., Matakov, K.A., Malashenko, I.V.: *Educational process in the internet: the dialectic of knowledge and information*. Nuances: Estudos Sobre Educação, vol. 32(00), e021006 (2021). <https://doi.org/10.32930/nuances.v32i00.9119>
- [7] Zaytseva, A.A.: *Social Behavior of University Students in the Educational Sphere in the Rostov Region and the Republic of Crimea: A Comparative Perspective*. International Journal of Early Childhood Special Education, vol. 13(2), pp. 319–326 (2021). <https://doi.org/10.9756/INT-JECSE/V13I2.211068>
- [8] Cassidy, W., Jackson, M., Brown, K.N.: (2009). *Sticks and stones can break my bones, but how can pixels hurt me? Students' experiences with cyberbullying*. School Psychology International, vol. № 30(4), pp. 383–402 (2009). <http://doi.org/10.1177/0143034309106948>
- [9] Mosechkin, I.N.: *Distantcionnoe psikhicheskoe nasilie: perspektivy sovershenstvovaniia ugolovnogo zakonodatelstva* [Distant psychological violence: prospects for improving the criminal law]. Psychology and Law, vol. 11(4), pp. 64–76 (2021). <http://doi.org/10.17759/psylaw.2021110405>
- [10] Volchetskaia, T.S., Avakian, M.V., Osipova, E.V.: *Kriminologicheskaiia kharakteristika i profilaktika skulshutinga i kiberbullinga v Rossii i zarubezhnykh stranakh* [Criminological characteristics and prevention of school shooting and cyberbullying in Russia and abroad]. Russian Journal of Criminology, vol. 15(5), pp. 578–591 (2021). [http://doi.org/10.17150/2500-4255.2021.15\(5\).578-591](http://doi.org/10.17150/2500-4255.2021.15(5).578-591)
- [11] Bochaver, A.A., Kplomov, K.D.: *Kiberbulling: travlia v prostranstve sovremennykh tekhnologii* [Cyberbullying: Harassment in the Space of Modern Technologies]. Psychology. Journal of the Higher School of Economics, vol. 11(3), pp. 177–191 (2014).
- [12] Piñuel, I. *El acosador es una persona poco brillante*. Mobbing OPINION (2002). https://web.archive.org/web/20100822012233/http://mobbingopinio.n.bpweb.net/artman/publish/article_238.shtml
- [13] Soliva, M.P. *Peritación Social del Mobbing* (2007). <https://web.archive.org/web/20100917063708/http://acosomoral.org/pdf/peritajesocial/peritajesocial1.PDF>
- [14] “*Criminal Code of the Russian Federation*” of June 13, 1996, № 63-FZ (as amended on March 25, 2022). <https://docs.cntd.ru/document/9017477>
- [15] “*The Code of Administrative Offenses of the Russian Federation*” of December 30, 2001, № 195-FZ (as amended on March 26, 2022). <https://docs.cntd.ru/document/90180766>
- [16] Adams, A. *Harmful Digital Communications Bill (168-2)*. New Zealand Parliament (2015). https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH_BILL12843_1/harmful-digital-communications-bill
- [17] Hazelwood, S.D., Koon-Magnin, S.: *Cyberstalking and cyberharassment legislation in the United States: A qualitative analysis*. International Journal of Cyber Criminology, vol. 7(2), pp. 155–168 (2013).
- [18] Cyberbullying Research Center. *Bullying Laws Across America* (2022). <https://cyberbullying.org/bullying-laws>
- [19] van der Aa, S. *New Trends in the Criminalization of Stalking in the EU Member States*. European Journal on Criminal Policy and Research, vol. 24(3), pp. 315–333 (2018). <https://doi.org/10.1007/s10610-017-9359-9>
- [20] Baranova, M.V., Kuptsova, O.B., Belyasov, S.N., Valentonis, A.S.: *Culture of legal techniques: key dominants in the modern Russian legal system*. Cuestiones Políticas, vol. 39(71), pp. 566–578 (2021). <https://doi.org/10.46398/cuestpol.3971.33>
- [21] El Asam, A., Samara, M.: *Cyberbullying and the law: A review of psychological and legal challenges*. Computers in Human Behavior, vol. 65, pp. 127–141 (2016). <https://doi.org/10.1016/j.chb.2016.08.012>
- [22] Adygezalova, G.E., Kich, I.S., Zhinkin, S.A., Salikova, S.V., Paltseva, N.D. *Papel de los principios del derecho desde la perspectiva del impacto legal en la Rusia moderna: aspectos teóricos y técnico-legales*. Cuestiones Políticas, vol. 39(68), pp. 798–810 (2021).
- [23] Belknap, J., Greathouse, T.: *School Shooting*. Encyclopædia Britannica (2019). <https://www.britannica.com/topic/school-shooting#ref>
- [24] Galchuk, O.V., Komandyshko, E.F., Piryazeva, E.N.: *Formation of the Upbringing Cultural Environment of a School as an Emotional and Figurative Way of Improving Education Quality*. International Journal of Early Childhood Special Education, vol. 13(2), pp. 1174–1182 (2021). <https://doi.org/10.9756/INT-JECSE/V13I2.211164>
- [25] Ladnushkina, N.M.: *O distsiplinarnoi otvetstvennosti uchashchikhsia* [On disciplinary liability of students]. Narodnoe obrazovanie, vol. 8(1431), pp. 57–64 (2013).