



CHAPTER – 10

CYBERBULLYING, SOCIAL STIGMA, AND THE LAW: A SOCIO-LEGAL ANALYSIS OF PSYCHOLOGICAL HARM IN DIGITAL SPACES

**Professor Dr. Abdullah-Al-Monzur Hussain¹, Tanjuma
Mohima²**

¹*Dean, Faculty of Law, Dhaka International University,
Bangladesh, Scopus ID: 59959524400
Orcid Id: 0009-0008-9123-7471
E-mail: idhrle_bd@yahoo.com*

²*Lecturer, Department of Sociology
Dhaka International University, Bangladesh
Orcid Id: 0009-0002-7850-1537
E-mail: tanjuma.mohima31@gmail.com*

Abstract:

Cyberbullying is now a rapidly growing socio-legal issue that has significant psychological, social and human rights implications for both the aggressors and victims of digital bullying. Cyberbullying is fundamentally different from the traditional kinds of bullying as it can be anonymous, permanent, scalable, and amplified by algorithms; allowing people to spread hurtful content very quickly on digital platforms and place the person who has been bullied under constant scrutiny and social stigma. This chapter looks at cyberbullying from a socio-legal perspective by examining the interplay between psychological harm, social exclusion and the current state of the law's reaction(s) to cyberbullying. It is based on interdisciplinary research in law, psychology, criminology, sociology

and public health and examines the impact of digital abuse on feelings of anxiety, depression, post-traumatic stress disorder, self-harm, reputational harm and social marginalisation in the long-term. The chapter also examines international human rights standards and various comparative legal systems of the United Kingdom, Australia, the United States, the European Union, and Bangladesh and discusses the ongoing issues regarding jurisdiction, evidence, accountability of platforms, and compensation for psychological harm. It suggests that the current framework of laws is disjointed and inadequate to deal with the unique nature of technology-related abuse, especially in cases where emotional and psychological victimisation are the main types of victimisation. The chapter suggests a socially-law-based approach which takes into account various identified gaps, such as the need for legislative change, training judges in trauma-informed methods, platform accountability, digital literacy, mental health assistance and strengthened international collaboration. It is clear that there is a need to protect the feelings of dignity, privacy, equality and psychological integrity of persons from cyberbullying, in order to enhance legal action against the digital harm, while preserving freedom of expression in a more and more interdependent society, through an interdisciplinary and victim-centred approach.

Keywords: Cyberbullying; Psychological Harm; Social Stigma; Socio-Legal Analysis; Digital Justice

1.Introduction

Digital technologies of communication have revolutionized the way people relate, build relationships and engage in social, learning and professional networks. Social networking sites, instant messaging, online communities for games and the sharing of information and ideas, and online forums have become an integral part of our lives, providing unprecedented opportunities for people to communicate, share information and ideas, and engage in civic activities. However, digital technologies also have some drawbacks, with the emergence of new ways of inter-personal abuse, crossing time and distance. Cyberbullying is one of these new challenges which has gained more and more of the attention of scholars, legal and policy makers due to its widespread presence, reach and impact upon the psychological health of the victims. Cyberbullying is different from typical forms of bullying because it could happen around the clock, anonymously and in front of an unlimited audience, which can heighten the emotional and social toll of bullying on victims (Kowalski et al., 2014).

The growing levels of cyberbullying are just a symptom of digitalisation in today's society. Widespread Internet connectivity and the use of cellphones are



increasingly influencing the way people form their identities, build a reputation, and develop their emotions in the digital world, as people devote significant amounts of their lives to this realm. Digital platforms have thus become areas where harassment and humiliation, intimidation and social exclusion can happen quickly and permanently. Harmful content can be shared instantly to thousands or millions of people, stored forever, and shared over and over again without the victim's consent, which may exacerbate the harm caused by victimisation that usually occurs during on-the-spot encounters with a victim or an offender (Patchin & Hinduja, 2015). Unlike traditional bullying, which would be recognizable to most people, cyberbullying is also always accessible via digital devices, and does not have any temporal or spatial limitation in which to hide from victims from harmful behavior.

Cyberbullying can manifest itself in many different ways, such as receiving threats, being harassed over the internet, being humiliated in front of others, getting private information or images shared or sent, being impersonated, being excluded from online communities, and coordinated abuse. While cyberbullying was often initially thought to be an extension of adolescent school-based bullying, current research shows that cyberbullying impacts people of all ages and across their various social contexts, such as universities, workplace, political involvement, and online communities (Tokunaga, 2010). The emergence of AI, anonymous communications, algorithm-driven social media, or encrypted messaging has made the issue of digital victimisation even more complex, as it has provided more opportunities for abusive behavior to be hard to detect, control and punish. This has, in turn, transformed cyberbullying from an educational problem into a multi-faceted socio-legal issue that has a multi-layered solution that involves all levels of government, courts, tech companies, educators, mental health specialists and civil society.

Cyberbullying has a wide range of emotional effects, but also plays a role in fostering processes of social stigma which negatively affect a person's social identity, dignity and social participation in both online and offline communities. The social discrediting, marginalisation or exclusion of individuals due to their attributes, experiences, or public perceptions is known as social stigma (Goffman, 1963). These processes are exacerbated by digital platforms as the negative information can remain forever available, findable and shareable and can cause reputational harm to endure after the event. Victims often suffer from the social stigma of having been victimized, experience victim-blaming, ostracism, and suffer from a damage to their reputation in the educational,

professional and social arenas long after the incident. In many cases, isolated incidents of abuse are repeated in comments, 'reposts' and organised harassment by online audiences, often by others, who are acting as 'agents of socialization' who are reinforcing stigma. Often comments and reposts, in many cases organised abuse by others, that support the stigma, are reenacted by members of online communities, turning isolated incidents of abuse into 'digital harassment'. Therefore, psychological effects of cyberbullying can only be explained in relation to other social processes of being excluded and being demeaned.

The idiomatic repercussions of cyberbullying have been increasingly documented and referenced in an interdisciplinary manner. There have been many empirical studies that have found significant links between victimisation in cyberbullying and anxiety, depression, chronic stress, a decrease in self-esteem, sleep disorders, substance abuse, self-destructive behaviors, suicidal ideation, and academic or work performance (Kowalski et al., 2014; John et al., 2018). Digital communication is ubiquitous, and victims feel as though they are constantly being watched and that abuse may be seconded or come back in the future by algorithms. These can result in chronic fear, hypervigilance, isolation and helplessness that are similar to typical symptoms of psychological trauma. These effects on children and adolescents could have a profound impact on children's future educational, social, and mental health outcomes, as these constitute a process of identity formation. Many of the same harms are being documented for adults, including women, journalists, political candidates, academics, healthcare professionals and those who are part of a minority community who are targeted for online abuse.

Although there has been a recent increase in the awareness of these harms in the psychology and public health literature to date, there have been few effective responses by legal systems to the psychological harm caused by cyberbullying. Many legal definitions and structures from the criminal and civil justice systems are based on definitions that emerged in the context of physical violence and property damage, or in the context of traditional forms of harassment, which are not reflective of the specific nature of digital victimisation. There are still many jurisdictions that do not have detailed statutory definitions for cyberbullying, and laws defining specific cyberbullying behaviours are often limited to perpetrated behaviours like stalking, criminal threats, defamation or non-consensual sharing of images. As a result, those that are emotionally distressed in severe ways will face significant legal challenges in their quest for recognition, compensation or protection. However, issues of jurisdiction, anonymity, evidentiary requirements, intermediary liability and cross-border enforcement pose further difficulties in the effective



administration of justice in the digital environment (Citron, 2014).

A lack of coordination of legal regulation also highlights the conflicts between the need for individuals to be protected from abuse online and the need for freedom of expression, privacy and access to information. In democratic societies, freedom of expression has long been seen as a core principle of constitutional governance, but in the digital age, situations have arisen where expressing ideas, opinions, feelings, and experiences can cause serious psychological and social harm without meeting traditional constitutional / legal standards for criminal liability. The task for legislators and courts is therefore a complex one, in which they must reconcile rights and interests, while having to acknowledge that the continued online harassment of someone may have a significant impact on their mental health, dignity, equality and autonomy. The challenges listed above highlight the need to take a socio-legal approach which not only looks at formal rules and laws, but also the social, technological and institutional context in which cyberbullying happens.

The main issue discussed in this chapter is the lack of correlation in the law and psychology between the documented psychological effects of cyberbullying and the comparatively small legal recognition of such effects. Despite the significant interdisciplinary research and evidence that cyberbullying can have harmful psychological results and perpetuate social exclusion processes, many legal systems continue to focus on physical injury or quantifiable economic harm as the basis for determining responsibility, and the remedies available to those who become victims. This often makes victims who are suffering from very serious, long-lasting emotional and psychological harm, receive inadequate protection. This disconnection poses key questions about the effectiveness of current laws and measures, and whether today's law should be expanded to account for the new, unique and actionable type of harm in the digital world – psychological harm.

In this context, the chapter aims to explore the socio-legal phenomenon of cyberbullying using an interdisciplinary socio-legal perspective that combines an analysis of the legal issues with psychological, sociological and digital governance research. It seeks to investigate the role played by cyberbullying in the creation of social stigmas and psychological damage, assess the effectiveness of the existing legal and regulatory responses, detect their normative and practical shortcomings and suggest the needed reforms to improve legal protection of the victim while maintaining the balance of fundamental rights in democratic societies. The legal field is given special consideration in terms of a

potential better understanding of the complex relationship between digital technologies, social exclusion and mental health.

The discussion is structured in terms of the three inter-related research questions. How does cyberbullying create a stigma and psychological damage in today's digital world? Second, why is there a lack of recognition and/or response to the psychological harm and injuries caused by cyberbullying in current laws and regulations? Third, what socio-legal changes are required to foster more holistic, victim-focused and rights-based framework on psychological harm in a digital context?

The chapter includes doctrinal legal discussions, comparisons of regulatory innovation and its evolution, interdisciplinary scholarship on psychological harm and social stigma, and discussions about platform governance and digital accountability. The analysis is not only child-centred or based on education, but takes a wider perspective that considers cyberbullying as a phenomenon of society, affecting all members of society in different contexts of the Internet. The chapter integrates law with empirical insights and evidence from the behavioural and social sciences and plays a role in current debates on developments in cyber law, mental health protection and human rights in ever more connected digital societies. Through this it contends that whilst more robust legal tools are necessary to respond to cyberbullying, it is a more comprehensive socio-legal approach that can give proper legal protection to psychological injuries.

2. Conceptual and Theoretical Framework

In order to fully grasp the issue of cyberbullying, a multi-disciplinary approach is essential which brings together legal, social, psychological, criminological and digital studies. Cyberbullying is not a technical issue, but a social practice that is formed in the context of digital communication systems which can have significant legal, psychological and social implications. It is constantly changing and requires conceptual understanding on issues such as the forms of abusive online behaviour, how social stigma is generated, the psychological harms suffered by the victims, and theoretical underpinnings of the nature of the conduct and how the law can respond. This framework serves as the analytical background for dealing with cyberbullying as a socio-legal phenomenon of individual rights, social marginalisation and institutional accountability.

2.1 Defining Cyberbullying

The typical definition of bullying is that it is repeated aggressive behaviour that is based on a power imbalance, and that an individual or group intentionally



hurts another person physically, verbally, relationally or psychologically (Olweus, 1993). This behaviour is often in a known place, such as a school, workplace or neighbourhood, with perpetrators and victims facing each other face-to-face. While traditional bullying can have a profound effect on the bullied party's emotional well-being, it is typically constrained with respect to both the geographical and temporal distance between parties.

The characteristics of cyberbullying are the same as those of traditional bullying, except that they are carried out using information and communication technologies. Cyberbullying" is defined by Tokunaga (2010) as hostile or harmful messages sent repeatedly via electronic communication channels, which are meant to cause psychological distress. The key features of cyberbullying are the ability to be anonymous, persistent, widely disseminated and unlimited audience. Harmful content can be left on view for an extended period of time and the victimisation that occurs can continue for a long time after the initial incident (Kowalski et al., 2014).

Cyberbullying is actually a number of different types of cyber misuse that can be distinguished from one another. Online harassment is harassment that involves persistent communication, intimidation or threats to someone sent through electronic means. Unlike harassment, which may be repeated behavior, cyber-stalking is more of an ongoing pattern of behavior characterized by surveillance, monitoring, threats or intimidation intended to cause fear of personal safety and is often subject to a criminal penalty under domestic laws.

Digital abuse is an umbrella term for all types of coercion, manipulation, monitoring, financial control and emotional abuse that occur using technology, especially in a relationship or between family members. It can be so intertwined with coercive control and domestic violence as to show that cyberbullying isn't just a phenomenon between teenagers.

The non-consensual production, sharing or threatened sharing of intimate images is another area of growing concern. While often used to refer to "revenge pornography," modern research is aware that the term fails to adequately describe the wide range of reasons for engaging in such behaviour, such as coercion, extortion, humiliation and social domination.

Like with the other examples, doxxing also involves the disclosure of private or identifying information (residences, phone numbers, employment

information, etc.) without consent, exposing the victim to harassment, as well as to damage to his or her reputation or even to physical acts of violence. Hate speech is a term used for speech that is legally defined differently in various jurisdictions, but typically is speech that encourages discrimination, hostility or violence towards a person based on a protected characteristic like race, religion, ethnicity, gender, disability or sexual orientation. Last but not least, trolling is defined as anything that is deliberately inflammatory and provoking, with the goal of getting the other person to get an emotional response, or to get the discussion derailed or embarrassed. While it is not always considered a major offense, when it continues over a period of time and is focused it can lead to a longer-term form of cyberbullying.

These forms have some similarities, such as being intentional, having a digital mediation, psychological effects, and reputational effects. But they have divergent definitions, evidentiary standards, motivation for the acts and available remedies. Thus, it is important to recognise and differentiate between them in order to formulate clear legal responses and acknowledge that they are interrelated and can compound digital victimisation.

2.2 Understanding Social Stigma

Indeed, social stigma can offer a valuable sociological lens to view the longer-term impacts of cyberbullying beyond the emotional effects. Goffman (1963) described stigma as social construction of process by which an individual may become discredited, devalued or excluded on the basis of specific characteristics or experience. In the digital context, the permanence, visibility and algorithmic circulation of online content further exacerbates the stigma.

A major consequence is social exclusion, in which the victim withdraws after being identified in the public sphere from educational institutions, employment, friends and/or online environments. Exclusion via digital platforms is accomplished by blocking, coordinated ostracism and organised campaigns that marginalise the targeted persons.

Digital shame in the form of embarrassment and loss of dignity due to excessive exposure online are very closely related. Private humiliations are different from digital humiliations because they are typically witnessed by other people, and sometimes a wide range of people, including people from around the world. Unlike private humiliations, digital humiliations are likely to be viewed by others, and sometimes many others, such as those around the world. Victims often are subjected to public shaming, when derogatory remarks, deceptive photos or false accusations can always be found online, perpetuating negative attitudes.



Online identity destruction is another risk associated with cyberbullying, in which users are consistently defamed, impersonated, told lies, or their online records are changed, which may change the way they are perceived by others. Online identities are now becoming increasingly important in today's world, as the majority of professional opportunities, educational admissions, and social relationships are increasingly reliant on these virtual identities. Online attacks can have long-term socioeconomic implications, since professional opportunities, educational admissions and social connections are increasingly dependent on online identities.

The proliferation of cancel culture is another example of today's digital stigma. Public accountability can be a useful instrument for democratic accountability, but collective condemnation online can have disproportionate reputational costs without any due process or opportunity for rehabilitation. Those who are digitally slandered commonly have their employment and social integration lost and suffer psychological trauma.

Reputation damage is one of the more lasting effects of cyberbullying and is the culmination of these processes. Reputational harms are different to physical injuries in that they can impact the person for a lifetime, with search engines, archived information and algorithmic recommendations ensuring they remain. Reputational harms are not like physical harms in that they can continue to affect the person for a lifetime, through search engines, archived information and algorithmic recommendations.

2.3 Psychological Harm

One of the greatest, and legally under-recognised, psychological impacts of cyberbullying is psychological harm. Multivariate empirical studies have revealed that there are similar links between cyberbullying victimisation and mental health problems across ages (Kowalski et al., 2014).

Victim of the cyber bullying will often feel anxious, which is defined as a persistent fear, hypervigilant, panic and concerns about future online interactions. These symptoms can be exacerbated when victims know that they are "always" at risk of being abused because they can be accessed at any time via digital devices.

Another very common issue that has been documented as a result of chronic cyberbullying is depression. Hopelessness, low self-esteem, social isolation and

loss of motivation can significantly affect students' educational performance, job performance and relationships with others.

Exposure to extreme experiences of online victimisation can lead to symptoms similar to those of post-traumatic stress disorder (PTSD), such as re-experiencing, avoidance, emotional numbing and increased physiological arousal. While not all victims have clinically diagnosable PTSD, a trauma-informed approach has emerged to recognize that digital abuse can have similar psychological reactions when it occurs for longer periods of time.

Other victims suffer from more general emotional problems including embarrassment, rage, powerlessness, guilt and ongoing emotional fatigue. These emotions often lead to social isolation, whereby victims avoid interactions online and offline because of being victimised again.

More severe side-effects are self-destructive acts and higher rates of suicide, mainly in adolescents and at-risk individuals. The evidence from systematic reviews is strong and presents significant associations between being a victim of cyberbullying and suicidal ideation, suicide attempts and self-injurious behaviours, yet this relationship is likely to be influenced by a range of interacting psychological and social factors, not just cyberbullying. The results of systematic reviews indicate strong associations between cyberbullying victimisation, suicidal ideation, suicide attempts, and self-injurious behaviours; however, these associations are likely to be confounded by multiple interacting psychological and social factors, not the victimisation of cyberbullying. Cyberbullying can therefore be considered an important risk factor that demands joint efforts in the field of law, education and public health.

2.4 Relevant Theoretical Perspectives

This research paper draws on several complementary theories which offer important explanations for cyberbullying, and helps explore it from a socio-legal angle.

The Stigma Theory (Goffman, 1963) helps to shed light on how individual victimisation becomes a process of social stigma and degradation of identity in the context of cyberbullying. It shows how digital abuse is not just bad acts committed one by one, but also how it has an impact on public opinion and is a source of structural inequalities.

Labeling theory (Lemert, 1951; Becker, 1963) proposes that the process of labelling may be internalized by the person by the practice of repeated labelling, which may affect their self-identity, participation in society and marginalization.



In digital space, algorithmic visibility and the presence of online records heighten those of course labelling.

Aggression is learned by observing and imitating aggressive role models, and being reinforced for doing so (Bandura, 1977; Social Learning Theory). Cyberbullying is often rewarded on social media platforms, where socially inappropriate and/or negative behavior is often given attention, social approval, visibility and acceptance by the group. The results of the present study suggest that there is a high level of evidence for the impact of social norms, moral disengagement and risky digital practices on cyberbullying behaviour. (Sage Journals)

Cyberbullying can be understood using the concept of routine activity theory which holds that motivated offenders, suitable targets, and the absence of capable guardians (Cohen & Felson, 1979) are all necessary for cyberbullying to happen. The use of digital anonymity, the lack of effective moderation systems and lack of institutional oversight often means that effective guardianship is compromised and there are more opportunities for online victimisation.

The Online Disinhibition Effect (Suler 2004) states that the anonymity, invisibility, dissociative imagination and asynchronous communication that can occur online will diminish behavioral controls and allow users to act in ways that would not be tolerated in their physical environment. The current systematic reviews have also found that online disinhibition is remains an important predictor of cyberbullying behaviour today. (ScienceDirect)

Digital platforms are considered to be social institutions, which affect power relations, identity formation, algorithmic visibility and patterns of exclusion, from a perspective of Digital Sociology. Cyberbullying thus is not the exclusive feature of individual misbehavior, but also a phenomenon of the digital ecosystem at large.

Human Rights Theory is the basis for the normative approach to the recognition of cyberbullying as a violation of fundamental human rights, such as dignity, privacy, equality, mental health or personal security. This attitude promotes the need to weigh freedom of speech against potential serious psychological harm.

Lastly, Therapeutic Jurisprudence regards law as a social institution that can have either therapeutic or anti-therapeutic outcomes (Wexler & Winick, 1996). The framework provides a framework for victim-centred interventions that include psychological support, restorative practices, trauma-informed judges and easy-to-access remedies, as well as punishment. Together these theories show a multi-disciplinary conception of cyberbullying, which is a legal, psychological, technological and social phenomenon that demands a multi-disciplinary socio-legal response but not a mono-disciplinary criminal justice response.

3. Cyberbullying as a Socio-Legal Problem

Cyberbullying is now an issue that is far more substantial than just a technical problem and is one of the most problematic issues facing today's legal systems. While digital technologies enable the practice of bullying, cyberbullying is more of a socio-legal issue as it relates to the interplay of technological infrastructures, social power and legal institutions and human rights. Cyberbullying can have a negative effect not only on the use of digital technologies, but also lead to psychological harm, social exclusion, discrimination and the breach of dignity, privacy and equality. Therefore, a multi-disciplinary approach is needed to understand cyberbullying, which will include a social and legal understanding of digital bullying, as well as an understanding of the technological mechanisms by which it takes place (Citron, 2014).

Cyberbullying occurs as a type of bullying that takes place in digital environments, which allow the aggressors to use algorithmic visibility, networked communication and anonymity. These structural features have significant impacts on the nature, magnitude, and enduring nature of victimization, which undermines traditional legal frameworks that have been built to deal with offline victimization. Digital harms can be complex to address with existing criminal and civil laws due to many factors, including the anonymous nature of the offenders, the transnational nature of communication, the quick spread of content and evolving technology platforms. Thus, the issue is not just technical, but one of the effectiveness of the legal framework, institutional and social reactions to technology-driven abuse.

3.1 Digital Power Relations

Technological changes in communication have altered traditional power dynamics, furnishing new tools for the people to demonstrate their social superiority, control the public image and cause psychological damage. Bullying may be based on physical strength, social status and/or institutional hierarchy, whereas cyberbullying is based on technological affordances that can greatly



magnify the impact of bullying.

Anonymity

The ability of the cyberbully to hide or disguise his/her identity is one of the hallmarks of cyberbullying. By de-personalizing communication, anonymous communication diminishes social accountability and the traditional moral constraints on behaviors, which can lead to behavior that people wouldn't perform in their real-life interactions with each other. The Online Disinhibition Effect (Suler, 2004), proposes that anonymity, invisibility and the asynchronous nature of communication leads to a decrease in self-regulation and people will be able to behave aggressively, hostilely and abusively with less fear of social or legal repercussions. Temporary digital identities, encrypted messaging services and anonymous accounts also make it harder to attribute and verify evidence, and help make criminal investigations more difficult. Anonymity, from a socio-legal viewpoint, then engenders a dynamic imbalance between vulnerability and relative immunity of the victim and of the perpetrator, questioning privacy, accountability and digital governance issues.

Algorithmic Amplification

Algorithmic amplification can make the impact of cyberbullying even greater. The modern social media platforms use recommendation systems that can boost users' interaction with content, with the aim being to increase their attention to and duration of viewing. Unfortunately, emotionally-provoking or controversial material is more likely to be seen algorithmically than is non-controversial communication. Platform algorithms can then repeatedly recommend, share, and resurface posts, or content, regardless of their accuracy or legality. Digital platforms are becoming more and more powerful as intermediaries whose editorial choices and algorithmic decisions have a major impact on the public discourse, visibility and reputation (Gillespie 2018). This can lead to algorithmic systems inadvertently perpetuating cyberbullying by amplifying and prolonging its impact on a broader audience and for longer than the initial aggressor intended.

Virality

Virality is one of the phenomena that are closely related to algorithmic amplification. Digital content can instantly go viral across several platforms and within minutes, be viewed by an audience much larger than the one the subject is connected to in their social networks. Viral dissemination differs from traditional bullying, because it is not just limited to specific physical environments, but one where the incident can be seen by anyone around the

world. Victims sometimes don't have enough time to respond to the digital communication in an effective manner, and repeated and ongoing sharing can cause each one's cumulative psychological harm to last a lifetime. Virality would thus not only exacerbate the power imbalance between perpetrator and victims, as anyone can be targeted for mass online abuse with no chance of any other person having any control over the circulation of harmful content, but also amplify the effect of the abuse. Virality would only further heighten the power imbalance between victim and perpetrator, as anyone can be targeted for mass online abuse with no chance other than that target person of having any control over the circulation of the harmful content.

3.2 Vulnerable Groups

While cyberbullying can happen to anyone, regardless of age, gender or social position, empirical studies consistently show that some groups are more likely to be victim of cyberbullying, as a result of social inequalities and structural discrimination.

Gender-based online abuse and harassment, such as threats of sexual violence, image-based abuse, cyberstalking, misogynistic hate speech and sexual harassment, occurs frequently against women. This behaviour not only aims to terrorise individual victims, but also to deter women from engaging in political (and other), professional, or public life. Digital abuse against women can have a reinforcing effect on the general trend of gender inequality, and in turn, is a societal problem that involves equality in participation and human rights.

As children and adolescents are still the group most studied in the field of cyberbullying, it is important to consider their developmental characteristics as they tend to be more susceptible to psychological damage. As adolescents, peer approval, identity development, and social acceptance are large factors, and so can be the psychological effects of embarrassment, exclusion, and reputation damage online can be far-reaching and long-lasting. There are also a number of findings from meta-analyses that indicate there are significant relationships between cyberbullying victimization and anxiety and depression, as well as self-harming behaviour and suicidal ideation for youth (Kowalski et al., 2014; John et al., 2018).

LGBTQ+ individuals are also disproportionately targeted with online harassment for prejudice towards sexual orientation or gender identity. Digital spaces are often a place where the perpetuation of discriminatory stereotypes, threats and hate language can help to consolidate social marginalisation. Likewise, racial and ethnic minorities are frequently victims of racist abuse, racist narratives and coordinated harassment, that can contribute to reinforcing



structural inequalities in digital settings. People with disabilities also suffer discrimination (ableism), ridicule and social exclusion which impairs their dignity and equal access to online life.

The patterns show that often times, cyberbullying is part of a bigger issue of inequalities in society, not just interpersonal conflict. Digital communication technologies reinforce and amplify prejudicial attitudes towards gender, sexuality, ethnicity, disability or other protected characteristics, making it even more important to consider adopting intersectional and human rights-based legal solutions.

3.3 Factors that enhance Digital harm

Important socio-legal implications of cyberbullying are linked to some of the unique features of digital communication as compared to face-to-face communication.

Permanence

Digital content has a great degree of permanence. Bad content can continue to be found via screen shots, archives, cached web pages or re-posted content, even after it was deleted by the original poster. Victims are thus exposed to ongoing abuse, unable to move past the abuse and leaving them with ongoing emotional trauma. Digital records also have long-term reputational impacts that can impact educational opportunities, employment prospects and relationships.

Scalability

Cyberbullying is very scalable, compared to traditional bullying. An abusive message, a manipulated photo or a defamation claim can be copied and shared on various media platforms, with just a little effort, and at little or no expense. This scalability greatly enhances the number of perpetrators engaging in abuse—and how long the abuse lasts—as well as the number of victims who are being abused. It's a challenge for the legal system, therefore, to determine who's to blame in instances of harm caused by multiple anonymous users.

Audience Size

The digital communication helps in enlarge audience size to a great extent. In contrast, while with traditional bullying, it is likely that very few people will see it, it is possible that thousands or millions of viewers may see it in the web without knowing that it is bullying. When exposed to the public, humiliation, social embarrassment and reputational damage is heightened since the victim is

made aware that the damaging information is available to family, employer, school and strangers at the same time. The effect of what one feels he/she is being judged by the public can be more damaging than the initial abusive communication.

Repeated Victimization

Repeated victimisation is also a possibility via cyberbullying. Any content that is harmful can be shared, commented, manipulated and rediscovered months or years after it has been published. However, the victim is suffering from cycles of abuse without any additional abuse by the abuser. This is a repeated offense – especially compared to other bullying incidents which occur offline – and can lead to chronic anxiety, emotional fatigue and psychological trauma.

3.4 Digital Environments and the Intensification of Social Stigma

The process of stigma formation, reification and reproduction is fundamentally changed in digital environments. Whereas Goffman's (1963) understanding of the actual stigma as a social process of discrediting people becomes especially relevant in online space, where the algorithms of visibility, permanent digital records and networked audiences reinforce negative social identities at all times.

Digital platforms keep and share the same information as reputation information with an indefinite period, unlike traditional interpersonal interactions. Slander, falsehoods, misleading information, or suggestive images are woven into a person's online identity, available for search, which has a negative impact on their future education, career, and social life. Furthermore, many platform algorithms are based on engagement rather than accuracy, making sensational, emotionally charged content more likely to be visible and cutting victims' prospects of restoring their reputations.

Together, anonymity, algorithmic amplification, virality, permanence, scalability and repeated victimization give rise to a structural socio-legal challenge, rather than an isolated technological challenge, that is cyberbullying. Digital platforms are not just platforms for abuse, they also change the power dynamics, re-inforce the social inequalities and embed the stigma in the design of the technologies. Such legal solutions must now go beyond criminal penalties to include platform accountability, a focus on remedies for the victims, digital literacy education, and a focus on safeguarding reputation and psychological harm as core elements of justice for the digital era.

4. Psychological Harm and Social Stigma in Digital Spaces



Cyberbullying is not just about offline bullying but is a serious concern in the fields of public health, human rights, and socio-legal issues. Digital victimization has features that can exacerbate the psychosocial consequences and impact on victims' personal, educational, and professional development, and unlike other types of offline bullying, it can often have more severe psychological consequences. The current research more and more clearly shows the link between cyberbullying and a wide range of mental health problems, social dysfunction and lower quality of life in various groups of people. Thus, while the regulation of harmful content and punishment of cyberbully perpetrators are important components of the legal framework, it must also be sensitive to the grave psychological harms and social isolation created by digital abuse (Citron, 2014; Kowalski et al., 2014).

4.1 Nature of Psychological Harm

It is one of the hallmarks of cyberbullying that it causes psychological harm and is often different from conventional interpersonal conflicts. By the time victims reach the clinic, their sufferings are not just a matter of short-term emotional upset, but they may also suffer from long term trauma to the brain, affecting their cognitive, emotional, behavioural and social functioning. Anxiety, depression, emotional problems, stress, loneliness, self-harm and suicidality have all been shown to be positively correlated with cyberbullying victimization, while self-esteem, life satisfaction, and psychological well-being have all been shown to be negatively correlated with cyberbullying victimization in recent umbrella reviews that synthesise dozens of meta-analyses. (Nature)

Emotional Trauma

Sustained online abuse leaves victims often with severe emotional trauma. Cyberbullying is often a process of humiliation, threats, ridicule or harassment that is repeated in front of many people in the digital world. Cyberbullying usually involves repeated humiliation, threats, ridicule or harassment in front of many people in the digital world, and is not simply an isolated incident or a disagreement between two people. Emotional trauma can thus be an experience of loss of personal security, anger, betrayal, helplessness, and shame. When the harmful material reappears, or is shared again when it is retrieved, the victim is constantly reminded of the traumatic events and they are re-exposing themselves to the trauma over and over. This repeated exposure sets cyberbullying apart from many instances of bullying that are limited to specific times and/or places offline.

Distress due to long-term anxiety and worry

Chronic psychological stress often is caused by ongoing digital abuse. Often victims expect a future attack when they log on to social networking sites, when they receive an email or electronic notification, or when they post something on an online discussion board. This ongoing 'waiting' can result in hypervigilance, sleep problems, lack of concentration and physiological reactions to abuse that can remain for a long time after the abuse has ended. Fear too is a central theme of victimization in cyberbullying, especially when the threat is that of physical violence, sexual assault, stalking, or posting of private information. Victims might change their online activities, limit communication or not participate at all online due to the fact that they believe online environments are unsafe.

Embarrassment and Shame

Humiliation is one of the most damaging emotions that can occur from cyber-bullying and the abuse takes place in front of an unlimited audience. When individuals are ridiculed in public, manipulated images are shown, defamatory allegations are made, and hateful comments are posted, it is not only detrimental to the dignity of the individual, but also creates feelings of embarrassment that can last beyond the digital moment. Such experiences often lead to identity damage, which involves adopting negative self-views of appearance, ability, values, and/or social value that are present in the public eye. Digital identities have become a critical part of many educational, employment and social interactions and attacks on an individual's online reputation can, in many cases, be attacks on their social identity. Cyberbullying perpetuates social discrediting and therefore is especially relevant to Goffman's (1963) theory of stigma, which focuses on the social nature of stigma.

4.2 long term effects of cyberbullying

The impact of cyberbullying is often long-lasting and can last after the initial incidents of cyberbullying have ended. Long-term consequences can have an impact on educational outcomes, career and job progression, family dynamics and social engagement more widely that is not experienced in the short term as a response to emotion.

Educational Disruption

Cyberbullying has been linked to lower levels of academic engagement, absence, lower levels of participation in class, difficulty in paying attention and lower grades among students in elementary and secondary schools, and among university students. A victim often does not attend school because of the risk of being victim of abuse in the "real world" from abuse they've experienced in



the “virtual world.” When children are afraid of further humiliation, ridicule or exclusion they are less likely to engage in learning environments and may be at risk for school disengagement and/or early withdrawal. The educational disruption of sustained cyberbullying remains one of the most frequent social outcomes of prolonged cyberbullying among youth as per more recent systematic reviews. (Sage Journals)

Workplace Consequences

Cyberbullying is becoming more prevalent among adults as well, using business-related communication, networking and social media sites to bully each other at work. When there is a coordinated online harassment or defamatory campaign, there is a possibility of reputational consequences that victims might experience include loss of career advancement, loss of professional credibility, employment discrimination, and more. Journalists, academics, health professionals, and politicians and public officials are especially at risk due to the importance of public trust and online presence to their professional status. Workplace cyberbullying can thus have a negative effect on psychological health and on economic security.

Family Relationships

Cyberbullying can often have a ripple effect on the relationships between victims and members of their families. Withdrawal, irritability, anxiety and depression may decrease family communication and lead to parental distress. Families may feel confused about the legal, educational and/or psychological actions they should take, especially if the abuser cannot be identified or acts in several jurisdictions. Parents of child victims can also find themselves feeling guilty, helpless or frustrated as digital abuse can sometimes go on without them being there.

Social Withdrawal

One of the most consistent behaviour outcomes of cyberbullying is social withdrawal. Victims are often taken out of social (online and offline) life because of the fear of further victimization. This withdrawal can reduce chances of the formation of friendships, participation in community, and employment networking, as well as increasing loneliness and isolation. These patterns can lead to mental health problems persisting over time, as inadequate social support makes people more susceptible to ongoing mental health issues.

4.3 Social Stigma in Digital Spaces

Understanding processes of social stigma in digital environments is an essential component to understanding the psychological harm caused by cyberbullying because the stigma itself is created and reinforced in the digital environments. Understanding processes of social stigma in digital environments is necessary to understanding the psychological harm caused by cyberbullying because the stigma is created and reinforced in digital environments. Use of online communication technologies allows for the spread of harmful narratives that can last a long time, be repeated quickly and impact public perceptions beyond cases of individual abuse.

Victim Blaming

Online victims often experience victim-blaming attitudes that they were somehow responsible for, deserve, or could have prevented online abuse. This kind of responses helps in reducing the responsibility of the perpetrator and also deters victims from reporting or seeking legal action. It can be stronger in cases of cyberbullying that is image-based bullying, gender-based violence, and/or discriminatory harassment, which can heighten the existing social inequalities.

Digital Shaming

Digital shaming” is the public shaming of a person via social media, online forums and other digital platforms. Digital shaming happens in front of large crowds and often gets stored on the internet forever, in searchable archives. Digital shaming differs from the “embarrassment of riches” experienced in everyday interpersonal embarrassment in that it happens in front of a large crowd and is often made available on the internet and archived for subsequent search and reference. When a series of isolated incidents are coordinated public criticism, negative comments and widespread reposting, it makes for a lasting reputational crisis that can have a profound impact on psychological suffering.

Online Exclusion

Another form of exclusion facilitated by cyberbullying is if the child is blocked, ostracised (coordinated), excluded from online communities, or isolated. Exclusion denies victims access to health care, education and other vital social connections, and nurtures feelings of rejection and marginalisation. Exclusion from online social groups can have a powerful impact on adolescents and young adults, similar to the impact of exclusion from offline social groups.

Reputational Harm

The impact of cyberbullying which may last the longest is the damage to reputation. Often, false accusations, manipulated images, defamatory statements or stories are searchable well beyond the time they've been



published. The potential economic and social costs of reputational harm can persist over time as a growing number of schools, employers and professional bodies depend on digital information to make a decision about an individual. Reputational damage can often last much longer than physical damage, as digital records can be copied and be saved and shared forever.

4.4 Empirical Evidence from Interdisciplinary Research

The interdisciplinary literature presents extensive evidence of the significant psychological, social and legal effects of cyberbullying. Research in the field of psychology in this area has been ongoing and has found strong links between cyberbullying victimization and anxiety, depression, loneliness, emotional problems, self-destructive activity and thoughts of suicide. The most recent umbrella review on the effects of DBT, published in the journal *Nature Human Behaviour*, found that internalizing disorders and emotional problems were among the strongest outcomes found in the many meta-analyses conducted to date. (Nature)

The scholarship of criminology is now increasingly conceptualizing cyberbullying as a type of interpersonal violence that uses technological means and is shaped by online disinhibition, poor digital guardianship and platform design. Systematic reviews have recently shown that the factors of anonymity, moral disengagement and online disinhibition are significant factors in both cyberbullying perpetration and victimization. (ScienceDirect)

As a sociological phenomenon, cyberbullying re-creates and/or exacerbates pre-existing inequalities, particularly in terms of sexual orientation, disability, ethnicity and gender and also introduces new occurrences of identity degradation and digital exclusion. Current research on the subject of cyberbullying emphasizes that it may be considered as a structural social issue that is located within the governance of the platforms, algorithmic visibility, and digital power relations, as opposed to a mere individual misconduct. (Taylor & Francis Online)

Public health studies also acknowledge cyberbullying as a growing problem for the global health. The World Health Organization (WHO) 2024 Health Behaviour in School-aged Children (HBSC) study, which includes a sample of the youth in 44 countries and regions, found that some 15 percent (or about one in six) youth experienced cyberbullying; this is a significant increase from previous survey cycles. The report also identified that around 12% of those

admitted to be cyberbullying others, highlighting the growing public health importance and prevalence of cyberbullying. (World Health Organization)

These findings are further supported by legal scholarship, which shows that the current legal system often does not acknowledge psychological injury as a separate type of harm and worthy of compensation. Limited legal responses to cyberbullying, like those taken to cases of harassment, stalking, defamation, do not provide effective protection for the victims, as there is significant evidence of emotional harm and social isolation. Hence, in recent years, it has been suggested that integrated socio-legal measures, including criminal law, civil remedies, accountability of platforms, mental health measures, and human rights, should all be implemented in tandem to tackle cyberbullying (Citron, 2014).

In sum, the empirical research in psychology, criminology, sociology, public health, and law provides a clear indication that cyberbullying is not an inconsequential online encounter or a mere technological hassle. Instead, it is a form of digital victimization that can be multidimensional and cause lasting psychological damage, perpetuate social stigma and impact on basic rights. These are interrelated harms that must be understood to enable the creation of laws and policies that are victim-centred and that effectively safeguard dignity, mental health, equality and meaningful participation in digital societies today.

5. Existing Legal Frameworks and Their Limitations

Cyberbullying is more than just a nuisance on the internet, it is a real public health, human rights and socio-legal issue. Digital victimisation has features that magnify the impact of bullying on the psychological distress of the victim, further embed the stigma of being bullied in the social environment, and cause enduring effects on the victim's personal, social and professional outcomes. The link between cyberbullying and a wide range of mental health issues, social functioning problems and reduction of quality of life among various demographic groups has been confirmed in recent studies. This means that merely deleting harmful information and/or punishing the abuser is not enough; the legal response to cyberbullying must be capable of acknowledging the serious psychological harm and social isolation that it is causing (Citron, 2014; Kowalski et al., 2014).

5.1 International Human Rights Framework

One of the hallmarks of cyberbullying is psychological harm and it sets it apart from numerous other interpersonal conflicts. The suffering caused by the victim goes beyond the initial emotional pain, and can also cause long-term trauma that impacts on cognitive, emotional, behavioural and social



functioning. In a recent series of umbrella reviews which synthesized dozens of meta-analyses, cyberbullying victimization was found to consistently be correlated with increased anxiety, depression, emotional problems, stress, loneliness, self-harm and suicidal behaviour, and with decreased self-esteem, life satisfaction and psychological well-being. (Nature)

Privacy and Human Dignity

Online abuse can cause victims to suffer from deep emotional distress. Cyberbullying is not simply one isolated incident or an interpersonal conflict, rather, it usually involves a series of humiliations, threats, ridicule or harassment in front of large online audiences. Emotional reactions to trauma may then consist of emotions of helplessness, betrayal, shame, anger and loss of personal security. When harmful material comes up again, or is redistributed, victims re-experience trauma over and over again, as there is no time limit on the material being available. The repetitive exposure creates a distinction between cyberbullying and many other occurrences which would take place in certain areas or at certain times.

A Build-up of Stress and Fear Over Time

Repeatedly being subjected to digital abuse often creates chronic stress. Victim may expect the attack to happen again when they log onto social media, see e-mail notifications or when they engage in online conversations. This continual sense of expectation is responsible for hypervigilance, sleep disruptions, a lack of concentration and physiological stress reactions that can last long after the abusive behaviour has stopped. Fear is also an important characteristic of victims of cyberbullying, especially for those who experience threats of physical violence, sexual assault, stalking and/or disclosure of personal information. Due to an unsafe perception of being online, the victim may change their online behaviour, limit communications or not engage in the online world at all.

A Feeling of Being Humiliated and Hurt in One's Self-esteem

One of the worst emotional repercussions of cyberbullying is humiliation, as abuse can happen in front of potentially an unlimited number of people. When an individual's dignity is attacked by public ridicule, manipulated images, defamatory allegations and hateful comments, it causes embarrassment and not just for the individual during the initial digital interaction. Often, such experiences lead to the development of the sufferer's sense of their body's worthlessness, incompetence, morals or appearance, and/or to the

internalisation of such negative views. Digital identities are becoming more and more a part of the education, employment and social interactions of people, with attacks on an individual's online reputation now being a form of attack on their social identity. In particular, Goffman's (1963) theory of stigma is relevant as the issue of cyberbullying places the behavior of such interactions into a process of social discrediting that lasts long after the initial offense.

5.2 Long-term effects of Cyberbullying

The effects of cyberbullying can often be far reaching and long lasting following the initial cruel behaviour. Long-term effects can have a more lasting impact than the transient emotion, and can include the impact on educational attainment, working life, family life, and patterns of social involvement.

Educational Disruption

Cyberbullying among adolescents, children and university students has been correlated with various negative outcomes such as lower engagement with education, school absenteeism, less involvement in the classroom, poorer attention, and poor academic performance. Children often don't attend school due to abuse that is experienced in their online environment and is carried over to the real-world social interactions they have. Fears of further humiliation, further ridicule or exclusion leads students to be less likely to engage in learning environments, which could lead to school disengagement or drop out. Educational disruption is still one of the more robust and consistent social outcomes that have been identified recently (by systematic reviews) as being caused by prolonged cyberbullying in young people. (Sage Journals)

Workplace Consequences

Cyberbullying is being experienced by adults as well, and as we use communication through the workplace, professional-networking sites, and public social media are becoming increasingly common. When coordinated online harassment or campaigns of defamation occur, victims can suffer damage to their reputation, job prospects, career advancement and professional credibility, as well as employment discrimination. The profession of journalism, academia, the health sector, the political sphere and public officials are all especially sensitive, in that their work relies heavily on trust and online presence. The psychological and economic security in the workplace can be, therefore, jeopardized by workplace cyberbullying.

Family Relationships

Cyberbullying can affect families, as well as the individual being bullied. Emotional withdrawal and irritability, anxiety and depressed feelings can diminish communication between family members, and can cause parental



distress. Families may feel uncertain about what action to take, which jurisdictions to seek assistance in and what legal, educational, or psychological steps to take, especially when the perpetrators aren't identifiable or operate in multiple jurisdictions. Child victims' parents or carers can also feel guilty, helpless or frustrated as digital abuse often happens when parents are not around.

Social Withdrawal

One of the most universally reported behaviour outcomes of cyberbullying is social withdrawal. Victims often avoid participating in social activities in both the online and offline world to prevent further victimisation. This withdrawal can reduce opportunities for friendship, a sense of community and professional networking, and contribute to feelings of loneliness and emotional isolation. This can lead to vicious cycles that make it even more difficult to change future psychological experiences (for example, lower social support, more vulnerable to further psychological distress).

5.3. Analysis of Social Stigma in Digital Spaces

Social stigma in digital environments can only be understood with the process of how it is created and reinforced by the Internet. Perceptive online communication technologies allow for the spread of destructive narratives at a rapid pace, to last a lifetime, and to influence public narratives more than the abuse itself.

Victim Blaming

A victim-blaming attitude is common among victims and is often communicated to them, such as believing that they have provoked or deserved abuse, or did not protect themselves from the abuse. These responses will help shift the blame away from the perpetrator and restrict the victim from reporting the incident or seeking legal action. Cyberbullying of gender-based violence and discriminatory harassment and image-based abuse may be particularly rife in terms of victim blaming, adding to the existing social inequalities.

Digital Shaming

Collective condemnation of individuals via social media, online forums and other digital platforms, is known as digital shaming. Unlike a classic embarrassment, digital shaming takes place in front of large crowds, and often can be found on search engines and from archived content for an extended time. When events are criticized publicly, ridiculed and widely reposted, the

individual becomes part of a larger story that leads to the ongoing crisis of his/her reputation, which increases the mental anguish.

Online Exclusion

Online exclusion is also another way in which cyberbullying is possible, as one can be blocked, ostracized together, barred from online communities or intentionally isolated from them. Exclusion denies the victims the social relationships which are crucial to their welfare and deepens feelings of rejection and marginalisation. For teens and young adults where online community is a key part of their identity, being cut off from online communities can have a significant emotional impact similar to being cut off from offline social networks.

Reputational Harm

One of the resulting effects of cyberbullying that can last in perpetuity is reputational damage. Misinformation, lies, rumors, and defamatory comments are often easily found even after they have been deleted from a website or blog. Often, when a rumor, a lie or a defamatory statement or manipulated images have been deleted from a website or a blog, they can still be found with ease, long after. widespread use of digital information by educational institutions, employers and professional organisations in assessing people can lead to reputational injury which can have significant economic and social consequences. Repurposed harm, unlike physical harm, can last a lifetime; once online, a copy of the reputational harm can be easily made, stored, and shared again and again.

There is strong evidence in the interdisciplinary literature for the significant psychological, social and legal effects of cyberbullying. The literature on cyberbullying consistently shows that there are significant links between cyberbullying victimisation and emotional problems such as anxiety, depression, loneliness, emotional dysregulation, self-harming behaviours and thoughts about suicide. An extensive umbrella meta-analysis in *Nature Human Behaviour* found that the consequences of internalisation of disorders and emotional problems were among the more consistent findings found in previous meta-analyses. (Nature)

Criminological scholarship has begun to conceptualise cyberbullying as a technology-mediated interpersonal violence that is shaped by online disinhibition, limited digital guardianship and design of online platforms. The findings of recent systematic reviews suggest that anonymity, moral disengagement and online disinhibition have significant impacts on the perpetration of and victimization in cyberbullying. (ScienceDirect)



A sociological point of view is that the phenomenon of cyberbullying reinforces the inequality of genders, ethnic groups, disabled and sexual orientation people and it also creates new inequalities in the digital world and a degradation of identities. Current scholarship suggests that cyberbullying can be viewed as a structural social issue within platform governance, algorithmic visibility, and digital power relations as opposed to simply the actions of an individual. (Taylor & Francis Online)

It is also acknowledged as a growing public health problem by public health research. The survey cycle by the World Health Organization (WHO), entitled Health Behaviour in School-aged Children (HBSC), which includes a study of adolescents from 44 countries and regions, found that about one in six (15%) of the children aged between 11 and 15 experienced cyberbullying, which is a significant rise from previous survey cycles. The report also revealed that about 12% of adolescents agreed they had bullied others through cyber means, highlighting the increasing public health importance of cyber victimization and making it a prevalent problem. (World Health Organization)

These findings are supported by a range of legal studies, which also show that existing laws and policies often do not acknowledge psychological injury as a distinct, compensable injury. While there is significant evidence that many victims of cyberbullying are experiencing emotional trauma and social exclusion, traditional crimes like harassment, stalking and defamation only cover a few aspects of this behaviour. Scholarly recognition is growing that there is a need for an integrated socio-legal approach to cyberbullying that incorporates criminal, civil, platform accountability, mental health, and human rights approaches (Citron, 2014).

As a whole, the empirical evidence from the fields of psychology, criminology, sociology, and public health, as well as the law, all point to the fact that cyberbullying is not simply an online occurrence or any kind of technical annoyance. Instead it is a multi-dimensional, long-lasting digital experience of victimization that can have a lasting psychological impact, create social stigma and impinge on basic rights. An understanding of these harms is crucial for the creation of victim-centred legal approaches that will provide an effective safeguard for dignity, mental well-being, equality, and active engagement in today's digital societies.

6. Socio-Legal Challenges in Addressing Psychological Harm

As cyberbullying has become more widely acknowledged as a source of great psychological damage, the inadequacy of current laws and practices in safeguarding and remediating victims has become apparent. While there are various laws that have been enacted in many jurisdictions concerning Internet related harassment, cyberstalking, malicious communications and digital abuse, such laws frequently do not recognize the distinct nature of psychological harm that takes place in an online context. Emotional trauma from cyberbullying may not be readily apparent, may be ongoing and cumulative, and may be hard to measure, making it harder for investigators, medical personnel and courts to deal with. In addition, digital communication is borderless in nature, constitutional guarantees to freedom of expression make it difficult to enforce legal rights, and new roles of online platforms raise questions regarding the enforcement of the legal rights. As a result, the laws frequently fail to provide the necessary legal safeguards despite the clear evidence that cyberbullying can have severe psychological, social and economic effects on victims (Citron 2014, Henry & Powell 2018).

As a socio-legal issue, there are some problems that highlight the gap between technology and the law. Digital technologies have changed the ways in which people communicate and experience victimisation, but there are many legal concepts that still stem from interpersonal violence. This imbalance impacts the right to justice and reduces the ability of legal systems to acknowledge psychological harm as a legally recognisable injury which is worthy of protection.

6.1 Evidentiary Challenges

Proving Emotional Injury

It is one of the biggest hurdles in reaching legal solutions to reach justice is establishing psychological damage. The traditional sources of proof for criminal and civil justice have been physical evidence of injury or physical damage or loss of property. However, emotional distress is an individual experience and can be a gradual process after being subjected to a long period of online abuse. Victims can suffer from anxiety, depression, humiliation or constant stress or they may suffer from a lack of self-esteem or post-traumatic stress without showing signs of external wounds or injuries. Emotional harm, therefore, is often a hard-to-establish harm for which little if any evidence is accepted in court.

This burden on proof is a huge disadvantage to victims of cyberbullying. Psychological trauma is not as easily documented as physical trauma; in the case



of physical trauma, medical reports are able to document injuries which can be seen. Despite the presence of expert evidence, courts may have different views on causation because there are often several interacting social, biological and environmental factors involved with mental health conditions. Legal arguments surrounding the issue of whether cyberbullying constituted the main source of emotional harm, are complex (John et al., 2018).

Digital abuse is further complicated by the cumulative nature of digital abuse. Repeated insults, threats, public humiliation and attacks on a victim's reputation often occur over a period of time, rather than just a single occurrence. Single events might seem an insignificant series of events, however when taken together, they can be extremely traumatic. Current legal systems often take an individualistic approach to each incident, which may result in underestimation of the extent of victimization.

Digital Evidence

One of the other big challenges in the socio-legal dimension is collection and preservation of digital evidence. Typically, cyberbullying takes place on a variety of platforms, such as social networking sites, encrypted messaging apps, online gaming forums, discussion boards and email. Examples of evidence include text messages, photos, videos, voice recordings, screenshots, metadata, IP addresses, deleted posts or algorithmically recommended posts. In a world of constantly changing digital communications, evidence can be changed, deleted, encrypted or moved quickly between jurisdictions, and investigators may not be able to access it.

Issues about authenticity add to judicial proceedings. Courts will need to decide if screenshots have been tampered with or if digital accounts have been hacked, or if anonymous communication can be traceable back to an individual. In the ever-evolving world of technology, particularly artificial intelligence, deep fake videos and images, and image manipulation have made the chances of a fabricated digital evidence being presented during the course of legal proceedings ever more likely, making increasingly advanced methods of forensic verification paramount.

Plus, there are different types of information that social media companies store — and for different lengths of time — and have different privacy policies. In many cases, malicious messages that could be very useful to victims are deleted prior to the issuance of preservation orders or the platforms refuse to

provide user information without the proper court order. These are very procedural in nature and frequently make investigations slow down and impede successful prosecution.

There are also significant privacy issues to be considered in the case of digital evidence. The investigators need to weigh their need for access to the private communications against the constitutional and human rights issues relating to privacy and data protection. The potential for over-surveillance and without restriction access to personal data could also be considered an abuse of fundamental rights and would need to be carefully weighed by courts.

Medical Evidence

As more and more evidence becomes available, it is being used to prove the psychological impact of cyberbullying. Psychiatric, psychological or other mental health professionals can make a diagnosis of anxiety disorders, depressive disorders, adjustment disorders or post-traumatic stress disorder on the basis of clinical evaluation. These reports give credibility to the notion that cyberbullying has led to substantial psychological harm, and could be used in court decisions to consider liability and sentencing or to request monetary damages.

However, there are a number of practical issues with relying on medical evidence. There are still significant barriers in many jurisdictions to access by qualified mental health practitioners, especially in low-income communities. Financial, limited-service and persistent stigma of mental illness may also prevent victims from seeking psychological assistance. This leaves the person who is suffering from a real psychological injury often before a court with no medical report that can prove they have been injured.

In addition, labels or diagnoses do not necessarily fit into the legal definition. While clinical practitioners focus on diagnostic classification in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR) or International Classification of Diseases (ICD-11), courts are most interested in the legal elements of causation, foreseeability, liability and evidentiary sufficiency. Thus, medical diagnosis and judgment can vary from judge to judge, lawyer to lawyer and expert to expert, leading to varying results.

The case studies in this document highlight some of the common obstacles of a traditional approach to legal responses to technology-driven psychological harm. They also show how there is a need for trauma-informed judicial process, for there to be special digital forensic skills, for there to be interdisciplinary collaboration, and for psychological harms to be recognised in both criminal



and civil law.

6.2 Cross-Border Jurisdiction

Cyberspace is transnational and poses one of the most challenging challenges to good law enforcement. Cyberbullying often involves multiple countries, including that of the perpetrator and victim, of the digital platform and of the data servers, and may not be clear which region or country has jurisdiction over investigations of offences and/or resolution of disputes. Traditional doctrines of territorial jurisdiction naturally came into existence in the context of offences committed within clearly defined territory; but digital communications increasingly happen to cross national borders within seconds, as digital activities often take place across multiple jurisdictions (Brenner, 2010).

The conflicts happen when the victim lives in one jurisdiction, the perpetrator is based in another jurisdiction and the digital platform is based in multiple countries, and stores information on servers in multiple countries. These situations make criminal investigations difficult as law enforcement agencies frequently need the cooperation of other law enforcement authorities or international agencies, or a mutual legal assistance request, to obtain the subscriber information, metadata or digital communications. The processes can be lengthy and may be unsuccessful in cases where there are different legal requirements for privacy, data retention, freedom of expression and cybercrime among the States.

The other advantage of jurisdictional fragmentation for perpetrators is the opportunity to take advantage of doctrinal gaps and loopholes in cybercrime legislation or the ability of other jurisdictions to enforce cybercrime laws, which tend to be less comprehensive or robust than those of the U.S. Jurisdictional fragmentation also allows the perpetrators to take advantage of doctrinal gaps and loopholes in cybercrime legislation or the ability of other jurisdictions to enforce cybercrime laws, which can be less comprehensive or robust than U.S. laws. Cyberbullying is not well regulated in the jurisdictions and those jurisdictions that do have rules are not always consistent; however, there are instruments that have improved the cooperation between jurisdictions in the investigation of cyber-enabled offences, such as the Budapest Convention on Cybercrime.

6.3 Freedom of Expression versus Protection from Harm

An old, but never-ending, socio-legal quandary is how to reconcile freedom of expression with protection of individuals from being the victims of serious

psychological harm. Democratic legal systems take the importance of freedom of expression as a fundamental constitutional right, and as a key element of political participation, academic freedom, the freedom of journalism and public discussion, for granted. The freedom to seek, receive and impart information without frontiers is guaranteed by Article 19 of the International Covenant on Civil and Political Rights, which also allows for restrictions which are "necessary to protect the rights and reputations of others".

This is the problem because cyberbullying often lies on the "grey zone" between protected expression and illegal behaviour. Threats, harassment, incitement to violence, discriminatory hate speech and persistent campaigns of intimidation are legitimate limitations on offensive opinions, satire, criticism and controversial political statements. The limits of lawful expression and the onset of psychological abuse by government in cyberspace is one of the most litigated issues of modern cyber law.

A too sweeping interpretation of law would prevent legitimate public conversation from taking place, by leading to potentially extreme censorship or platform over-removal of lawful content. On the other hand, it's possible that the victim will suffer from a long term of harassment that could result in serious psychological harm, while there is no real opportunity for legal action. Thus, numerous scholars argue that approaches based on the principle of proportionality are required that recognise both the freedom of expression and the protection from psychological integrity as complementary, as well as interdependent, human rights. This will involve a careful distinction by legislators, courts and digital platforms between a legitimate exercise of democratic rights and continued online activity that involves a deliberate attack on dignity, equality and mental health.

6.4 Platform Immunity

Social media has grown to an unprecedented level and created potent regulators of online communication in the form of private technology firms. Digital content is produced, shared, boosted and deleted via algorithmic recommendation systems and community standards on platforms like Facebook, X (previously Twitter), Instagram, TikTok, YouTube and Reddit. As a result, issues of platform responsibility have become a major issue in the current controversies about cyberbullying and psychological harm. Although governments have often tried to assert significant control over the digital world, the majority of platforms still remain with a level of immunity from liability for content created by their users, and fail to provide for the effective protection of rights of victims.



Under Section 230 of the Communications Decency Act 1996, online intermediaries traditionally have enjoyed high levels of immunity from liability for the information published by third parties. While this has been key to innovation and freedom of expression, critics believe that it weeds out the incentive to respond quickly to cyberbullying, hate speech, image-based abuse, and coordinated online harassment (Citron & Wittes, 2017). Courts have applied Section 230 in a very broad manner to the internet, and have made it hard for victims to bring civil actions against digital platforms even if harmful content continues to be accessible for extended periods of time.

In a world outside the United States, regulatory strategies are increasingly acknowledging that operators of platforms have a greater responsibility to prevent foreseeable harms to digital platforms. Very large online platforms have due diligence obligations under the European Union's Digital Services Act (DSA) which includes analyzing risks, reporting, notice-and-action and systemic risk measures such as online abuse and illegal content (European Parliament & Council, 2022). Likewise, the Online Safety Act 2021 (Australia) gives the E-Safety Commissioner powers to remove internet content that is harmful and to make regulatory demands on digital service providers.

Although all this has improved, there are still issues that need to be addressed in the practical implementation. The high media coverage of fake news, political or social discussion, and cyberbullying comes in part from content moderation systems that extensively use automated algorithms that often do not differentiate between a satire and a political or legitimate public discussion and cyberbullying. This automated moderation can, therefore, take away legitimate expression while not being able to identify subtler instances of psychological abuse, harassment, and targeting. The human moderation is another challenge as the reviewers are usually exposed to very large volumes of content, and are often required to take a decision in a hurried manner, resulting in inconsistent decisions and delayed intervention.

Platforms also face responsibility issues due to algorithmic recommendation systems. Another challenge for platforms is with algorithmic recommendation systems. Digital platforms are not just platforms of harmful content; they also have algorithms that can promote highly engaging posts that serve to amplify harmful content. Emotionally provocative and controversial material is often more visible, as it tends to provoke more responses from users, thus victimising the users indirectly. With the growing number of scholars who argue that

platform accountability should go beyond removing content to transparency, risk assessments, and design decisions that affect the spread of harmful communications (Suzor, 2019), this study will examine the role of platforms in conveying information and the ways in which they can be held accountable for their impact.

Thus, platform immunity is one of the most litigious issues of the cyber law. A balanced regulatory system should ensure freedom of expression and innovation whilst acknowledging the digital platforms have the same responsibilities with regard to reducing foreseeable psychological damage caused by cyberbullying.

6.5 Under-reporting

While there is greater awareness of cyberbullying, it is still significantly under reported at a jurisdiction level. Numerous victims do not report the incident to the police, schools, their employer or the internet platforms, due to their lack of trust that something will be done. Fear of retaliation, embarrassment, social stigma, lack of faith in legal systems and confusion about disclosure reporting procedures are consistent barriers to disclosure identified by research (Kowalski et al., 2014).

If parents take action to limit their child's internet access, children and adolescents are especially likely to be hesitant to report cyberbullying, in fear of losing access to internet or social media if they do. In the same way, adult victims can choose not to report abuse if they think it will cause them problems with the professionals, damage to their reputation, or continued on-line harassment. Women, journalists, academics, politicians and human rights defenders are often subject to systematic digital abuse, and are often not satisfied with reporting systems as they are perceived to be ineffective or cumbersome.

Under-reporting has very serious legal ramifications. It thus decreases the likelihood of early interventions, decreases the availability of accurate statistical information and encourages the false belief that cyberbullying is a relatively insignificant social issue. If the referral is delayed in a criminal proceeding, it could be that digital evidence is lost altogether; digital content can be deleted, changed or moved quickly from one site to another.

Reporting rates, thus, need to be improved through ensuring that there are complaints reporting systems in place, institutional responses that are trauma-informed, confidential reporting systems, legal awareness and the growth of trust in the fact that complaints will be investigated in a timely and meaningful



manner.

6.6 Secondary Victimization and Mental Health Stigma

The victims' experience is often exacerbated by secondary victimization, in which they experience further psychological harm because of their interactions with legal, educational, employer or digital institutions. Rather than empathy and support, victims can be disbelieved and minimised, blamed, and/or questioned intrusively about their online activity. This goes against past trauma and deters future reporting.

Secondary victimization is especially noticeable when the authorities imply that the victim's social media activity, deletion of accounts or increased personal responsibility could have prevented their victimization. These stories blame the victim, and help to perpetuate a culture of digital stigma. The same attitudes often arise in court cases, in which a victim often has to explain the nature of a traumatic experience multiple times, or defend his or her actions on the internet to receive a protection order.

Added to these challenges is the stigma associated with mental health. People in distress or with anxiety, depression, post-traumatic stress disorder (PTSD) or emotional issues may not be willing to get psychological support due to fear of discrimination, social judgement or feeling weak. In many cultures, attitudes towards mental illness continue to have a particularly strong effect, and inhibit victims from revealing psychological injuries even if they are able to access professional help.

The impact of mental health stigma in terms of legal consequences is significant. People who fail to go for medical or psychiatric evaluation may not have any official records to support their claims for compensation or prosecution. So, legal systems have unwittingly turned a blind eye to those who cannot or will not get a diagnosis from a professional and a blind eye to documented psychological injuries. Such inherent inequity is strongly proffered to the vulnerable such as children, economically disadvantaged persons, ethnic minorities and persons living in areas of poor access to mental health services.

To mitigate secondary victimization, legal processes must be trauma-informed, judges must be trained in this aspect, the investigation process must be victim-centred, and there needs to be a greater partnership between the law and mental health services. Such reforms would take into account not only rules of law, but also institutional practices, which would show consideration for the

dignity and psychological needs of victims of violence.

6.7 Access to Justice

One of the major issues faced by cyberbullying victims is access to justice. Theoretically, victims can pursue a legal remedy by filing a criminal charge, a civil lawsuit, an administrative complaint, or a complaint with a platform, but there are many practical obstacles that limit victims' ability to secure any remedy. The financial expense, complexity of procedure, evidentiary requirements, jurisdictional issues, and litigative delays and risks all make it difficult for many to consider litigation.

The multi-jurisdictional nature of digital communication makes access to justice an even more complex issue when perpetrators, victims and services are situated in different jurisdictions. There are conflicting legal standards for privacy, defamation, freedom of expression and intermediary liability; international cooperation processes can take a long time and institutional resources. Users that are identified by a law enforcement agency are also less likely to be legally held accountable, as user information is often obtained from foreign law enforcement authorities, but they often operate under different laws.

The other major drawback is that psychological damage is given limited recognition under the law. In many legal systems, the cause of action and/or the measure of damages is still based only on physical harm, economic damages, or proven reputation damage. Emotional distress, long-term stress and poor quality of life are often viewed as "collateral damage" despite the considerable empirical evidence of the long-term and significant impact these can have. As a result, such victims are not legally recognized, or do not get compensation, for their psychological injuries.

A socio-legal approach, therefore, brings in the need for enhancement of access to justice beyond any legislative changes. Answers should combine a Criminal Law approach, Civil Remedies, Human Rights protection, Platform accountability, Digital forensic skills and accessible Mental health support in a coordinated victim-centred approach. This also recognises that cyberbullying is not just a technical or legal challenge but a multi-faceted social reality that impacts dignity, equality, psychological integrity and meaningful engagement in digital society.

To conclude, there are significant challenges in today's legal systems when they have to deal with psychological injuries caused by cyberbullying. Existing legal remedies are ineffective because of evidentiary uncertainty, immunity of the platform, fragmentation of jurisdiction, underreporting, secondary



victimisation, mental health stigma, and lack of access to justice. The above challenges highlight that, to address cybercrime, the law needs to break from typical notions of cybercrime, taking into account the psychological harm as a valid, legally recognisable harm. Such a socio-legal approach should be more integrated and based on human rights principles, interdisciplinary collaboration and victim-centred justice to ensure effective legal interventions in the face of digital victimization.

7. Towards a Responsive Socio-Legal Framework

The foregoing shows that cyberbullying is not simply an issue of inappropriate use of the Internet, but is a multi-dimensional socio-legal issue that can cause psychological harm, social stigma, technological control, and protection of human rights. Current laws often fail to consider the holistic nature of cyberbullying by only focusing on specific types of online victimisation such as harassment, stalking or defamation as criminal offences, but not acknowledging the aggregate psychological effects of cyber victimisation. Moreover, the pace of technological evolution has always outrun the pace of legislative development, resulting in large gaps in terms of platforms' accountability, cross-border enforcement, and victim support. A socio-legal framework that is responsive should, therefore, go beyond punitive legal responses to a holistic approach that involves legislative reform, judicial innovation, digital governance, public education, mental health services and international cooperation. Such an approach acknowledges that there is a need for collaboration among governments, courts, technology companies, educational institutions, healthcare professionals and civil society organisations in order to effectively regulate.

7.1 Legislative Reform

The first step towards effective legal protection is to have extensive legislation which outlines cyberbullying and acknowledges it as a unique type of bullying. The fact that cyberbullying is often characterised by repeated online behaviour, anonymous involvement, algorithmic amplification and broad reputation damage continues to mean that many jurisdictions have been slow to adopt specific laws and policies on this topic. Lack of uniform statutory definitions means there is uncertainty in terms of when the law will be applied and a lack of uniformity in judicial interpretations.

Future legislation should adopt a technology neutral definition of

cyberbullying, that would be able to cover new forms of online harassment and abuse such as image-based abuse, doxxing, deep fake harassment, coordinated online harassment and technology facilitated coercive behaviour. The intent of legislation should not be to fix a single communication, but to take into account all communications, as well as their anticipated psychological effects. This would allow the courts to assess cyber-bullying based on the pattern of behaviour, as opposed to a single incident online.

But as crucial as this is, is the explicit recognition of psychological injury as a separate and compensable type of injury in the law. Current criminal and civil legislation often focus on actual emotional harm, financial loss, or reputational harm and minimize or do not consider emotional harm a primary or even easily provable type of harm. However, there is a consistent body of contemporary research based on a psychological and public health lens that clearly shows that cyberbullying can lead to anxiety disorders, depression, post-traumatic stress disorder, self-harming behaviour and suicidal ideation (John et al., 2018; Kowalski et al., 2014). This is the basis for legislative reform to recognise the serious psychological harm as a legally recognised harm which is seeable to support criminal liability, civil remedies and protective court orders.

A victim-centred approach to legislation should also be reflected in a responsive legal framework, which should involve enhancing victims' rights in accordance with the procedural protections given to victims during the entire process of the law. These safeguards should include a reportable system, measures to keep reports confidential, emergency protective orders, legal support and referrals to counselling and mental health services. The victim-centred approach to legislation is not just about punishing the offender, but also about rehabilitating the dignity of the victim, improving the mental health of the victim and ensuring his/her participation in digital society.

7.2 Judicial Reform

Simultaneous changes need to take place in the court system in addition to legislative reform to make cyberbullying an issue that can be resolved. The Internet has become a space where increasingly there are conflicts over complex digital evidence, anonymous online identities, algorithmic content dissemination, and new forms of psychological injury. Thus, the judges' reactions should be more technologically sophisticated and psychologically attuned.

A significant reform is to use a trauma-informed approach to adjudication. An understanding of trauma-informed judicial practice acknowledges that the victim of cyberbullying might be fearful, anxious, have memory gaps, be



emotionally distressed and may be hesitant to report the trauma. Special training of judicial officers, the prosecutor and legal practitioners on the psychological effects of digital abuse and how to interrogate vulnerable witnesses is therefore necessary. This helps to minimize secondary victimisation, as well as enhance quality judicial decision-making.

Another step forward towards the institutional reform is the establishment of specialised cybercrime or digital justice courts. Digital forensic courts may gain a specialist in the field of online platforms, the governance of the online world, online privacy, algorithmic accountability and technology-facilitated violence. Focusing technical skills in one place within specific judicial forums would ensure consistency, efficiency and accuracy in cyberbullying cases, and would help minimise delays involved in lengthy investigations of digital evidence. These courts could also foster interaction and cooperation among judges and forensic experts, psychologists and psychiatrists and cybersecurity professionals.

7.3 Platform Governance

The role of technology companies in preventing and responding to cyberbullying is especially significant since they are at the heart of the design, regulation and moderation of the digital spaces where cyberbullying is perpetrated. Thus, there is a need for better governance of platforms, characterized by transparency and accountability, and respecting human rights, if socio-legal reform is to be effective.

AI is helping to boost platforms' ability to detect abusive content, with automated systems now able to detect hate speech, threats, abuse of images and coordinated abuse. While AI content moderation can be incredibly efficient in expediting content detection, it is not foolproof. Automated systems may miss out on understanding the context of a message, contextually sensitive language, sarcasm, or novel forms of online harassment, as well as incorrectly identifying lawful expression as offensive. Thus, it is important for AI to be used in conjunction with a human moderator who is suitably trained to handle these tasks.

This increased openness is also crucial. Routine transparency reports detailing content removal processes, appeal mechanisms, algorithms used to recommend content, risk assessment and practices in content moderation should be made public through platforms. Good governance, transparency is

necessary to enable independent researchers, regulators and civil society organisations to assess whether digital platforms have adequate measures in place to protect users from cyber-bullying whilst respecting freedom of expression and privacy rights.

The same should apply to platform responsibility, too—it should go beyond just removing content when it's taken down. Technological firms should conduct regular human rights impact assessments, enhance notice and takedown tools, ensure that digital evidence is preserved for purposes of lawful investigations and reconsider how recommendation algorithms perpetuate harmful information. The responsibilities imply a new understanding that digital platforms are not merely mediators, but powerful players capable of influencing the way people interact and communicate in today's society (Suzor, 2019).

7.4 Educational Measures

Educational practices, norms and values in communities are key drivers of cyberbullying, so that legal measures alone will not eradicate the problem. Therefore, preventive measures should be directed towards fostering general digital competence in schools, universities, the workplace and in community organisations.

Digital literacy courses should provide people with information about responsible online communication, protecting privacy, digital citizenship, cyber security and the legal implications of technology-facilitated abuse. Programmes should promote positive interaction with digital technologies and diversity, equality and human dignity.

Additionally, schools should integrate anti-cyberbullying education into existing, existing, and responsible use of technology curricula, as well as those on human rights, empathy, conflict resolution, and responsible use of technology. Prevention programmes implemented at school through policy development, peer support, teacher training and parental involvement are effective in decreasing bullying as well as improving school climate (UNESCO, 2019).

The awareness of mental health should also be an integral part of preventive education. There is a need to increase the awareness of students, teachers, parents and employers of the psychological impact of cyberbullying, signs of emotional distress and the services and resources available to help. Dismantling stigma against mental health disorders motivates patients to contact help in time and enhances institutional reactions to mental health issues.



7.5 Public Health Approach

Cyberbullying is a public health problem that needs to be recognized more and more than a criminal justice problem. Digital victimisation has been found to be prevalent and linked to feelings of anxiety and depression, feelings of self-harm and suicide – which shows the importance of prevention and early intervention in effective socio-legal responses. The governments should provide easy to access psychological counseling service to victims in schools, universities, health care institutions and community organizations. Early therapeutic intervention can minimize the impact of the psychological issues for a victim on their later life and help them achieve educational success, employment and social interactions.

The victim assistance programmes should also include legal advices, psychological counselling, digital safety planning and social support services as part of coordinated multidisciplinary services. The cross-over nature of the legal, psychological and social aspects of cyberbullying are reflected in such integrated support. Rehabilitation for perpetrators should also be a part of rehabilitation, especially for juvenile perpetrators. Corrective measures such as educational interventions or restorative justice programmes, behavioural counselling, or digital ethics education, can potentially be more effective in preventing recidivism when compared to punitive measures. Restorative practices foster responsibility and accountability whilst also fostering empathy, behaviour change and reintegration into the community.

7.6 International Cooperation

Cyberbullying is by its nature a multi-jurisdictional phenomenon, meaning that no one jurisdiction can be effective in stopping cyberbullying alone. International cooperation is therefore vital to fight against transborder digital abuse and provide equal protection for victims.

The emphasis should be on bringing cyber laws into harmony and harmonising the legal definition, evidentiary requirements, procedural safeguards and mechanism of victim protection. While it is not technically or necessarily possible to achieve legal uniformity, having more uniformity will help alleviate jurisdictional uncertainty and make it easier to cooperate more effectively internationally.

Cross-border investigations, too, should be strengthened with the improvement of mutual assistance in the field of law enforcement, acceleration

of preserving digital evidence, exchange of information among law enforcement authorities and more intensive cooperation between national cybersecurity authorities and digital platforms. International bodies and organisations, such as the United Nations, the Council of Europe and the regional human rights institutions, should continue to develop normative guidance, giving due consideration to privacy, freedom of expression and other fundamental rights, that encourages victim-centred responses to cyberbullying.

Finally, a socio-legal pathway that is responsive to cyberbullying must acknowledge that it is a multi-faceted problem involving law, technology, psychology, education and public health. Integrated governance is what's essential for dignity, mental health, equality and human rights to be protected in fast-changing digital worlds, and sustainable reform cannot be achieved without it. A range of innovative ideas for the health and effectiveness of legal systems in achieving more effective and compassionate responses to cyberbullying, through legislative reform, innovative judicial practices, platform governance, preventive education, public health interventions, and international cooperation, can be developed. A variety of innovative concepts are possible for the health and effectiveness of legal systems in achieving more effective and compassionate responses to cyberbullying, including: legislative reform, innovative judicial practices, platform governance, preventive education, public health interventions, and international cooperation.

8. Conclusion

Cyberbullying has become one of the most pressing socio-legal issues of today's digital age, moving beyond the context of traditional bullying to be a form of technology-mediated harm that crosses traditional constructs and has significant psychological, social and legal repercussions. This chapter has illustrated how digital communication technologies have changed the nature of interpersonal abuse, providing opportunities to be anonymous, permanent, amplified by algorithms and rapidly disseminated globally. These characteristics can lead to increased emotional distress and exacerbate social stigma, social humiliation, social damage to one's reputation, and social exclusion or peripheralization for the lifetime. This means that cyberbullying should not be considered 'just inappropriate online behaviour' but rather an important human rights, public health and justice issue that needs to be fully legally recognised. While the international human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, offer a valuable normative framework for dignity, privacy, equality, mental health and freedom



from discrimination, their implementation in the domestic context is incomplete. Comparative legal analysis also shows significant differences in practice across the countries, with current criminal and civil laws and remedies also failing to fully meet the unique characteristics of cyberbullying, especially if the harm is largely psychological. Limits on accessing justice persist for victims, including the challenges of establishing a case of emotional trauma, anonymously identifying the perpetrator, and obtaining digital evidence, jurisdictional issues, and effective accountability for platforms. One central theme that is raised throughout this chapter is to shift the focus from reaction to responsiveness and shift towards a more socio-legal approach, which takes a holistic view of the interconnected nature of law, technology, psychology, education, and public health. To ensure effective regulation, the following elements should be included in legislation: psychological harm must be recognised as a legally recognised injury, trauma-informed judicial processes should be put in place, platform governance and transparency and accountability must be strengthened, there must be comprehensive programmes of digital literacy, and there must be readily available mental health support and enhanced international collaboration in addressing cross-border digital abuse. An integrated framework elevates the dignity, welfare and human rights of victims at the core of the legal policy and ensures a legitimate freedom of expression to digital environments. Prevention of cyberbullying needs to go beyond technology controls and criminal punishment. It calls for an integrated and multifaceted strategy that requires a commitment to legal responsibility, social responsibility, institutional cooperation and proactive education. The creation of adaptive, victim-centred socio-legal responses will be essential to ensure safer digital spaces, good mental health and effective justice system responses to the realities of twenty-first century cyberbullying.

References

1. Australia. (2021). Online Safety Act 2021 (Cth). <https://www.legislation.gov.au>
2. Bandura, A. (1977). Social Learning Theory. Prentice-Hall.
3. Bansal, S., Garg, N., Singh, J., & Van der Walt, F. (2024). Cyberbullying and Mental Health: Past, Present and Future. *Frontiers in Psychology*, 14, Article 1279234. <https://doi.org/10.3389/fpsyg.2023.1279234>
4. Becker, H. S. (1963). *Outsiders: Studies in the Sociology of Deviance*. Free Press.
5. Brenner, S. W. (2010). *Cybercrime: Criminal Threats from Cyberspace*.

Praeger.

6. Citron, D. K. (2014). *Hate Crimes in Cyberspace*. Harvard University Press.
7. Citron, D. K., & Wittes, B. (2017). *The Internet will not Break: Denying Bad Samaritans §230 Immunity*. Hoover Institution.
8. Cohen, L. E., & Felson, M. (1979). Social Change and Crime Rate Trends: A Routine Activity Approach. *American Sociological Review*, 44(4), 588–608.
9. Council of the European Union, & European Parliament. (2022). Regulation (EU) 2022/2065 on a Single Market for Digital Services (Digital Services Act). Official Journal of the European Union.
10. European Parliament and Council. (2016). Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation). Official Journal of the European Union.
11. Gillespie, T. (2018). *Custodians of the Internet: Platforms, Content Moderation, And the Hidden Decisions that Shape Social Media*. Yale University Press.
12. Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. Prentice-Hall.
13. Henry, N., & Powell, A. (2018). Technology-facilitated Sexual Violence: A Literature Review of Empirical Research. *Trauma, Violence, & Abuse*, 19(2), 195–208. <https://doi.org/10.1177/1524838016650189>
14. John, A., Glendenning, A. C., Marchant, A., Montgomery, P., Stewart, A., Wood, S., Lloyd, K., & Hawton, K. (2018). Self-harm, Suicidal Behaviours, and Cyberbullying in Children and Young People: Systematic Review. *Journal of Medical Internet Research*, 20(4), e129. <https://doi.org/10.2196/jmir.9044>
15. Kasturiratna, K. T. A. S., Hartanto, A., Chen, C. H. Y., et al. (2025). Umbrella Review of Meta-Analyses on The Risk Factors, Protective Factors, Consequences and Interventions of Cyberbullying Victimization. *Nature Human Behaviour*, 9, 101–132. <https://doi.org/10.1038/s41562-024-02011-6>
16. Kettemann, M. C. (2020). *The Normative Order of The Internet: A Theory of Rule and Regulation Online*. Oxford University Press.
17. Kowalski, R. M., Giumetti, G. W., Schroeder, A. N., & Lattanner, M. R. (2014). Bullying in the Digital Age: A Critical Review and Meta-Analysis of Cyberbullying Research Among Youth. *Psychological Bulletin*, 140(4), 1073–1137. <https://doi.org/10.1037/a0035618>
18. Lemert, E. M. (1951). *Social Pathology*. McGraw-Hill.
19. Olweus, D. (1993). *Bullying at school: What We Know and What We Can Do*. Blackwell.
20. Patchin, J. W., & Hinduja, S. (2015). *Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying* (2nd ed.). Sage.



21. Suler, J. (2004). The Online Disinhibition Effect. *Cyber Psychology & Behavior*, 7(3), 321–326. <https://doi.org/10.1089/1094931041291295>
22. Suzor, N. P. (2019). *Lawless: The Secret Rules That Govern Our Digital Lives*. Cambridge University Press.
23. Tokunaga, R. S. (2010). Following You Home from School: A Critical Review and Synthesis of Research on Cyberbullying Victimization. *Computers in Human Behavior*, 26(3), 277–287. <https://doi.org/10.1016/j.chb.2009.11.014>
24. UN Committee on the Elimination of Discrimination against Women. (2017). General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19.
25. UN Committee on the Rights of the Child. (2021). General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment.
26. UNESCO. (2019). *Behind the numbers: Ending school violence and bullying*. UNESCO.
27. United Kingdom. (1988). *Malicious Communications Act 1988*.
28. United Kingdom. (1997). *Protection from Harassment Act 1997*.
29. United Kingdom. (2003). *Communications Act 2003*.
30. United Kingdom. (2023). *Online Safety Act 2023*.
31. United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
32. United Nations. (1966a). *International Covenant on Civil and Political Rights*. <https://www.ohchr.org>
33. United Nations. (1966b). *International Covenant on Economic, Social and Cultural Rights*. <https://www.ohchr.org>
34. United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*. <https://www.un.org/womenwatch/daw/cedaw/>
35. United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org>
36. United States. (1996). *Communications Decency Act of 1996*, 47 U.S.C. § 230.
37. Wexler, D. B., & Winick, B. J. (1996). *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence*. Carolina Academic Press.
38. World Health Organization Regional Office for Europe. (2024). *One in Six School-Aged Children Experiences Cyberbullying, Finds New WHO/Europe study*.