



ASPECT AND SPECIAL DISTINCT NATURE OF CYBER BULLYING

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Abstract

The phenomenon of cyber bullying has recently emerged, and it has grown due to the steady increase in the use of the Internet and social networking sites especially among young people and adolescents, especially university and high school students.

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The research attempted to study the main problem regarding the reality of cyber bullying, and whether it has an individuality and a special nature that distinguish it from what might be suspected, following the descriptive and analytical approaches.

The research concluded that cyber bullying is a form of traditional bullying, but it is distinguished from it by the electronic means by which it is carried out, and that there is no unified and stable concept in jurisprudence and legislation, of cyber bullying, yet any accurate definition of it must include three elements; the behavior in which it occurs, the means through which is committed, and the end that the offender aims to achieve. Cyber bullying has a special nature and subjectivity, which is embodied, on the one hand, in the electronic violence that characterizes it, represented by the ability of the bully to hide and appear under pseudonyms, which leads to an imbalance of power between the bully with greater technical experience and the technically weaker victim, and, on the other hand, in the concept of systematic and repetitive behavior, as the bully himself does not necessarily contribute to the repetition of bullying behavior, but rather it is possible for him to repeat this behavior by others, by sending it or directing it to other people.

The research concluded by suggesting the necessity of imposing effective censorship on electronic communication sites, obligating those in charge of them to ban the accounts of those who return to practicing cyber bullying through them, and enacting the necessary laws to criminalize and punish cyber bullying behaviors, including electronic harassment and prosecution.

Keywords: *bullying, harassment, stalking, violence, systematic, abuse, electronic*

INTRODUCTION

the increased use of the Internet and the rise of social media coincided with the spread of a dangerous phenomenon known as cyberbullying. According to the Cyberbullying Research Center, "About half of the teens have experienced some form of online harassment; 37% of them admit to using social networking sites to harm their peers, and 43% use mobile phones to insult others."¹ One in five people who use the Internet are involved in cyber bullying², and some research indicates that as many as seven out of ten young people have experienced online abuse at some point.³ Some studies showed the prevalence of this phenomenon among school and university

¹ Miles-Ferguson: Should cyber bullying be a crime? Available online at: [Cyberbullying - College Essays - Momoney5 \(brainia.com\)](#). browsing Date 28/7/2022

² Thana Hashim Mohammed: The reality of the phenomenon of cyber bullying among secondary school students in Fayoum Governorate and ways to confront it (field study), Fayoum University Journal of Educational and Psychological Sciences, Issue 12, Part, 2019, p. 187

³ Ditch the Label, "The annual cyber bullying survey 2013" (Brighton, 2013). Available online at:

students in various countries, including a field study conducted on a sample of school students in a Turkish city, consisting of (417) students. It concluded that (%35.7)–of them had practiced cyber bullying at least once.⁴

Research importance:

The importance of this study is highlighted in that it:

It deals with a very dangerous phenomenon that must be addressed, because it poses a real threat to the entity and individuals in society, given the devastating effects that befall the victims of bullying. What increases the seriousness of this phenomenon, and the necessity of addressing it through research and confrontation, is the characteristics of the electronic means that are used in it, which increase the ability of the bully to disguise themselves, the ease and speed with which the content is transmitted, and the bully's indifference to the harmful effects of his victim,– because he does not see them, in addition to the lack of control over electronic means of communication, especially social media.

The subject of the study is relatively recent, and it still needs a lot of studies and research, especially from a legal point of view, as the Arab community did not receive sufficient study and appropriate attention due to its size and seriousness, which makes this study one of the first studies in this field.

The prevalence of cyber bullying among adolescents and young adults, and its increasing size, made it necessary to reveal its nature and characteristics, so this study came to clarify what cyber bullying is, in order to determine its distinctive self.

Research problem:

This study raises a major problem embodied in what cyber bullying is, and whether it has its own personality and a special nature that distinguishes it from what might be suspected.

Research Methodology:

The descriptive and analytical approaches are used in the topic study. The descriptive approach describes the main subject of the study, and defines what cyber bullying is and its elements. As for the analytical method, it helps in analyzing the elements of the phenomenon under study, in order to reach the conclusion of its distinctive subjective nature.

Research Plan:

To find a solution to the main problem of the study, we will divide it into two topics. The first deals with the concept of cyber bullying, the second deals with the characteristic subjectivity of cyber bullying, and finally, we reach a conclusion in which we present the most important findings and recommendations of the study.

First Requirement

The concept of cyber bullying

Cyber bullying takes many images and forms, the most prominent of which are; hacking personal accounts on social media, spreading lies and offensive stories about account holders, using immoral language, immorally forcing a person to reveal sensitive personal data, and stealing personal photos and publishing them on other people's accounts.

The term "bullying" mixes and overlaps with other types of behavior, such as contempt, exclusion, intimidation, bullying, harassment, and discrimination, therefore, it was necessary to define the exact meaning of bullying, which characterizes and distinguishes it from others.

<http://www.ditchthelabel.org/research-papers/>.

This is confirmed by some statistics announced by the Ministry of Communications and Information Technology in the Kingdom of Saudi Arabia, as seven out of every ten users in the world have been subjected to electronic abuse. Jumana Al-Harbi: Cyberbullying... Hostile behavior to tarnish reputation, Al-Riyadh newspaper, Tuesday, Rabi` al-Awwal 1, 1441 AH - October 29, 2019 AD.

⁴ Beyazit, Utku; Şimşek, Şükran; Ayhan, Aynur Bütün: An examination of the predictive factors of cyber bullying in adolescents. *Social Behavior and Personality: an international journal*, Volume 45, Number 9, 2017, pp. 1511-1522(12). doi: <https://doi.org/10.2224/sbp.6267>.



The meaning of cyber bullying, as a modern term, differs between linguists and legal scholars.

first branch

The linguistic concept of cyber bullying

In the linguistic context; the word “bullying” means “bullying,” which means that he resembles a tiger in his nature.⁵ A person’s bullying means anger and bad behavior, and he becomes like an angry tiger.⁶ The bully is a person who bullies others, or is jealous, defeats and oppresses him, and gains strength over him with his faculties, capabilities, and powers, and these behaviors refer to all sources of strength, fear, and oppression.⁷

As for the term ‘electronic’, it indicates the means by which bullying takes place, which is an electronic means using digital technologies, such as the information network, electronic computers, and smart phones, and the Florida Education Act expressed this by saying that cyber bullying is bullying through technology or any electronic communication, which includes, but is not limited to, any transmission of information, signals, writing, images, sounds, data, or intelligence of any nature that is wholly transmitted. or partially by wire, radio, electromagnetic system, or optical system.⁸

Second Branch

Legal concept of cyber bullying

In the legal context; it seems difficult to achieve consensus on a single definition of cyber bullying, mainly because there is no common understanding of what such behavior entails, and this was recognized by the Standing Committee of the Senate of Canada, in the Human Rights Report entitled Cyber bullying.⁹

However, some jurists provided a definition of cyber bullying, which was derived from the definition developed by sociologists and psychologists. It was defined by Ratliffe and Mark as “a deliberate act using modern technology that may cause others embarrassment, injury, or belittlement.”¹⁰ Another defined it as: “Repeated and intentional behavior, preceded by an intent to offend, directed by an individual or a group of individuals, with the intent to cause harm, harm, threat, humiliation or embarrassment to another person or persons, directly or indirectly, by using mobile phones or any other means of electronic communication.”¹¹

It was also defined as “aggressive behavior via the Internet that includes three characteristics; that it is committed by individuals or groups using electronic devices or digital media, and by sending hostile or aggressive messages repeatedly, with the intent to cause discomfort or harm”.¹²

⁵ Mohammed bin Makram bin Ali, Abu al-Fadl, Jamal al-Din Ibn Mansoor al-Ansari al-Ruwaifi'i al-Ifriqi: Lisan al-Arab, Volume 5, Beirut, Dar Sader, 1956, p. 200

⁶ The Collective Dictionary of Meanings: Available online at: <https://www.almaany.com/ar/dict/ar-ar/%D8%AA%D9%86%D9%85%D8%B1>.

⁷ Ahmed Abdullah Al-Tayyar: The crime of bullying, a comparative study, New University House, 2022, p. 19

⁸ Haifa Abd al-Rahman al-Waqyan: cyber bullying and the need to confront it criminally. An original, analytical and comparative study, Dar Al-Nahda Al-Arabiya, 2022, p. 32.

⁹ CCSO CYBERCRIME WORKING GROUP Report to the Federal/Provincial/Territorial Ministers Responsible for Justice and Public Safety cyber bullying and the Non-consensual Distribution of Intimate Images Department of Justice Canada June 2013. Available online at: <https://www.justice.gc.ca/eng/rp-pr/other-autre/cndii-cdncii/index.html>.

¹⁰ Mahmoud Omar Ahmed: The Reality of cyber bullying on Social Media Networks Among University Students: A Case Study of Fayoum University, Educational Journal, Sohag University, Egypt, 2019, 65, p. 576

¹¹ Mahmoud Kamel Mohammed Kamel: cyber bullying and self-esteem among a sample of deaf and hard-of-hearing adolescent students (clinical psychometric study), Master Thesis, Tanta University, Faculty of Education, Department of Mental Health, 2018, p. 23

¹² Tommy K. H. Chan, Christy M. K. Cheung & Randy Y. M. Wong: Cyberbullying on Social Networking Sites: The Crime Opportunity and Affordance Perspectives. Journal of Management Information Systems /2019, Vol.



The Italian legislator defined cyber bullying as: “any form of aggression, constant pressure, harassment, extortion, insult, defamation, identity theft, alteration of electronic data or manipulation of its truth, publication of abnormal contents, inconsistent with respect for and guarantee of human dignity, or degradation or ridiculing her”.¹³ It was also defined by the Florida Education Law as bullying that occurs through electronic communication, and bullying means “systematic and continuous harm, whether physical or psychological, to one or more students ... and may involve teasing, social exclusion, threats, stalking, and physical violence.” sexual, religious or racial harassment”.¹⁴

The French legislator, who added Article (222-33-2-2) to the Penal Code¹⁵, defines bullying as: “harassment of a person through repeated words or actions aimed at or leading to a deterioration in his living conditions, which leads to harm to his physical or psychological health, and the penalty is increased if the bullying is committed through a public service via the Internet.

By reflecting on the previous definitions, it becomes clear that they contain common elements. It focuses on defining the concept of cyber bullying on three criteria: the act in which it takes place, the means through which it is committed, and the goal that the perpetrator aims to achieve. Based on these criteria, we can define cyber bullying as: repeated and deliberate behavior, committed through electronic means of communication and the information network, with the intent of harming the victim psychologically or morally.¹⁶

36, No. 2. P. 577. Available online at:

<https://www.tandfonline.com/doi/full/10.1080/07421222.2019.1599500?scroll=top&needAccess=true>.

¹³ See Article 1 of the Law on Combating and Combating cyber bullying Against Minor Children, known as Legge n. 71/2017 sul cyberbullismo. 29 maggio 2017. Available online at: [Articolo 1 - Legge n. 71/2017 sul cyberbullismo - CyberLaws](#).

¹⁴ Haifa Abdel-Rahman Al-Waqyan: previous reference, p. 32

¹⁵ This is according to Law No. (873-2014) issued on (4 August 2014 AD). Available online at <https://www.legifrance.gouv.fr/download/pdf?id=chzHL-lOL0uKBUDrMBLQw8z07XbCaxyWqP6yb6mJnWc>.

¹⁶ It is noteworthy that the courts did not explicitly define cyber bullying, but there are some provisions that referred to some incidents that fall within the concept of cyber bullying or to some forms of bullying in general, if its elements are available. In a ruling issued by the Illinois State Court, in which a student was convicted of cyber bullying, in a case whose facts are summarized in that he sent an e-mail to a well-known anti-bullying activist, in which he expressed his anger at his school principal, who expelled him from school, and explained to the activist He wished (and wanted) the death of the principal and her assets, so the activist, motivated by her fear for the principal, informed the police about the content of this message, so the student was convicted by the court of cyber bullying, and considered his act a fourth-type felony, justifying its ruling that the message is a real threat to the principal .

JAMIE MOSSER: Cyber bullying and the Law, NORTHERN ILLINOIS UNIVERSITY LAW REVIEW, [Vol. 36.3 2016], p.87.

In the French judiciary, we find some provisions that referred to bullying, including that the husband’s sending frequent mail messages to the victim’s colleagues at work reveals their ongoing marital differences, as well as sending messages to his daughter and her friends on Facebook with the same content, which is considered behavior that affects the psychological state of the wife.

Cass. crim, May 9 2018, 17-83.623, Published in bulletin. Available online at:

<https://www.legifrance.gouv.fr/juri/id/JURITEXT000036947023>.

In Iraq, a ruling by the Salah al-Din Court of Appeal, in its discriminatory capacity, stated that: “It is proven that the accused has described the Islamic school in... that the complainant runs as a satanic school, and that the scholars of the school are hypocrites, and this incident that the accused ascribed to the complainant is



Second Requirement

The special nature of cyber bullying

Cyber bullying is characterized by a number of characteristics that together constitute a control that reflects its privacy and expresses its independent self, these characteristics give cyber bullying behavior a special nature that makes it distinct from types of behavior that are similar to it.

First branch

Cyber Bullying Controller

Going back to the definition of cyber bullying, we can extract the characteristic controller for it; As the most important characteristic of this controller, which diagnoses bullying behavior, is that the bully is superior to the victim in some way or another, in addition to the necessity of having some other characteristics in order for the behavior to be considered cyber bullying.

1. **Aggression and violence:** Cyber bullying is aggressive behavior, and violence is its most important feature, however, what distinguishes cyber violence is the ambiguity and ignorance that characterizes it. The bully can hide and appear on the information network under pseudonyms, as he can assume a fictitious person, or hack someone's email, or burglarize of his electronic account, then sends obscene messages or unacceptable pictures, or republishes pictures after modifying them, or raises bad and false rumors, and so on. In many cases, cyber bullying takes place indirectly, due to the bully's inability to show his strength in front of others, and his fear of confronting the victim face to face.¹⁷

2. **Imbalance of power between the bully and the victim:** Bullying usually occurs in the context of an unequal relationship, and situations characterized by an imbalance of power, whether the victim is physically or mentally weaker, or weak in character, where the bully exploits his physical, psychological, and popularity superiority to direct intentional and repeated abuse at the weaker victim.

The invisibility feature on social media and other websites provides the opportunity for the bully to use cyber violence against his peers and victims, with the aim of showing his power to reach a higher social rank and status among them, and to impose control over them, as a result of their submission and intense fear or flight. The victim does not have the strength or social status that enables him to resist or defend himself.¹⁸ Greater technical expertise also contributes to a power imbalance, as the victim is unable to reveal the identity of the bully, or escape the bullying. If it is easy to send emails and text messages, more sophisticated attacks, which involve disguising

considered defamation." If true, the complainant would be despised by his countrymen, Al-Adala Magazine, Issue 2 (April, May, June), 2002, 73. Cited by Sondos Nuri Hassan: Criminal Responsibility for Bullying: A Comparative Study, Master Thesis, Al-Nahrain University, 2022, p.10 .

And in a decision by the Baghdad Court of Appeal in its causational capacity, it said: "It is established from the facts of the case that the complainant works as a doctor and a captain of doctors in the province..., and the accused admitted that he published the words that included a description of doctors..., calling them (the Italians), and that this Description: The complainant degrades his surroundings and society, which regards the medical profession with respect. The decision of the Court of Cassation No. /904/ penalty /2014/ dated 11/19/2014, unpublished. Sondus Nuri Hassan: the previous reference and place

¹⁷ Hosnia Hussein Abdel-Rahman: A proposed vision to overcome electronic bullying in basic education schools in the Arab Republic of Egypt in the light of the experiences of Australia, Finland and the United States of America, Journal of the College of Education, Al-Azhar University, Issue (711), Part 2, (January 2018 AD), p. 681.

¹⁸ Mahmoud Omar Ahmed Eid: The Reality of Cyber bullying on Social Media Networks Among University Students: A Case Study of Fayoum University, Educational Journal, Vol. 65 (2019): 553-604.



themselves or pretending to be someone else, with the aim of posting defamatory or offensive material on a website, require more skill.¹⁹

3 Repetition or the ability to repeat: Bullying is typically systematic, continuous, repetitive, or repeatable, and it instills fear of recurrence. However, according to what some of them think, it is not what prevents in a few cases, if the bullying is severe enough, from happening, even if it only happens once; A single act may make the victim feel helpless, and result in serious harm that can last for a long period of time. The serious and long-term harm to the victim replaces the systematic or repetitive nature of the act or threat, which is the most important feature of bullying.²⁰ In application of this idea, the US state of Arkansas introduced in (2010) a crime of cyber bullying, related to transmitting, sending, or publishing a communication by electronic means to another person, for the purpose of intimidation, coercion, threat, abuse, or harassment, if this action is to reinforce severe behavior or repeated or hostile behavior towards the other person, and this crime is punishable by imprisonment for a period of up to (90) days.²¹

But the question that arises here is what is the reliable criterion to say that the bullying behavior was systematic, continuous, and recurrent? and how many times the behavior is repeated, or is it the time in which it is repeated, or is it both?

There is no single answer that resolves this issue. The French court of cassation adopted the criterion of repetition of behavior, and stipulated the necessity of having three annoying bullying calls, as a minimum, even though the aforementioned text did not mention a specific number, when applying Article (16-222), the French Penal Law which stipulated repeated malicious telephone harassment, and repeated sending of text and electronic messages.²²

While some legislators adopted a double standard that included two considerations together, namely the occasion of the act and the number, times it occurred, such as the legislator in the US state of Illinois, it stipulated that: “A person commits cyber stalking when he intentionally and without legal justification, on at least two separate occasions, harasses another person through the use of electronic means of communication.”²³ This is supported by some jurists, who see that it means repeated behavior. : “Performing two or more actions towards the victim, on two separate occasions, such as teasing, threatening, humiliating, or stalking,” noting that it is equivalent to systematic repetition to repeat the same act many times, or to carry out different actions in succession against the same victim, and for the same purpose.²⁴

We decide that, given the unique nature of cyberbullying, the concept of repeated behavior takes on a new meaning, as the bully does not always contribute to the repetition of bullying behavior, but it is possible to repeat this behavior without the bully's involvement, such as if the bully took

¹⁹ Sheri Bauman: Defining a cyber-bully. National Science Foundation. Defining a Cyberbully | NSF - National Science Foundation (archive.org). Cynthia Van Hee, Gilles Jacobs, Chris Emmery, Bart Desmet, Els Lefever, Ben Verhoeven, Guy De auw, Walter Daelemans, Véronique Hoste; Automatic detection of cyber bullying in social media text. Available online at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0203794>.

²⁰ Rebecca Dredge: Cyberbullying in social networking sites: An adolescent victim's perspective. Submitted in total fulfillment of the requirements of the degree of degree of Doctor of Philosophy, August, 2014 School of Psychology Faculty of Health Sciences Australian Catholic University. p.33.

²¹ What Is Cyberbullying? Facts, Laws & Resources. Available online at: <https://online.maryville.edu/blog/what-is-cyberbullying-an-overview-for-students-parents-and-teachers/>.

²² Cass. Cream. 17 Jan. 2018-17-80.247. Ahmed Al-Tayyar referred to it: previous reference, p. 56

²³ Haifa Al-Waqyan: previous reference, p. 39

²⁴ Haifa Al-Waqyan: previous reference, p 58

an abusive picture or video clip on his mobile phone only once and sent it to another person, who then re-sent it or directed it to another person. so it can be said that this falls under the adjective of repetition, and the same thing if something offensive is uploaded on the page of one of the websites, then every visit to that page is degree of repetition²⁵, as a single contempt message on a public page can have severe consequences, such as abuse and insult in continued distress, and humiliation for the victim, if it is shared or liked by a large audience, and this can be compared to the “snowball effect”; Because one post is repeated, or distributed by other people, has a greater impact than was originally intended, and becomes beyond the control of the first bully.²⁶

4 With the intent of offending, embarrassing, harming, or intimidating and threatening, the bully may believe he can avoid punishment by claiming that the bullying behavior he employs is an exercise of his right to express himself, a type of permissible criticism, and that he is immune from legal accountability and punishment. However, in many cases, the bully hides behind freedom of expression, and commits bullying behavior with the intent to offend, harass, defame, or harm the victim, by misusing images, information, or other highly personal data that the bully obtains from the victim or from its own accounts on the network, and the matter may become more dangerous if it extends to distortion and reversal of facts, by publishing false information and fabricated and forged pictures.

Second Branch

Distinguishing cyber bullying from what it looks like

It is no longer a secret to anyone that cyber bullying has become a threat to society, and a phenomenon that is spreading, not only among children and adolescents, but also among adults, and some countries and societies are dealing with it as a serious global problem that is spreading across different countries and societies. Its essence may be confused with the phenomena and terminology close to it. Therefore, it was necessary to differentiate between them, and to indicate the boundaries separating them.

First - Cyber bullying and traditional bullying: Although cyber bullying is a form of bullying in general and it is similar to in that each of them occurs with deliberate and repeated behavior, with the aim of harming the victim, and imposing control and dominance over the situation,²⁷ it is distinguished from its traditional counterpart in the way it is committed, which makes its consequences and risks increase in intensity and duration, given that it occurs through an electronic means, and reaches a wider audience, rather than personally. In addition, cyber bullying is distinguished from traditional bullying in several other respects:

1- **Identity concealment and non-disclosure:** In traditional bullying, the victim usually knows the identity of the bully, whether the bullying occurred at school, work, on the street, or anywhere else, which helps her avoid recurring bullying by avoiding the bully and moving away from him, whereas in cyberbullying, the bully may be able to conceal one's identity by hiding behind a false name or persona, which can lead to abuses that are more severe than traditional bullying.

2- **Continuity in action:** Traditional bullying usually ends once the victim is removed from the negative social situation, such as changing school or workplace, or escaping from the bully, while

²⁵ Defining a cyber bully: Available online at:

https://web.archive.org/web/20180924033745/https://www.nsf.gov/discoveries/disc_summ.jsp?cntn_id=12187

²⁶ Cynthia Van Hee, Gilles Jacobs, Chris Emmerly, Bart Desmet, Els Lefever, Ben Verhoeven, Guy De auw, Walter Daelemans, Véronique Hoste; OP. cit.

²⁷ Rebecca Dredge: Cyberbullying in social networking sites, Op. Cit. p. 44. Robin M. Kowalski, Gary W. Giumetti, Micah R. Lattanner: Bullying in the Digital Age: A Critical Review and Meta-Analysis of Cyberbullying Research Among Youth. Psychological Bulletin 2014, Vol. 140, No. 4, P. 1107



cyberspace allows individuals to communicate with each other at all times, from almost anywhere, and from then on the cyber bully is able to harm and torture his victim 24 hours a day, seven days a week, in school, on the street, in the car, at home, and in the bedroom,²⁸ as long as he has the means to access the network, which makes it difficult for the victim to escape from him, and the victim is always threatened, and anxious in anticipation of danger at every moment.

3- Spread capacity: In traditional bullying, it is often narrow in terms of the people who interact with the victim, as their number is limited to those who attended the bullying behavior and interacted with the person involved in the abuse, and many times bullying can take place secretly or out of sight to avoid punishment. As for cyber bullying, it has a wide scope, and a large audience contributes to it, when the offensive content is published or shared via the network with a large audience, especially with the diversity of social networking sites, which makes it impossible to control bullying behavior, and exposes the victim to more possible ridicule or pain from strangers. In addition, the concealment and disguise provided by virtual spaces prevents the cyber bully from fearing that he will be seen in action if his identity is unknown, which encourages him to engage in more dangerous, more aggressive, and hostile behaviors and conversations that he would not dare to do if he was in front of the victim face to face, as well as repeating them. harmful behavior, because of the low probability of being detected and punished.²⁹

4- Durability in effect: Because it is impossible to delete content across the network entirely, and it is difficult to escape from it, cyber bullying may permanently damage the victim's reputation, even if the content is removed and deleted from the original site, and if the information is sent or a post is made on a site, which may be difficult for the victim to block or delete from all sites on which it appears;³⁰ Someone might find it posted from screenshots somewhere else later. This may reflect negatively on the victim, in employment, college admissions, or relationships between victims and bullies alike.

5- It is easy to ignore: It may be difficult for ordinary people to discover that cyber bullying has occurred, as its electronic nature makes it happen without attracting the attention of teachers, parents, or family members. They may not be able to access the online activities of their handlers, and they may not be able to hear or see the abuse when it is happening, unless someone comes forward and discloses it.

6- Lack of psychological deterrent: In traditional bullying, seeing the bully see his victim suffer and in pain may sometimes contribute to moving his feelings so that he stops bullying or regrets and atones for his sin. As for cyber bullying, this is not available directly, and the bully may not feel the suffering of his victim resulting from his actions, at least in the short term, so he is not affected by what he does not see, nor does he regret his actions.³¹

Second - Electronic bullying and internet harassment: Some define Internet harassment as the repeated use of the network or modern means of communication to pursue a person, group, or institution, for the purpose of spreading false accusations, defamation, threatening, monitoring, damaging property or collecting and using information for the purpose of harassing, embarrassing or

²⁸ Cynthia Van Hee, Gilles Jacobs, Chris Emmerly, Bart Desmet, Els Lefever, Ben Verhoeven, Guy De auw, Walter Daelemans, Véronique Hoste: Op. Cit.

²⁹ Rebecca Dredge: Cyberbullying in social networking sites, Op. Cit. P.46

³⁰ Khalid Kadhim Abu Douh: From traditional bullying to cyber bullying, Believers Without Borders website for studies and research, Issue 20/3/2017, Available online at: <https://shortest.link/cxT4>. browsing date 10/1/2023.

³¹ Haifa Al-Waqyan: previous reference, p. 64



threatening the victim.³² Online harassment has been defined as someone spreading rumors or saying rude or vulgar words.

Comments online. It is also defined as: “the use of email, instant messaging, and websites to bully or harass an individual or group through personal attacks.” Harassment can be in the form of derogatory or abusive comments, made in chat rooms or emails, or by blocking posts or comments on social networking websites.³³ . The legislator in the state of Florida, USA, defines it in the Crimes Code in the prosecution chapter as: “engaging in certain behavior with the intent to deliver or cause the delivery of phrases, images, or words through or by e-mail or electronic means that target a specific person, and cause severe emotional distress.” person and are not achieving a legitimate purpose.³⁴

If cyberstalking is similar to cyber bullying, it is also a deliberate and repetitive behavior that targets the victim with the aim of inflicting unjustified emotional harm on him. However, it differs from it in that it is narrower in terms of the scope of its constituent behaviors. It is limited to what affects the personal life of the victim by intruding on it in a way that the perpetrator believes threatens the victim with unjustified psychological harm. It should be noted that some studies apply the term “electronic stalking” to practices that take place via the Internet and are not repeated and do not contain a clear imbalance in the power balance between the perpetrator and the victim, to distinguish them from cyber bullying, which is characterized by these two characteristics.³⁵

Some countries have established four legal criteria for electronic stalking, namely: that the stalking includes behavior that is repeated over time, that it involves a violation of an individual's private personal rights, that there is evidence that the goal of the stalking is to create fear or a sense of dread, and finally, that it can occur even if the threat or fear was related to someone's family, friends, animals, or property.³⁶

Third - Cyberbullying and cyberstalking: Cyberstalking is defined as abusive behavior that targets a person or a group because of identity, race, culture, ethnic background, religion, physical characteristics, sex, gender, or social or economic status.

Harassment is consistent with bullying in that they are both harmful behaviors that rely on force and are driven by the desire to control, intimidate, influence, or harm the victim. However, the difference between them is that when the bullying behavior, directed at an individual or a protected group, is based on religion, race, gender, marital status, etc., then it is harassment and not bullying. Harassment is also characterized by being directed randomly at the same person or at a specific group, unlike bullying, which is systematic and repetitive behavior. The characteristic of repeating cyber bullying behavior is what distinguishes it from mere electronic harassment or teasing, which is less severe in its impact on the victim.³⁷

With the multiplicity of previous names, and despite the differences between them, we see that in the end they are characterized by common characteristics, which is the existence of repeated

³² BRIAN H. SPIZBERG, GREGORY HOOBER: Cyber stalking and the technologies of interpersonal terrorism new media \$ society, 2012, p.69. Referred to by Omar Abbas Khader Al-Obaidi, Bilal Abdul Rahman Al-Mashhadani: The Crime of Cyberbullying, The Arab Center for Publishing and Distribution, 1st Edition 2022, 37


³³ Frequently Asked Questions – Cyberbullying and Harassment: Available online at: <https://support.microsoft.com/en-us/topic/frequently-asked-questions-cyberbullying-and-harassment-9c810c30-ba27-a00a-5e2c-b900d6c4fc0d>. browsing date;10/1/2023

³⁴ 2011 Florida statutes. Title XLVI (crime). Chapter 784, §048

³⁵ Rebecca Dredge: Cyberbullying in social networking sites, Op. Cit. p. 27

³⁶ Sahar Fouad Majeed Al-Najjar: The Crime of Cyber bullying, A Study in Iraqi and American Law, Academic Journal for Legal Research, Volume 11, Issue 4, 2020, p. 136.

³⁷ Rebecca Dredge: Cyberbullying in social networking sites, Op. Cit. P.43



deliberate behavior, directed at a specific person or persons, with the aim of psychological harm or serious threat of physical harm, and it is done through electronic means. Since the concept of cyber bullying is wide, it can accommodate both electronic stalking and electronic harassment, and if these types of behaviors are criminalized, it is sufficient to stipulate cyber bullying, and define it to include electronic harassment and stalking.

CONCLUSION

This study dealt with the nature of cyber bullying, which appeared recently, but grew rapidly with the steady increase in the use of the World Wide Web, the spread of social networking sites and the widening of their users.

The study attempted to discover the features of cyber bullying, its constituents, and its distinctive characteristics, which give it autonomy and independence. The study concluded with several conclusions and recommendations, which we show below.

RESULTS

Cyber bullying is a form of traditional bullying, but it takes place electronically. It is one of the downsides of using modern technology and social networking sites to harm others. Bullying behaviors have grown because of the wide use of these sites.

There is no unified concept of cyber bullying, due to the lack of agreement on what it includes. However, any accurate definition of cyber bullying must include three elements: the behavior in which it occurs, the means through which it is committed, and the end that the offender aims to achieve. Accordingly, we defined cyber bullying as: repetitive and deliberate behavior, committed through electronic means of communication and the information network, with the intent of harming or damaging the victim psychologically or morally.

Cyber bullying is characterized by violence and an imbalance of power between the bully and the victim. However, what distinguishes cyber violence is the bully's ability to disguise himself and appear under pseudonyms, which leads to an imbalance of power between the bully with greater technical expertise and the technically weaker victim, who cannot reveal the bully's identity or escape. who bullied him, also, anonymity and hiding behind a fake persona reduces the bully's sense of responsibility and accountability.

Cyber bullying is characterized as systematic and repetitive behavior, but the specific nature of cyber bullying gives the repeated behavior a special concept, as the bully himself does not necessarily contribute to the repetition of bullying behavior, but it is possible for him to repeat this behavior by others, by sending it or directing at to a person or other people.

The common characteristics between cyber bullying and both electronic stalking and harassment, and the broadness of the concept of cyberbullying make us decide that it is sufficient to criminalize cyber bullying broadly to include both electronic stalking and harassment.


Recommendations: Based on the previous results, we recommend working on the following:

- Raising awareness among the various groups of society through various media about cyber bullying, its seriousness, and the severity of the psychological and moral effects on its victims.
- Impose effective control over electronic means of communication, especially social media, and oblige those in charge of them to monitor their users and ban the accounts of those who re-practice cyber bullying through them, after alerting them the first time.
- Enacting the necessary laws to criminalize cyber bullying behaviors, including electronic harassment and stalking, and imposing heavy penalties on perpetrators, deterring them and preventing them from recurring, and warning others of the penal and moral responsibility they may face.

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