



CYBERBULLYING IN SOCIAL MEDIA PLATFORMS : AN EXPLORATIVE STUDY ON THE LEGAL MECHANISM AND PREVENTIVE MEASURES.

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ABSTRACT Rapid technological advancement is transforming how we interact with one another and the world around us. New Doors are constantly opening, creating greater opportunity but also forcing us all to reconsider how we should utilize technology ethical. Today we are facing with various cybercrimes that has unforeseen repercussions. Cyberbullying, for example, is a risk that has evolved as a result of the misuse of the internet and other types of digital media. Cyberbullying is the use of modern day technology to harass, threaten, embarrass or target another person. While cyberbullying occurs in different online channels and platforms, social networking sites (SNSs) are fertile grounds for online bullying and has drawn significant attention in the recent times. With each year, the rate of cyberbullying is on the rise leading to detrimental consequences. Cyberbullying has far more damaging repercussions than traditional bullying; it affects every aspect of a victim's life, causing psychological issues, and can even lead to personal harm or suicide in certain situations. This study is set out to investigate the escalating occurrences of cyberbullying across various social media platforms. The article emphasizes on the comprehensive legal measures in place within India's jurisdiction, aiming to effectively address and mitigate the issues related to cyberbullying.

KEYWORDS : Cyberbullying, Cybercrime, social media platforms, legal measures.

INTRODUCTION

The widespread increase in internet usage and the significant impact it has on nearly every aspect of our daily lives have made the internet one of the essential tools for modern living. However threats and negative effects, on the other hand, are well-recognized in the cyberworld. The internet and recent technological advancements have made it possible for criminals to hide their actual identities and participate in illegal behaviour in the virtual world at an alarming rate, creating a serious threat that requires prompt attention.

While offering us ease and endless opportunity, the abundance of contemporary technology, including the internet, mobile phones, and other ICTs, also poses a risk to our safety and wellness by possibly exposing us to dangerous interactions. A major social problem that has arisen as a result of the continual advancement of modern technologies is cyberbullying. Bullying as we know it has evolved from being physical to being virtual.

Research design

In this explorative study on cyberbullying within social media platforms, a comprehensive literature review serves as the foundation of this analytical research. Drawing from an array of academic books, peer-reviewed articles, and relevant scholarly publications, the study undertakes a systematic examination of the existing literature to understand and dissect the various facets of legal mechanisms and preventive measures against cyberbullying. This method allows for a synthesis of knowledge, combining various scholarly perspectives to create a holistic understanding of the subject.

Internet usage patterns

In India, the foundational step towards internet adoption was the establishment of the Educational Research Network (ERNET) in 1986, serving as a pioneering effort in bringing online connectivity. Following this, in 1995, the country witnessed a significant milestone when Videsh Sanchar Nigam Limited (VSNL), a government enterprise, introduced the first Internet service that was available to the broader public, marking the start of widespread internet accessibility in the nation. The subsequent dot-com era of the late 1990s and early 2000s catalyzed the rise of the Indian IT sector and e-commerce (D'Monte, 2017). The mid-2000s ushered in the broadband age, providing faster connectivity and spawning several homegrown digital ventures. However, the turning point was the late 2000s, as smartphones coupled with affordable data plans expanded Internet reach. This growth was further accelerated by the 2016 launch of Reliance Jio, which democratized 4G access with its affordable rates. The COVID-19 pandemic profoundly influenced the digital landscape in India. As the nation grappled with lockdowns and social distancing, there was a marked surge in online education, work-from-home practices, and digital entertainment consumption. This shift accelerated the move to digital platforms and increased internet usage among a broader segment of the population. Parallely, government-led initiatives, notably "Digital India," further propelled this digital momentum. This program's primary goal was to enhance digital literacy across the country and establish robust digital infrastructure,

ensuring that more citizens could access and benefit from the digital realm. Today, India stands as a digital powerhouse with one of the largest Internet populations, enjoying a myriad of online services from OTT platforms to e-learning.

The recent study by the Mobile Association of India (IAMAI) and KANTAR, a renowned data analytics firm, has shed light on the evolving landscape of internet usage in India. The findings predict that the nation will witness an impressive surge in its internet user base, escalating from 759 million in 2022 to a staggering 900 million by 2025. Delving deeper into the 2022 statistics, the 'Internet in India Report' unveils that out of the 759 million active users, a significant chunk of 399 million users are from the country's rural regions. In contrast, urban areas account for 360 million. These numbers underscore the pivotal role of rural India in propelling the country's digital growth. (KANTAR, Internet in INDIA REPORT 2022)

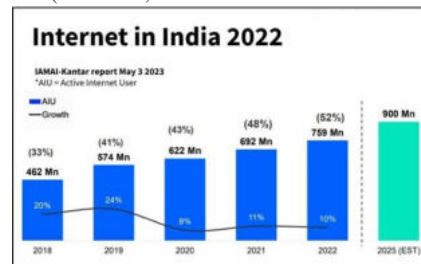
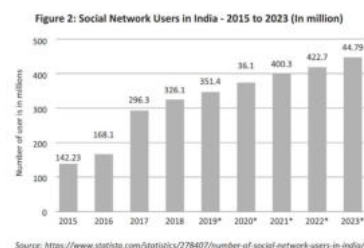


Figure 1 Internet and Mobile Association of India(IAMAI) and KANTAR report 2023 "Internet in India Report 2022

Social media usage patterns

The internet and social media connectivity are essential for all ages and have become the primary means for interaction in our present-day age of digital transformation. Social media platforms have become the cornerstone for numerous individuals to have positive relations where they can share their thoughts, ideas, and information. Internet usage and other forms of digital communication have become widely popular as a result of the fast proliferation of ICTs, notably through social networking sites such as Facebook, WhatsApp, Instagram, and others. It is currently the most popular and significant form of expression worldwide. It is envisioned as a democratic power platform where people may express their opinion whether it be positive or negative.



Source: <https://www.statista.com/statistics/278407/number-of-social-network-users-in-india/>

The number of individuals using social media in India has witnessed a significant rise in 2023, reaching 467 million, facilitated by the increased accessibility to the internet. Out of the entire population of India, approximately 48.7% or 692 million are online users. Social media has entrenched itself as an integral aspect of the daily online experience for Indians. In 2023, Instagram is the top choice for internet users in India, with about 74.70% of them on the platform, equating to around 516.92 million active users. Many of these users are the younger generation, notably teenagers. Meta, the company that acquired Instagram for \$1 billion, has seen it evolve into a valuable platform for content creators to earn and businesses to promote their products. Facebook follows closely behind, with 71.20% of internet users in India maintaining a profile, translating to roughly 492.70 million users. It continues to be a preferred platform for businesses, politicians, and the general public in India and is projected to remain influential for the foreseeable future. Many leading brands leverage Facebook to connect with and engage their audience.

Other notable platforms in India include X (previously known as Twitter) with a 42.90% user base, LinkedIn at 35.7%, and Moj, a local short-video platform, with 29.50% penetration. Newcomers in the social media realm include Moj Lite+ at 26.20%, which is another short video application. Others in the list are TikTok with a 23.00% user base, Skype at 20.30%, and Helo with 19.40% penetration. (Statista, June 28 2023)

Cyberbullying

As the quantity and popularity of social networking continues to soar, so do the opportunities for the misuse of technology. Hence it is fair to say that despite the numerous benefits and opportunities social media offers it may also be responsible for a slew of negative outcomes. Cyberbullying has transformed with the advent of the digital era, becoming a common behaviour that has spread to become a global culture of online bullying.

Canadian educator Bill Belsey first coined the term "cyberbullying." It refers to the misuse of digital platforms and communication tools to harm, slander, or adversely affect someone else. The behavior targets the recipient, causing them emotional distress. Such acts can be episodic or persistent, executed by known individuals, strangers, or even groups. As defined by Tokunaga (2010, p. 278), cyberbullying involves the use of electronic mediums by individuals or groups to repeatedly send harmful or aggressive messages to harm or discomfort others. Like all forms of bullying, the primary goal is to hurt, embarrass, and isolate the victim. While it shares similarities with traditional bullying, cyberbullying possesses characteristics like anonymity, persistency, a broader audience, and lasting impact, making its consequences more profound and its victims more vulnerable.

Recognized as a significant global health concern due to the malevolent use of modern technology, India hasn't remained untouched by the menace of cyberbullying. The surge in cyberbullying incidents can be attributed to widespread access to technology, affordable internet services, and the country's vision of a "Digital India." For the vast majority, internet access, whether via computer or mobile, is seen more as a necessity than a luxury. In global statistics, India ranks third, only behind China and Singapore, in terms of cyberbullying incidents. A recent Global Youth Online Behaviour Survey by Microsoft revealed that over 53% of Indian children have faced online bullying. Furthermore, the National Crime Records Bureau (NCRB) reported 50,035 cybercrime cases in India for 2020. This included 1,614 incidents of cyberstalking, 762 of cyber blackmailing, 84 defamation cases, 247 cases involving fake profiles, and 838 fake news cases. These statistics underscore the alarming magnitude of the cyberbullying issue in India, which has undeniably become a significant challenge. Regrettably, in the digital domain, cyberbullying behaviours are often normalized and anticipated.

Literature review

Willard (2007) has since defined cyberbullying as being cruel to others by sending or posting harmful material or engaging in other forms of social cruelty using the Internet or other digital technologies, such as cell phones. Young people may be the target of cyberbullying from others or may engage in such harmful behavior. Direct cyberbullying involves repeatedly sending offensive messages. More indirect forms of cyberbullying include disseminating denigrating materials or sensitive personal information or impersonating someone to cause harm (p.10).

In their article titled "What's different about social media networks?" G.C. Kane, M. Alavi, G. Labianca, and S.P. Borgatti explore the unique attributes of social media networks in comparison to traditional networks. The authors pointed out that some key features on Social Networking Sites (SNS), including digital profiles, relational connections, search and privacy functions, and network visibility, create numerous opportunities for interactions involving bullies, victims, and witnesses during online bullying episodes. For instance, bullies can amplify the reach of a bullying act on SNS by using tags and hashtags, enabling other users to further propagate the incident through actions like "likes" and "shares." These dynamics shift the nature of bullying on SNS, making it distinct from traditional in-person bullying and potentially different from other forms of cyberbullying on platforms like email, phones, and text messaging.

Embarking on a recent exploration of a study conducted in the state of Assam raises critical concerns about the intersection of technology and social harm. A study conducted by UNICEF and the National Service Scheme (NSS), shows that an estimated 95% of Assamese youngsters have been subjected to cyberbullying and corporal punishment, which has resulted in mental health difficulties. Nearly 8,000 volunteers from 24 universities and educational institutes in the state participated in the survey, which was introduced on July 18 by Assam Governor Jagdish Mukhi. Over 60% of the young people polled in the study reported it affected their social connections, while 24% said it caused concern, anxiety, and dread, and 17% said it hurt them physically. When finding out which social media sites had the most instances of cyberbullying, it was discovered that 36% of respondents named Facebook as the most common place for bullying, followed by 25% for Instagram. The most common way that bullying that happens on social media (35%) is through the dissemination of untruths, embarrassing images or videos.

Diving deeper into the discourse by Hinduja and Patchin (2008), the complexity of cyberbullying becomes evident as they underscore its distinct nature from traditional bullying. While both forms share the intent to harm, the digital medium amplifies the reach and persistence of harm, magnifying its impact. The scholars caution that the anonymous nature of online platforms can embolden potential bullies, giving rise to more covert and malicious acts. As technology becomes an inextricable part of students' identities and social lives, the authors argue that it's no longer sufficient for educational institutions to merely address physical bullying. They emphasize the paramount importance of integrating technology-specific clauses in anti-bullying policies. Failure to do so might inadvertently provide a safe haven for cyberbullies, allowing them to operate without fear of consequences, thereby jeopardizing the mental and emotional safety of students. The call to action is clear: adapt, evolve, and stay vigilant in the face of changing threats.

Though cyberbullying is relatively a newer field, research by far has suggested that cyberbullying exposure and perpetration are associated with depression, low self-esteem, behavioural problems, and substance abuse (Hamm et al., 2015). In 2014, Kowalski et al. published a meta-analysis of cyberbullying research among youth, including 131 studies mainly from the developed world. These studies have linked cyberbullying involvement as a victim or perpetrator to substance use; mental health symptoms, e.g., anxiety and depression; decreased self-esteem and self-worth; low self-control; suicidal ideation; poor physical health (difficulty sleeping, recurrent abdominal pain and frequent headaches); increased likelihood of self-injury; and loneliness.

Moreover, bullycide has been an emergent phenomenon in many societies. It is a hybrid term that refers to the phenomenon of young people who experience different forms of bullying and its consequences taking their own lives. K.A. Krasnova defines cyberbullycide as "a suicide that occurred as a result of facing direct or indirect aggression online". In the past decade, headlines reporting the tragic stories of a person's suicide death linked in some way to bullying (physical, verbal, or online) have become regrettably common. The hostile actions carried through cyberbullying are seriously damaging and can affect a person easily and gravely.

A person suffering from cyberbullying is 1.9 times more likely to commit suicide, according to ResearchGate and ScienceDaily. Victims of cyberbullying are twice as likely to experience suicidal thoughts in 2022, according to Stopbullying.gov. Self-harming behavior is common among victims as a method of coping with their suffering. As per news reports, in November 2016, a 23-year-old Ooshmal Ullas,

MBBS student of KMCT Medical College in Mukkam, Kerala, committed suicide by jumping due to being cyberbullied over a Facebook post and injured her spine, legs, and head. Having examined the consequences of cyberbullying there is a need to create cyberenvironments and supervision that provide clear and consistent norms for healthy cyber behaviour.

In a research by Shivashankar and Rajan (2018) underscore the pressing need for legislative evolution to tackle cyberbullying in India. They warn that the phenomenon could escalate in severity without targeted legal reforms. The study highlights the inadequacy of current Indian cyber laws to fully encompass the spectrum of cyber offences, particularly cyberbullying. The authors argue for a proactive legal framework that anticipates and mitigates cyber threats, especially given that young people are the most frequent victims of these digital transgressions.

Further, Research indicates that while certain protective measures can curb cyberbullying perpetration, strong social support plays a pivotal role in shielding victims from ongoing online harassment and mitigating its psychological effects. Allison and Bussey (2016) underscored that friends who witness the victim being targeted online are more inclined to step in. Interestingly, these bystanders are even more proactive when other passive onlookers are their friends, suggesting that the presence of supportive peers might embolden them to intervene.

Legal provisions

The Information Technology Act (The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India)

The Act aids in the regulation of the usage of information technology. The Indian government passed the Information Technology Act of 2000 (Amendment 2008) to curb cybercrime. Unfortunately, despite the fact that cyberbullying is one of many crimes that occur online and have a long-term impact on the victim, it has not yet been included to this Act as an offense. However, this Act contains a number of remedies for cyberbullying:-

Section 66(D) of the Act: According to the law, anyone who commits fraud by misrepresenting their appearance online or on social media as that of everyone else will be prosecuted under this Section. Up to three years in prison and/or a fine of Rs. 1 lakh are possible penalties.

Section 66(E): According to this section, it is punishable to intentionally take pictures of someone else's personal property and post them online or on social media without that person's consent or knowledge. Up to three years in prison and/or a fine of Rs. three lakhs are possible penalties.

Section 67: This Section provides for criminal prosecution of anyone found to have transferred, distributed, or uploaded offensive material to the internet or social media. The sentence could be up to 5 years in jail and/or a fine of up to Rs. 10 lakhs.

Indian Penal Code (Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India)

The official criminal code of India was first issued in 1860 and is known as the Indian Penal Code (IPC). Cyberbullying is not specifically mentioned in the law as a form of harassment. However, a number of laws, including the following, may address the crimes of cyberbullying:

Section 354(C): In accordance with Section 354(C), it is illegal to take a woman's picture when she is in her personal space without her consent or permission. If the accused continues to break the law, he will likely receive a sentence of 3–7 years in prison. However, the penalty may range from 1–3 years in jail.

Section 354(D): A person may be punished under Section 354(D) if they secretly watch or observe another person's online actions with the intent to cause them damage or other harm, or if they do so to hurt or negatively impact them personally. The maximum punishment is three years in prison.

Section 499: According to the Penal Code, someone who defames another person may face punishment. Social media or the internet may

be used for defamation.

Section 507: The penalties outlined in this section will apply to anyone who uses social media or the internet to intimidate, threaten, or coerce another person into doing something against their free will. The maximum sentence is two years in prison.

Section 509: Under Section 509, anyone who makes an attempt to undermine the modesty of another woman may face legal action. This includes conduct that takes place online or on social media. Up to one year in prison is possible as a punishment, along with or without a fine.

Government initiatives

Indian cybercrime coordination centre (I4C)

The Indian Cybercrime Coordination Centre (I4C) was formed by the Ministry of Home Affairs (MHA) to act as the focal point for the government's anti-cybercrime campaign. It aims to provide a platform for the planned and diligent investigation of cybercrimes. One of the main objectives of I4C is to create an ecosystem that includes researchers, businesses, the general public, and the government in order to prevent, detect, investigate, and prosecute cybercrimes.

Cybercrime reporting portal and helpline

NCCR

The National Cyber Crime Reporting Portal was launched on 30th of August 2019 by the Ministry of Home Affairs, it is an initiative that allows anyone to report an online cybercrime against them. This program collects online reports from victims of abuse and with the assistance of local police, they take prompt action on reported complaints.

Preventive measures

Cyberbullying is a complex issue that requires a multifaceted approach to prevention, with strategies ranging from individual actions to systemic changes in social media platform policies. At the individual level, one of the most crucial measures is the education of social media users about the consequences of online harassment. By raising awareness of the severity of cyberbullying and the lasting harm it can cause, individuals may think twice before engaging in such behaviour. In addition Education programs can also teach potential victims how to protect themselves online, including the importance of not sharing personal information and the need to maintain a positive digital footprint. Users should be encouraged to employ the privacy and security settings available on social media platforms. Regularly updating passwords, using two-factor authentication, and managing who can view and interact with one's content are simple yet effective steps in preventing unauthorized access and potential bullying. Privacy settings should be reviewed and adjusted frequently, as social media sites often update their policies and features. The role of the social media platforms themselves cannot be understated in the fight against cyberbullying. Platforms need to have clear, accessible, and enforceable policies against harassment. They should provide easy-to-use reporting mechanisms and take prompt action against reported abuses. Social media companies must also invest in technology that can detect bullying behaviour and intervene before the situation escalates.

Suggestions

As we know that cyberbullying and its harms can extend well beyond geographical borders Inter-jurisdictional cooperation is crucial in the expansive digital landscape to combat cyberbullying with due diligence. Legislation should be crafted to facilitate effortless collaboration between various state and international legal systems, ensuring that cyberbullying is tackled with the necessary thoroughness, transcending all geographical limitations. This would involve establishing protocols for information sharing, aligning legal definitions and sanctions across jurisdictions, and possibly setting up dedicated cybercrime units that work in coordination with counterparts in other regions. The goal is to create a cohesive and unified response to cyberbullying.

Additionally, the creation of robust reporting infrastructures is imperative for addressing cyberbullying. These systems must be user-friendly and widely available, ensuring that those affected by cyberbullying, as well as observers, have the means to promptly alert authorities. Such mechanisms should include dedicated communication lines, like hotlines, and online submission forms that work in direct conjunction with police and cybercrime units to

guarantee immediate action can be taken against such offenses.

Cyberbullying, despite occurring in the digital realm, is just as harmful as its physical counterpart, potentially even more so due to its pervasive and enduring nature. It is imperative that cyberbullying be addressed with the urgency it deserves to prevent escalation. In crafting laws against cyberbullying, the insights of mental health professionals are invaluable, given the deep psychological impact such acts can have on the victims. Legislation addressing this issue should intertwine insights from psychological impacts with the pragmatic expertise of legal enforcement. Without strong laws, cyberbullies might continue their actions unchecked, intensifying the suffering of their targets and undermining the very essence of justice.

CONCLUSION

Over time, the Indian Government has launched various schemes, online reporting portals, helpline numbers to curb cyberbullying, and also amended the required legal provisions of the IT Act and Indian Penal Code against the cyberbullying but the preventive measures with legal provisions and penal codes of the country alone cannot bring down the social menace of cyberbullying. In order to create a better and safer digital experience, states should focus on promoting awareness campaigns that will inform people about the tools and resources accessible to users for reporting online abuse, inappropriate content, or behaviour.

Fostering a supportive online community is integral to preventing cyberbullying. Encouraging users to support each other and stand up to bullies can create a less tolerant environment for bullying behaviour. This involves promoting positive interactions and highlighting stories of bystander intervention. Such community standards can be reinforced by platform incentives that reward positive behavior and by educating users about the importance of standing together against online harassment. Overall, combating cyberbullying requires coordinated efforts that include educating users, leveraging technology for protection, enforcing strong platform policies, and nurturing supportive online communities. These measures, when implemented collectively, can significantly reduce the incidence and impact of cyberbullying on social media.

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