CYBERBULLYING IN SCHOOLS: A COMPREHENSIVE LEGAL ANALYSIS

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ABSTRACT

Cybercrime refers to the illegal use of social media, and it involves different forms like phishing, hacking, cracking, cyberbullying, and many others. Due to accelerating technology, cybercrime is one of the skyrocketing crimes leading to misery and depression among the victims. However, it's underlooked and most victims don't get the justice they need. The most popular form of cybercrime is cyberbullying. It is the use of technology to harass, threaten, embarrass, or target another person. It is done through sending extremely aggressive and disrespectful texts, or posting one's personal information for example pictures or even videos with the intention of hurting the targeted person, organization, or audience. In the present day "Modern World" Cyber bullying is inevitable due to the wide coverage of social media therefore it can take place anywhere at any time while keeping the bullies anonymous. Studies report schools as one of the areas with the most cases of cyberbullying.

This study analyses and explains the root causes of cyberbullying in schools, its impact, and how it can be combated on both the school and judicial levels.

Introduction:

Technology has played a great role in how we think or behave today and literally reflects in all aspects of life like academics, trade, medicine, transport, etc. Technology has played it so well that tasks that took hours to be done are now completed in seconds.

However, the misuse of technology in the name of "cyberbullying" has imposed great misery on the victims, especially in schools where students are just getting exposed to this world which they in turn use for popularity, revenge, or fun. Sadly enough, the weight of the torture is only felt by the victim and undermined by the authorities and colleagues. Thanks to technology, students no longer carry piles of books to school as computers like phones and tablets have made the work so much easier. But the reality is clear that students not only use such tools academically but also as tools to spread wrong information, take pictures, and record videos of others in critical and unpleasant situations and later use them against them on social media platforms. Cyberbullying in schools does not only involve students, it includes all other parties that exist in educational institutions like teachers/ lecturers, faculty, etc. Both parties can either be the criminal or the victim.

This study aims at revealing the causes of cyberbullying, relevant cases and legislations, its impact to the victims and how it can be cured.

Why students cyberbully - Cause

There are various reasons for the fast-growing cyberbullying cases in schools. These may include peer influence, school environment, love for fame, revenge, fun, and lack of social media etiquette.[1]

(i) School environment.[2] This can mean how the school handles wrongdoers and the atmosphere it portrays about the behavior of students. Most schools have inadequate and weak regulations, however, some schools actually have adequate rules and regulations but the enforcement is so weak making students take advantage of this to commit crimes against their

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[1] NFHS,https://www.nfhs.org/articles/cyberbullying-challenging-legal-issues-for-schools/, last visited April 28th, 2025

[2] REACHOUTSCHOOLS,https://schools.au.reachout.com/online-behaviour-and-social-media/cyberbullying-and-students,last visited April 12th, 2025

colleagues including cyber bullying.[3] A survey conducted by the U.S Centre for Disease Control (CDC) in 2021 showed that 20% of high school students and 28% of middle school students had been bullied;[4] the percentage for middle school being higher than that of high school. In some schools, even when wrong doers are presented to the authorities, they let them go unpunished which encourages the criminals including the cyberbullies to act contrary without fear thus creating a favourable environment for the cyberbullies.[5]

ii) Peer pressure. The influence of friends and peers can champion cyberbullying. As the saying goes; birds of the same feather flock together.[6] Students often have friends(peers) that they spend most of their school time with. Most peer groups in schools have certain behaviors in common that they adopt from each other and are defined by such behaviors; Their conduct depends on the behavior of their peers. Thus when a student makes friends with cyber bullies, they will automatically become one as a strategy to fit in. Others are even threatened in case they don't follow their peers, making such students fall victim to bad influence in fear of being isolated by their friends. They end up engaging in cyberbullying not because they enjoy or desire it but because they are being influenced by their peers.

iii) Revenge. Students can also cyberbully others as a way of coping with their own trauma after being bullied in the past and even the present. They can seek revenge to pay those who made them cyberbullying victims, especially if they find out who exactly did it. However, It is so certain that in most cases those who seek revenge after being cyber bullied do not know exactly who cyberbullied them but just do so regardless of whether they have something to do with cyberbullying or not. It should be noted that not all those who seek revenge have been cyberbullied. Most have actually suffered otherwise but seek revenge through cyberbullying to pay those who have wronged them in other ways and to make themselves feel better.

Case studies

A number of cases have been handled in the judicial context conning cyberbullying in schools

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[3] BROSIX https://www-brosix-com.webpkgcache.com/doc/-/s/www.brosix.com/blog/cyberbullying-statistic/, last visited March 29th, 2025

[4] WEB PURIFY, https://www.webpurify.com/blog/cyberbullying-statistics/, last visited, April 27th, 2025

[5] BRADLEY UNIVERSITY, https://onlinedegrees.bradley.edu/blog/what-causes-cyberbullying, last visited April 29th, 2025

[6] MANAGED METHODS, https://managedmethods.com/blog/why-do-students-cyberbully/ ,last visited March 21st, 2025

and below is an analysis of some of them;

(i) One of the significant cases is the **Mallory case.**[7] Mallory, 12 year sixth grader at Copeland middle School in Rockaway, New Jersey, USA committed suicide on June 14 2017 after being cyberbullied by her classmates. The family of Mallory Grossman, announced their plan to file a lawsuit against the school district with the claim that the school was negligent since they couldn't stop the bullying even after the family begged help from the administrators. However, the case was settled when the school(Copeland middle school) agreed to settle long-standing litigation by paying $9.1million dollars to Mallory's family.[8]

(ii) Another significant case is the **Tyler Clementi case (1991-2010).** [9] Tyler Clementi a student at Rutgers University was cyber bullied by his roommate Dharun Ravi by posting a video of Clementi kissing another man that he had recorded without Clementi's knowledge on Twitter causing Clementi to commit suicide on september 22, 2010. Ravi was charged with invasion of privacy, witness tampering, tampering with physical evidence and hindering prosecution. Ravi was sentenced to 30 days in jail plus 3 years probation and 300 hours of community service.[10]

Legislations

Many countries around the world have enacted and passed laws against cyberbullying at large and but a few have enacted laws tailored to fighting cyberbullying specifically in schools.

- Canada is regarded to have the strictest cyberbullying laws around the world which can be found under the Education Act where individuals who engage in cyberbullying face suspension from school, may also face expulsion from school and can be jailed.[11]

- In August 2008, the California state legislature passed one of the first laws in the country to deal with cyberbullying. The assembly bill 86 2008, which took effect on

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[7] CNN,https://edition.cnn.com/videos/us/2023/07/31/mallory-grossman-parents-bullying-settlement-nj-school-suicide-cnntm-vpx.cnn, last visited, April 30th, 2025
[8] NYTIMES, https://www.nytimes.com/2023/07/29/nyregion/new-jersey-student-suicide-settlement.html, last visited, April 12th, 2025.
[9] STUDY.COM,https://study.com/academy/lesson/cyberbullying-court-cases.html?srsltid=AfmBOopkp4aD-73cZKah_gpxfhTYS-n5NTl9slxbxHFfVHytndhpXuWA, last visited, April 15th, 2025
[10] PUBLICJUSTICE, https://www.publicjustice.net/wp-content/uploads/2024/03/Cyberbullying-From-Schoolhouse-to-Courthouse-Adele-Kimmel-Nancy-Willard-January-2018.pdf.
[11] TAXOLAWGY, https://www.taxolawgy.com/cyberbullying-laws/, last visited, April 29th, 2025

Jan 1 2009, gives school administrators the power to discipline students for bullying online or offline.

- The republic Act no. 10627 also known as the anti bullying act was passed on September 12th, 2013 in the Philippines where schools were permitted to implement policies to fight bullying in their institutions.

However, only a few countries have actually passed laws against cyberbullying specifically in schools, being that most of the laws are limited to cyberbullying in general.

Impact of cyberbullying on students in schools.

In analyzing the impact of cyberbullying on students, we Society has to put in mind that there are two parties involved for it to be complete i.e. the cyberbully and the victim and both are impacted differently.

1. The victim.

In his book, "Victimology and Compensatory Jurisprudence", Gurpreet Singh Randhawa defines a crime victim as any person, group or entity, who has suffered injury or loss due to illegal activity.[12] Therefore a cyber bullying victim is any person, group or entity that has suffered injury or loss due to cyberbullying. The effects on the victim can be grouped into mental and emotional, physical, and behavioral effects.

(i) Mental effects and emotional effects.

Mental effects and emotional effects influence how the victims think, act and feel and these can be depression, anxiety, low self esteem suicidal thoughts, isolation and feelings of powerlessness.[13] Depression is often characterized by low mood, loss of pleasure and interest in activities for a long time. Most student victims of cyberbullying with no doubt undergo depression and end up failing to hangout with their peers but instead isolate themselves since they believe that they will become laughing stalks in case they try to socialize with their classmates. Their participation in activities of interest reduces because such students are always

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[12] GURPREET SINGH RANDHAWA, VICTIMOLOGY AND COMPENSATORY JURISPRUDENCE (Allahabad: Central Law Publications, 2011)
[13] DI HOU, The factors, Impact and Intervention of Cyberbullying in Schools, 8 JEHS 345, 346-348, 2023.

worrying about their life making them less productive. Their self esteem also goes down and suicidal thoughts now start popping into their minds since these victims start feeling that their life is worthless. ie most of them cyberbullying commit suicide or attempt to commit suicide often. (refer to the 2017 mallory case and 2010 Tyler Clementi case).

(ii) Physical effects.

These are visible and can include difficulty in sleeping, eating disorders, decline in academic grades and self harm. Most cyberbullying victims often suffer from insomnia.[14] They always find it hard to catch sleep since they are always insecure, worried and stressed out about everything that is going on around them. This is even extended to their eating habits. They lose appetite for anything edible both at home and school leading to weight loss and deteriorating health. Cyberbullying victims can also be identified by looking at their academic grades. They are always too stressed to participate in any academic activities and as result their grades rapidly deteriorate forcing them to at times dropout of school in search of peace. Most student cyberbullying victims are vulnerable to self harm. Due to mental and emotional effects, these student's often cause harm to themselves by burning , cutting and even bruising their skin as a way to make themselves feel better. The sad part is that it becomes an addiction to most of them to the extent that they cant feel better without self harm.

(iii) behavioral effects.

The behavior of student cyberbullying victims can never remain the same. It either becomes better or worse. The way they perceive things, interact and treat others changes a lot. Some of them become better people to an extent of championing the fight against cyberbullying while the behavior of others declines. For example they start carrying weapons as means of revenge or self defense, abusing drugs and engaging in risky sexual behavior as a way to make others feel what they feel. In some cases they even resort to cyberbullying and sometimes traditional bullying as a way to take revenge making even the innocent ones suffer.

2. The bully.

The cyberbullies even when they champion the violence, also suffer terrible and negative effects. Of course, some cyber bullies are caught while others remain anonymous, and these

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[14] Taylor and Franscis, Cyberbullying in High Schools, 19, JAMT, 372-392(2010).

are affected differently. The ones who are caught always get into legal trouble where they are taken before court and suffer the consequences when found guilty. The anonymous ones can get into drug abuse, vandalize property and even engage in early sexual activities. The bullies are even more likely to widen their scope of crime. They normalize crime through cyberbullying and start indulging in other forms of crime like theft, rape etc.

What can be done?

Collective effort is needed to prevent and stop cyberbullying. There are many parties that can help fight cyberbullying and these can be parents, schools, counselors and technology.[15]

- **Technology** can be used to implement cyber security tools and software programs that can monitor activity, detect potential bullying incidents and block inappropriate websites. For Example site lock, packet sniffer software, AxCrypt, etc. It can also be used to create virtual safe spaces where students can talk about their experiences and even seek help.[16]

- **The schools** can also play a significant role in fighting cyberbullying.[17] There are many sub- parties that need to be considered in a school setting i.e. teachers, school administrators, students and many others. School administrators can educate students, parents and teachers on the issue. They need to know how they can identify cyberbullying and what to do in case they notice it's happening. Teachers need to take time to study their student's weaknesses, strengths and behavior so they can easily spot signs of distress among their students because they directly interact with them.[18] Students on the other hand can be on the Outlook and be each other's keeper. They can take action by reporting any incidents of cyberbullying to the concerned authorities by telling their parents, teachers, school administrators or even the police.

- **Parents** can also assist in the fight against cyberbullying. Parents can keep on monitoring their children's social media use.[19] This can be done through programs and

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[15] Manpreet kaur and munish saini, Indian Government Initiatives on Cyberbullying,28, EIT, 581-615(2023)

[16] PACER CENTRE, https://www.pacer.org/bullying/info/cyberbullying/ last visited April 30th, 2025.

[17] https://www.endcyberbullying.net/blog/what-can-schools-do-to-help-with-cyberbullying, last visited, April 29th, 2025.

[18] WIKIPEDIA, https://en.m.wikipedia.org/wiki/cyberbullying, last visited, April 29th, 2025.

[19] NEA,https://www.nea.org/professional-excellence/student-engagement/tools-tips/helping-students-deal-cyberbullies, last visited, April 30th, 2025.

apps that can be used to monitor kids social media accounts and be notified of anything inappropriate. Parents can also be part of their children's social media life by following them on their social media accounts to monitor what they post and be aware of how they behave online. Notifying the school in case of any cyberbullying incidents can also be a solution. Parents can be sure to report to the school authorities about the situation because the victims and bullies are coming from school.

- **Counselors** can greatly assist in fighting cyberbullying in schools. School counselors can support students with resources and counseling services to inspire them. They can also advocate for mental health and anti bullying policies and champion enforcing them since school administrators and teachers may not have the time to focus on drafting these policies and enforcing them.

Conclusion

Cyberbullying in schools has become a very serious issue that demands urgent and utmost attention from students, parents, teachers and policymakers. It offers very deep emotional scars and distorts the grade of safety that every student deserves. For us to do away with cyberbullying in schools, we must encourage a culture of empathy in which no student feels lonely, unheard or powerless to create an accommodative environment for learning other than misery. Cyberbullying invades the privacy and personal space of the students since it carries on from the schools to their homes which frustrates the victims leading to tragic outcomes. Fighting cyberbullying actually gets complex when the cyber bullies can never be unmasked due to anonymity, however, parents and school authorities should actually champion the fight against cyberbullying. Parents need to be involved in offering guidance to their children as they overcome the challenges associated with the online world. On the other hand, schools need to advocate for an environment where respect and digital responsibility are virtues that should be taught. Countries drafting laws specifically against cyberbullying in schools will be a great deal. Together through mobilization, we can secure a future in which every child is excited to grow and learn.