



Protection of Children from Internet- A Legal Study on Cyber Bullying

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ABSTRACT:

Children's experiences have changed because of the digital revolution which created new opportunities but also brought dangerous dimensions to their lives. Through digital communication, cyberbullying has become a major threat to children's safety because it impacts millions of young people throughout the world. The research paper investigates how international conventions and national laws and court decisions shape the legal framework that protects children from cyberbullying. The study investigates how cyberbullying operates as a distinct form of bullying which affects young people psychologically while assessing the effectiveness of current protective legal measures and identifying gaps in existing laws to create a complete legal framework through recommended changes. This paper uses comparative legal analysis between different jurisdictions to show that there exists an essential need for specific laws which protect children from cyberbullying while considering technological progress.

Keywords: digital communication, children protection, legal analysis, jurisdiction.

1. INTRODUCTION:

1.1 Background

The expansion of devices which connect to the internet together with social media networks has created new ways for children to communicate and acquire knowledge and build relationships with others. The internet provides students with educational resources and social connections yet it creates new dangers which students must navigate. According to recent research about 36.5% of students worldwide experience cyberbullying which stands as one of the most significant dangers to children in the modern digital era. Cyberbullying operates through digital channels which enable continuous contact with victims because it exists in various online environments and maintains its digital record permanently. The online environment gives people the ability to

operate anonymously which leads to increased danger because internet users can share content that creates more serious effects.

1.2 Research Objectives

The study will achieve its objectives through the following activities:

- The research will investigate the legal definition of cyberbullying against children and its boundaries.
- The study assesses both international and national legal systems that protect children in online environments.
- The research studies how well current laws control cyberbullying incidents.
- The study will identify existing deficiencies in present-day legal systems.
- The study recommends complete legal changes which will improve child safety through new laws.

1.3 Research Methodology

The research uses doctrinal legal research method to study primary legal sources which include statutes and case law together with international conventions and secondary sources that contain academic literature and empirical studies and policy documents. The study uses a comparative method to investigate legal systems which exist in different countries to find common practices and shared difficulties which they face.

2. Conceptual Framework

2.1 Defining Cyberbullying

Cyberbullying is defined as the use of electronic communication technologies to intentionally harm, harass, intimidate, or humiliate another person with a particular focus on minor victims.

The main elements of this system require:

- Digital platforms which include social media and messaging applications and gaming platforms and email
- The actor shows intention to cause harm through their actions
- The behavior demonstrates both repetitive and severe characteristics
- There exists an uneven power relationship between the perpetrator and the victim
- The offender selects minors as their specific targets

2.2 Forms of Cyberbullying

Cyberbullying displays different manifestations which include repeated offensive message harassment and cyberstalking that uses ongoing intimidation and denigration through rumor

spreading and harmful content posting and impersonation through fake profile creation and outing and trickery which involves sharing private information without permission and exclusion from online groups and cyberthreatening which includes direct threats of violence.

2.3 Psychological and Social Impact

Research demonstrates that cyberbullying victims experience severe psychological consequences which include depression anxiety low self-esteem and academic decline together with social withdrawal and suicidal ideation in extreme cases. The permanent nature of digital content combined with its ability to reach a wide audience creates higher levels of trauma for victims than what they experience from traditional bullying.

3. International Legal Framework

3.1 United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC which came into force in 1989 and received ratification from 196 countries establishes basic rights which protect people from online bullying. Article 16 protects children from arbitrary or unlawful interference with their personal information rights while Article 19 requires States to protect children from all forms of violence abuse and maltreatment. The Article 34 law requires protection against sexual exploitation and abuse which has become more important because of online sexual harassment.

3.2 Council of Europe Convention on Cybercrime

The Budapest Convention on Cybercrime (2001) serves as the main international framework which countries use to fight cybercrime, but it does not specifically target offenses against children. The treaty establishes rules which countries must follow to create laws against computer-related crimes and it promotes international partnerships for cybercrime investigations and prosecutions.

3.3 General Comment No. 25 on Children's Rights in the Digital Environment

The UN Committee on the Rights of the Child adopted this groundbreaking document in 2021 to establish rights for children to access digital environments. The document identifies cyberbullying as an essential danger which requires States to establish complete legal frameworks and policy systems that will protect children online while maintaining their rights to speak, maintain privacy, and take part.

4. National Legal Frameworks

4.1 United States Approach

The United States needs a complete federal law system to combat cyberbullying. The current system provides protection through a combination of state laws and federal regulations which handle related matters. All 50 states have enacted bullying laws, with varying provisions addressing electronic harassment. Some states like California have comprehensive cyberbullying statutes which establish criminal penalties and mandate schools to create anti-bullying policies. Schools and libraries that get federal funds must follow internet safety rules according to the Children's Internet Protection Act (CIPA) but enforcement mainly targets content filtering instead of managing online social harm. The Communications Decency Act Section 230 provides immunity to internet platforms for third-party content which makes it difficult to hold platforms responsible for enabling cyberbullying.

4.2 European Union Framework

The European Union uses multiple strategies to protect personal information and consumer rights and safeguard children. The General Data Protection Regulation (GDPR) establishes stronger privacy safeguards for minors because it mandates parental permission before organizations can handle personal information of children under 16. The Digital Services Act which the government introduced in 2022 requires platforms to identify and cut down dangers that could harm minors while it prevents them from showing ads specifically designed for children. Individual EU member states have enacted specific cyberbullying legislation. The United Kingdom's Malicious Communications Act and Communications Act criminalize sending offensive or threatening electronic communications. The Online Safety Act proposals which have emerged create stronger requirements for platforms to keep their users safe from damaging material that targets young audiences.

4.3 Indian Legal Framework

India uses various legal frameworks to tackle the issue of cyberbullying. The Information Technology Act of 2000 establishes criminal law for electronic distribution of obscene content through its Section 67 which permits harsher penalties when offenders distribute material that involves underage individuals. Section 66E addresses privacy violations through capturing and publishing images without consent.

The Protection of Children from Sexual Offences (POCSO) Act of 2012 establishes complete legal protection against all forms of sexual abuse which includes online exploitation of children. Section

11 specifically addresses sexual harassment through electronic means. The Indian Penal Code includes defamation laws and criminal intimidation laws and insult laws which define the boundaries of cyberbullying behavior.

The current legal system requires more unified execution while existing laws which deal with non-sexual harassment through cyberbullying still lack sufficient dedicated enforcement measures.

4.4 Australian Model

Australia has created complete anti-bullying systems which operate at both the federal government and state government levels. The Enhancing Online Safety Act 2015 (amended 2021) created the eSafety Commissioner who received authority to investigate cyberbullying cases and demand the removal of dangerous materials. The Act establishes civil remedies and criminal penalties against non-compliance with removal notices for severe cyberbullying content which specifically targets children in Australia.

All schools must follow mandatory anti-bullying policies which educational departments at state level enact to establish complete systems for stopping and managing bullying incidents. The system which includes regulatory control platform responsibility and educational programs has proven successful in fighting cyberbullying.

5. Judicial Response and Case Law

5.1 Landmark Cases

All courts throughout the world face challenges when trying to protect free speech rights while protecting people from online bullying. *Tinker v. Des Moines* established students' First Amendment rights in the United States while *Kowalski v. Berkeley County Schools* showed schools could punish students for their online bullying conduct that disturbed the educational environment. Canadian courts in *A.B. v. Bragg Communications Inc.* established cyberbullying as a distinct type of harm which led to the court ordering anonymous poster identity disclosure to protect underage victims while keeping victim identity information confidential.

5.2 Evolving Jurisprudence

Judicial interpretation continues to evolve because courts need to determine which online speech restrictions schools can enforce and which off-campus student behavior schools can punish and which platforms must take responsibility for user content and which solutions should exist for cyberbullying victims. Courts have started to acknowledge that digital harassment needs special assessment methods which differ from the evaluation of traditional bullying and face-to-face communication.

6. Challenges in Legal Regulation

6.1 Jurisdictional Complexity

Cyberbullying creates jurisdictional problems because its activities cross national boundaries between different countries and states. The process of establishing which laws apply together with the challenges of enforcing judicial decisions between nations and the difficulties of conducting worldwide investigations create major challenges for law enforcement.

6.2 Balancing Free Expression and Protection

The legal system needs to establish a framework that protects children from danger while allowing people to express themselves freely, especially in cases where minors serve as both potential victims and active speakers. The implementation of excessive speech limitations will create a situation that silences authentic communication, while the existing restricted speech regulations will not succeed in preventing harmful behavior.

6.3 Platform Accountability

The process of deciding which platform should face legal responsibility remains an ongoing dispute. Complete immunity enables harmful behavior, while strict liability creates excessive monitoring duties that restrict innovation. The development of intermediary liability frameworks requires solutions that balance safety incentives with feasible surveillance requirements yet this task presents developers with continuous difficulties.

6.4 Technological Evolution

The legal system fails to maintain efficient operations because of its struggle to adapt to technological advancements which progress at high speed. Current laws do not provide sufficient protection against cyberbullying which emerges through new platforms and encrypted communications and artificial intelligence and deepfake technology.

6.5 Evidence and Enforcement

The enforcement process experiences practical difficulties because law enforcement agencies need to collect valid digital evidence while they work to maintain temporary digital information and access secure messages and track down people who try to hide their identities and establish connections with schools and families.

7. Gap Analysis

7.1 Definitional Ambiguity

Many jurisdictions need definite legal definitions for cyberbullying because they create uncertainty about which behaviors are illegal and make it difficult to enforce laws. Vague terminology fails to distinguish between offensive speech and actionable harassment.

7.2 Inadequate Criminal Sanctions

The existing penalties for cyberbullying-specific crimes demonstrate insufficient power to prevent offenders from committing their acts while failing to show the actual damage which results from their actions. The existing penalties for cyberbullying-specific crimes demonstrate insufficient power to prevent offenders from committing their acts while failing to show the actual damage which results from their actions.

7.3 Limited Civil Remedies

Victims face difficulties because they cannot obtain civil remedies which would enable them to pursue damages and restraining orders and content removal. The judicial process becomes inaccessible for families who lack sufficient funds because they must navigate through its complicated procedures and pay its expensive costs.

7.4 Insufficient Platform Regulation

Many jurisdictions require platforms to implement safety measures and report cyberbullying incidents and provide user-friendly reporting mechanisms and cooperate with investigations.

7.5 Weak International Cooperation

The existing systems for international collaboration on cyberbullying investigations face serious limitations because they cannot properly handle evidence sharing and judgment enforcement in cross-border cases.

8. Recommendations for Legal Reform

8.1 Comprehensive Cyberbullying Legislation

Jurisdictions need to create specific cyberbullying laws which establish precise definitions that differentiate between safeguarded speech and forbidden harassment and which define criminal consequences for severe offenses and civil rights protection through legal remedies for victims and which establish fast-track processes for content removal and which require platforms to implement security measures that match their operational risks.

8.2 Child-Centric Procedural Safeguards

The legal system must establish reporting systems that children can easily use together with victim assistance programs that provide psychological support and systems that protect the privacy rights of underage victims and offenders and training programs that prepare judges and prosecutors and law enforcement officers to deal with cyberbullying cases and restorative justice methods that focus on rehabilitation instead of only punitive measures.

8.3 Platform Accountability Framework

The law should mandate that platforms develop age-appropriate design requirements while they establish user-friendly reporting and blocking systems which need to handle minor-related complaints within established timeframes and platforms must conduct child safety evaluations at regular intervals and they must disclose how their content moderation systems function and they will receive serious consequences for their ongoing failure to maintain child safety.

8.4 Enhanced International Cooperation

States need to establish multilateral treaties which enable cross-border evidence sharing together with mutual legal assistance for cyberbullying investigations and provide standardized legal definitions plus dual-platform regulation methods which multiple jurisdictions will adopt.

8.5 Integration with Education Policy

Digital literacy education needs to become mandatory because legal frameworks should exist. The essential components of this program include teaching safe online behavior and developing critical evaluation skills for online content and fostering empathy and respectful digital citizenship and teaching students to see and report cyberbullying. Schools need to establish complete anti-bullying programs which provide distinct methods for dealing with incidents and helping victims.

8.6 Ongoing Monitoring and Evaluation

The law should require organizations to conduct regular assessments which include both updates for technological advancements and collection of data about cyberbullying incidents and their legal results and assessment of treatment success and feedback from children and parents and teachers and technology companies.

Conclusion

Cyberbullying constitutes a serious danger which jeopardizes the safety and mental health and growth of children in today's digital world. The development of legal frameworks to combat this problem has created new laws yet essential protective measures which protect children need

to be established because their safety must be balanced with their right to speak freely and keep their personal data private and use new technologies.

The legal system needs organized methods which bring together all essential elements needed to create effective legal solutions because these elements include both criminal and civil laws and platform responsibility standards and procedural protections which address children's special needs and capabilities and international partnership systems and educational and community development programs.

Cyberbullying requires more than legal solutions because effective legal systems create necessary protective elements which protect children and bring offenders to justice and motivate platforms to create safe environments and help victims pursue justice and find healing. Legal systems need to develop their laws according to evidence which proves effective ways to protect children who use digital platforms while technology develops in the future.

Future research should examine the effectiveness of different legal models through empirical evaluation, the impact of emerging technologies on cyberbullying dynamics, children's own perspectives on appropriate legal responses, and best practices for implementing comprehensive protection frameworks across diverse cultural and legal contexts.

Society uses its protection of children against cyberbullying to show its dedication to creating safe digital spaces which let children use technology while preserving their safety during their development process.

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Cite this Article:

Dr. Raghvendra Kumar Yadav, "Protection of Children from Internet- A Legal Study on Cyber Bullying", Aviradha International Journal of Law and Legal Studies (AIJLLS), ISSN: Applied (Online), Volume 1, Issue 1, pp. 28-37, October-December 2025.

Journal URL: <https://ajjls.com/>

DOI: <https://doi.org/10.65785/ajjls.v1i1.03>

