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Review of the book "Cyberbullying". Analysis of the victimization of minors in cyberspace from the theory of everyday activities

Reseña del libro "El Ciberacoso". Análisis de la victimización de menores en el ciberespacio desde la teoría de las actividades cotidianas

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Review of García Guilabert, Natalia, El ciberacoso, Editorial IBdef, Buenos Aires, 2017, Editorial IBdef, Montevideo, 2017, 303 pp. ISBN.978-9974-745-29-2.

Recensión de García Guilabert, Natalia, El ciberacoso, editorial IBdef, Buenos Aires, 2017, Editorial IBdef, Montevideo, 2017, 303 pp. ISBN.978-9974-745-29-2.

ABSTRACT: This research reviews the work Ciberacoso, by the author Natalia García Guilabert. It analyses cyberspace as a new area of criminal opportunity, minors as victims of non-sexual cyberbullying, the theory of everyday activities, and the victimisation of continuous non-sexual cyberbullying in minors. It includes an explanation of the structure of the document, emphasising the contribution this publication provides for law school students, teachers, trial lawyers, prosecutors, and judges.

KEYWORDS: cybercrime, access to information, data privacy, right to privacy, communications law.

RESUMEN: Este artículo realiza una reseña de la obra Ciberacoso, de la autora Natalia García Guilabert. Analiza el ciberespacio como nuevo ámbito de oportunidad delictiva, los menores como víctimas del ciberacoso no sexual, la teoría de las actividades cotidianas, la victimización de ciberacoso continuado no sexual en menores. Incluye una explicación sobre la estructura del documento, enfatizando el aporte que proporciona esta publicación para los estudiantes de las facultades de Derecho, los docentes, abogados litigantes, fiscales y jueces.

PALABRAS CLAVE: cibercrimen, acceso a la información, privacidad de los datos, derecho a la privacidad, legislación de las comunicaciones.

JEL CODE: D8, L86.

INTRODUCTION

The book is the result of the doctoral thesis "Victimisation by acts of continuous cyberbullying and everyday activities in cyberspace", part of the Inter-University Doctorate Programme in Criminology of the University of Granada, the University of Murcia, and the Miguel Hernández University. It is not complicated to read, although it is important to have a basic knowledge of Criminal Law to be able to enjoy the content and establish personal criteria. The bibliographical sources used are the result of major studies by leading authors worldwide, which contributes to the wealth of knowledge and to have a broad vision, which includes experiences and reflects the evidence of the methodology applied. Among the authors, we can mention the most relevant in the history of Criminal Law and Criminology (Brantingham, Ekblom, Miro, Wall, Cohen and Felson, and Grabosky, among others). It is a work that shows off a high level of academic research.

1. STRUCTURE

It consists of five chapters, which are developed by the name of each chapter and are uniform in the concepts and strategy used by the author to try to achieve the understanding and interest of the reader.

1). The first chapter deals with cybercrime and analyses the opportunities that technology has provided and the behaviours that arise from this relationship with human beings. It also highlights its evolution and the generations that have been varying concerning the types of criminal behaviour. What is interesting is that it establishes certain classifications according to the authors cited, in which it clarifies and exemplifies various realities that occur in today's world. (Wall, 2001, pp. 1-17), distinguishes four categories of cybercrime:

> Cyber trespass: refers to unauthorised access to computer systems, where the rights established by the owner himself prevail. Hacking, malware infections, etc. are included in this category.
>
> Cyber-deceptions/thefts: this category includes all greedy attacks and encompasses different forms of fraud in cyberspace, e.g. credit card fraud.
>
> Cyber-pornography/obscenity: covers all criminal offences related to the publication of or trade-in sexually explicit material in cyberspace.
>
> Cyber-violence: includes within this category all individual or group activities, which aim at psychological harm or incitement to physical harm against others. This may include behaviour such as cyberstalking, cyberbulling, hate speech, etc.

This reflects the reality of cybercrime in the world and describes the behaviours that threaten states, companies,

and individuals; on the other hand, it is also analysed in terms of the role of ICTs in the production of cybercrime. One classification that caught my attention is that of (Miro, 2012) who distinguishes the different purposes:

> Economic cybercrimes: this category includes crimes whose purpose is to obtain a direct or indirect financial benefit. Furthermore, it includes not only those that directly affect people's assets, but also those that affect other assets, such as privacy, security, systems, etc., but whose aim is to obtain personal benefit.
>
> Social cybercrime: this category is related to people's communication for the internet, i.e., it relates to the 'social' part of cyberspace.
>
> Political cybercrimes: this last category encompasses all illegal acts related to ideological or political struggles.

From this author, it should be noted that nowadays society faces a variety of challenges such as hackers, bank robberies and fraud, cyberstalking, cyberbullying, grooming, etc. But in the same way, it can be seen that there is a political purpose in which there are ideological captures, an issue of great seriousness, and above all because of the problems that are generated for the different members of society. Political cybercrimes could be a danger for the future and International Humanitarian Law is already analysing them from different angles.

It is necessary to highlight the crime of web 2.0 when people's lives are surrounded by the internet and technological devices, a situation that allows the creation of communication tools such as social networks where they can contact anyone, anywhere, at any time.

> There is a temporal aspect to the use of cyber technology and more specifically the Internet. However, time in

> cyberspace is not necessarily a supplementary variable that can explain simultaneity. (Smith and Stamatakis, 2020, p. 445).

However, the author notes that sharing one's private life through this medium entails exposure to numerous risks that can have a negative impact. Social cybercrime takes place in interpersonal relationships that now take place in cyberspace what used to take place in physical space, among the types of this modality we find the following:

> Sexual harassment or grooming and other forms of sexual assault in cyberspace.
>
> Bullying and stalking as forms of continuous harassment in cyberspace.
>
> Cyberharassment or individualised harassment attacks in cyberspace.

Something that stands out in this chapter is the structure of the internet as a new and different sphere of opportunity. Moreover, the book points out that the questions are: What is cyberspace like? How does it differ from physical space? How do its characteristics have an impact on criminal events?

Williams (2007) points out that "crime, like any social activity, is dependent on space and time. Then, cyberspace must be understood as arising from the interconnectedness of users through ICTs" (pp. 514-521).

However, he goes further by pointing out that without communication between users, the network would not exist:

> Cyberspace exists only as a relational space; its reality is constructed through the exchange of information; that is, it is both space and medium. A network without interaction between its members ceases to

> be a network; the network exists because there are relationships between its members. (Aguirre, 2004, pp. 1-33).

It can be said that communication is flexible because space and time are changing because of the facilities provided by the internet and technological devices; before it was necessary to plan a meeting to have a meeting or appointment, now through social networks it has changed people's lives and, above all, we are facing a new reality.

2). The second chapter deals with minors as victims of non-sexual cyberbullying, in which the use of technology and its incidences from an early age are analysed, and it should also be mentioned that it has been an ideal medium for establishing social relations, and among the curious data it is established that there is an exaggerated growth in statistics that demonstrate the high impact that can be caused in minors when there is a lack of knowledge of the appropriate use of social networks that put privacy and intimacy at risk. It is necessary to mention that as ICTs evolve, the possibilities of creating new forms of victimisation such as cyberbullying are expanding, but we must know the basic concept of bullying.

> The first authors to propose a general concept of bullying were Smith and Sharp-Sharp, who define it as an everyday relationship between several people who exercise a systematic abuse of power. (Ruiz, Rodríguez, Llanes and Blanco, 2019, p. 198).

The author mentions that the internet is not only a tool for communication, but also a powerful tool for knowledge, entertainment, sharing information with others, and consumption. One can speak of a revolution in both communication and entertainment activities, where children have access to a variety of online gaming options that can be accessed through computers, smartphones, tablets, etc.

In most cases it can be said that minors carry out these activities alone, without the company of other people, they connect in real-time with their friends and people they know through online games as well as the use of social networks; this has been a concern over time because they are not aware of the existing danger. How people's private lives are published makes it an optimal place to carry out crimes against honour, dignity, privacy, or sexual freedom.

Within the prevalence of victimisation, it has been mentioned that in Spain there are data that vary from 0.4% to 44%, but there is a replica in other countries in the different international studies where there is a variation from 6% to 40%, and even up to 72%. Among the countries that stand out are the USA, Canada, the United Kingdom, Belgium, and the Netherlands, among others.

Risk factors for non-sexual cyberbullying in minors include the following: demographic characteristics, personality, and daily activities. This must be analysed to have a broader analysis and a well-structured knowledge, which cannot be taken lightly because it is the nature of the problem.

Demographic characteristics of cyberbullying

They have been divided into three groups: the first group is made up of those who have concluded that gender has no effect on cyberbullying, or in other words, that this behaviour occurs to the same extent in both men and women; the second group is made up of those who have concluded that it is men who are more likely to suffer harassment through ICTs; finally, the third group of studies concludes that it is women who are more likely to be victims of cyberbullying.

Personality

Among the variables developed we find the following: the loneliness of young people because they may have difficulties in developing social relationships in physical space, a situation that leads them to search the internet; the feeling of satisfaction, understanding that a good level of satisfaction is related to positive development and, on the contrary, a low level is related to carrying out more risky behaviours; internet addiction, understood as a continuous need to connect to the internet, which seriously affects mood and contributes to social isolation and the destruction of relationships; perceived social support, children who feel less supported by their parents have more problems with cyberbullying and a poor parent-child relationship has negative effects, this is because children do not tell what they are going through.

Day-to-day activities

This trend analyses victimisation in terms of the activities carried out by minors, which is intended to constitute a focus of attention to be able to establish prevention strategies. For this reason, the following variables have been analysed: number of hours on the internet, tools used, voluntary cession of information, online deviant behaviour, and the physical location of the child when surfing the internet. A study has also been carried out on the physical attractiveness of the victims and there is an investigative analysis:

> Direct and indirect associations of physical attractiveness with sexual victimisation were particularly strong. For example, very attractive children were five times more likely than other children to have experienced child sexual abuse. (Savolainen, Brauer and Ellonen, 2020, n. p.)

3). The third chapter develops the so-called theory

mentioned in the main title of the work, the curious thing is to focus on the study of criminology and identify the factors that have led to committing certain crimes and also analyzes from a perspective of psychology taking into account mental disorders, without setting aside the sociological point of view. In the criticism directed at the criminal justice system because of the ever-increasing figures of criminality and, on the other hand, the advances in research that have led to new theories such as everyday activities, in the beginning, we studied the prominence of acts carried out outside the home, consumer goods and how people carried out their transactions.

Among the acquisitions that people make we find technology and its equipment with their respective peculiarities, leading to the increase of suitable targets in the absence of guardians. This theory is explained under three elements: a) a potential offender; b) a target or victim; and, c) the absence of guardians who can give protection to the victim.

> The likelihood that a target is more or less suitable is influenced by four attributes, described from the offender's point of view by the acronym VIVA (value, inertia, visibility, and accessibility) that define its level of risk. (Cohen and Felson, 1979; Felson and Clarke, 1998, pp. 588-608).

The value referred to that calculation; inertia referred to the physical aspects of the person or asset; visibility as exposure of targets to offenders; and, accessibility referred to the place and location, which allows or facilitates the offender to carry out his work in such a way that there is no obstacle to the accomplishment of the act.

The theory has now been rethought in the light of new routines in cyberspace, which can increase or create new criminal opportunities. In the past, criminality was studied by

taking into account the victims who were outside the home, but technological advances analyze new areas of criminal opportunity. Grabosky (2001) pointed out in his doctrine: "Virtual Criminality-Old Wine in the new bottles, meaning that some behaviours already existed in the past, but in today's virtual criminality, behaviours come through new media" (pp. 243-249).

One of the biggest problems today is the contraction of space, which means that it makes possible instantaneous encounters and interactions between actors who are distant from each other; this makes people vulnerable because of the existence of potential predators who have an immediate reach. An individual can reach, interact and cause harm to several people instantly, and in most cases, there is anonymity, which complicates the situation in the investigation of cases where cybercrime has been committed.

The researcher points out that today, the appearance of a new transnational personal communication space, universal and subject to permanent revolution, such as cyberspace, anticipates the existence of a new context of criminal opportunity that will coexist in time with that of physical reality, and which may share with it the fact that crime will depend on the relationship between offender, victim and protection mechanisms.

> Depending on how these virtual spaces are configured, criminals and victims may converge in one way or another. Depending on where they pass through, targets will be more or less visible, users will be able to exercise more or less social control, and potential victims will have certain resources to encourage their self-protection. (Miró, Drew, and Townsley, 2020, p. 144).

From the information on the activities carried out by minors, we can have information that allows us to know about their activities and risk tendencies that may exist daily, prevention strategies should be used to reduce the danger on social networks to prevent them from becoming victims of criminals who are on the internet causing irreversible damage.

4). The fourth chapter analyses the victimisation of continuous non-sexual cyberbullying among minors. The study was carried out on a representative sample of minors in the province of Alicante, as it was found that the use of ICTs is excessive among minors. Among the general objectives is to determine, on the one hand, the prevalence of victimisation by continuous non-sexual cyberbullying by minors, and on the other hand, to determine which common practices affect the likelihood of a minor being a victim of this form of cybercrime.

a) The first of the hypotheses postulate that minors who introduce personal property into cyberspace are more at risk of being victims of continuous cyberbullying, the conscious or unconscious introduction of personal property into cyberspace implies that it becomes available to other people. b) The second hypothesis is based on the idea that the Internet user does not become visible simply by his or her presence in cyberspace but through interaction with others, for example, when the user uses social networks, online games, or other communication tools. c) Children who use ICTs in a way that entails less possibility of family control are more likely to become victims of ongoing cyberbullying. It should be noted that the best way to have parental control is to be included in their social network profiles as friends and that there is control of the Smartphone or personal computer. The sample used to carry out this study is made up of 2038 secondary school and high school students in the province of Alicante.

Among the dependent variables, the dependent variables were chosen to analyse victimisation by specific acts of cyberhassment or continued cyberbullying, concerning four: insulting, rumours, repeated unwanted contact, and marginalising. Among the independent ones, a total of seventy-nine were included, among which I will highlight the most important ones: offering personal data over the internet, use of the mobile phone with which they connect, hours per week spent chatting, hours spent on social networks, several social network profiles created using real personal data, use given to social networks, people they add to social networks, making video calls, chatting through online video games, sexting, deviant behaviour.

With regard to the results, the descriptive analysis shows that 23% had experienced a form of harassment in their lifetime; within the analysis of activities, we found that personal data was offered over the internet; the following data was provided over the internet: name, surname, age, telephone, email, school, marital status and location; within the medium used we found instant messaging such as WhatsApp and Line, as well as social networks (Facebook, Instagram, Tuenti, among others) and to a lesser extent online video games, chat rooms and forums; users save information on computers connected to the internet such as personal photos, videos, intimate information; information saved on smartphones with the same characteristics; use of mobile phones is focused on keeping in touch with people they know, gossiping, flirting and meeting new people; there are many hours spent on the internet; use of social networks focused on communicating and meeting new friends; video calls; sexting and deviant behaviour.

The fifth and last chapter brings us the results reflecting that continued cyberbullying is a phenomenon present among minors and that a significant percentage of them have been

victims. In the same way, it is worth mentioning that the modifications derived from social changes could explain the increase in crime rates, especially among minors on the Internet, which could reflect victimisation; understanding the various factors explained in the previous paragraph when analysing the independent variables. The risk does not come from using ICTs, but from how they are used, and more specifically, that the subject becomes visible by the fact of using them. The change in the daily activities of minors on the Internet could explain the increase in victimisation; understanding the popularisation of smartphones, the increase in the number of hours spent by minors interacting in cyberspace, and the normalisation of social networks and messaging systems as a means of social interaction. Now it can happen at any time, without having to wait for certain times of the day, cyberspace 2.0 took a turn through the development of communication tools that are within people's reach.

It should be stressed that technology should not be demonised, but that children should be helped to understand the risks associated with it and, in particular, the risks associated with certain behaviours already discussed in particular.

It should also be noted that the use of technology to maintain romantic relationships is shown to be a risk factor for continued cyberbullying victimisation. Technology should not be demonised, but rather children should be helped to understand the risk and the behaviours that come with it, and the author asserts that preventive strategies are essential.

Prevention should focus on education and above all on helping everyone to be safer in cyberspace, it should be stressed that education comes from the home and above all parents should communicate openly with their children who are going through various stages, many of whom have to identify what is

good to share and what should be avoided concerning personal information.

Security in cyberspace can no longer be conceived exclusively in terms of the integrity of systems and networks but goes beyond that. Users must commit themselves to shape better cyberspace that enables the prevention of such behaviour that seriously threatens individuals.

The author specifies that this research has allowed for an approximation of the harassment of minors through ICTs. She points out that the study could be extended to other regions; there is a need to create a common research methodology on cyber-victimisation that allows for obtaining results with greater precision and, in turn, comparing them at a national and international level; and finally, given the need for better information on these two elements (potential offender and capable guardian), it is proposed that other methods of analysis be used or developed to overcome this drawback.

CONCLUSIONS

This work is interesting in the sense that it is possible to replicate the study at a global level and see the prevalence of cybercrime victimisation in the daily activities of minors. There may be no initiative in the application of criminal policies and legislative development may be a little delayed in different countries, but these studies are necessary as they are the result of academia and contribute to the prevention of cybercrime.

Society must take all precautions when using electronic devices that allow remote connection, it is necessary to take due precautions in the security of cyberspace, using updated tools that protect and prevent any intrusion by outsiders and above all that have the purpose of causing harm to society.

It is important to have a culture of self-education within families concerning the internet, to prevent them from being caught when they have a case of victimisation of one of their children, allowing them to control the situation and avoid falling into despair, they should not be afraid to report it to the competent authorities.

Beyond having a traditional approach to the care of children and adolescents, parental control should be encouraged to prevent minors from finding themselves in uncomfortable moments or to avoid their absence so that they can resort in case they have a personal problem or deal with an online harasser, it is necessary to build family trust and break the silence.

The author is clear in concluding that digital technology has transformed the way we relate to each other, cybercrime has evolved in parallel to ICTs. For this reason, it is important to keep in mind the concepts of visibility, introduction, and interaction to educate society on the responsible use of technology. There can be no impunity for these crimes, but it is preferable to work to prevent rather than mourn.

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