

Oryginalna praca badawcza

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YOUNG AND ANGRY. POLISH SCHOOL OF AGGRESSION ON THE INTERNET

MŁODZI GNIEWNI. POLSKA SZKOŁA AGRESJI W INTERNECIE

Abstract: The phenomenon of cyber violence has been identified by academia recently, despite the fact that Internet communication has been developing since the second half of the 20th century. There is a rising need to understand its determinants and implications for the security of children and teenagers. The main objective of this paper is to characterize cyber violence, its most important causes and selected consequences for youths in Poland. It also focuses on analysing the most important, domestic legal regulations regarding acts of violence on the Internet. This paper argues that this common phenomenon is caused both by traditional determinants of violence among young people, as well as by the specificity of Internet communication, including easily accessible, harmful content (i.e. “patostreams”, pornography), anonymity and massiveness. Cyber violence, usually taking the form of e.g. acts of verbal aggression, impersonation, deception, humiliation or ridiculing in the online environment, has not been met with social understanding and serious deliberation. There has been a visible lack of greater awareness of its causes among parents and teachers. Moreover, so far the Polish government has not adopted an integrated strategy of combatting cyber violence.

Zarys treści: Wprawdzie komunikacja w Internecie rozwija się od końca XX wieku, jednak zjawisko cyberprzemocy zidentyfikowano w nauce stosunkowo niedawno. Istnieje

potrzeba pełniejszego zrozumienia jego uwarunkowań oraz konsekwencji w kontekście bezpieczeństwa dzieci i młodzieży w sieci. Celem niniejszego artykułu jest omówienie nie tylko samego pojęcia cyberprzemocy, ale także jego potencjalnych przyczyn oraz wybranych konsekwencji dla nieletnich w Polsce. Ponadto charakteryzuje on najważniejsze rodzime regulacje prawne dotyczące odpowiedzialności nieletniego za akty przemocy internetowej.

Według Autorki zjawisko przemocy internetowej w Polsce jest obecnie powszechne, na co wpływ mają zarówno czynniki, które tradycyjnie sprzyjają powstawaniu agresji wśród nieletnich, jak i sam charakter Internetu, w tym m.in. łatwość dostępu do treści patologicznych (pornografia, tzw. patostreamy), anonimowość komunikacji oraz masowość. Cyberprzemoc, przejawiająca się aktami agresji słownej, oszustwami, podszywaniem się, poniżaniem lub ośmieszaniem w środowisku online, nie jest niestety problemem, który spotyka się ze zrozumieniem społecznym. Brakuje przede wszystkim pełniejszej świadomości jego przyczyn zarówno wśród rodziców, jak i nauczycieli, czego przejawem jest np. niedokładna wiedza opiekunów na temat poczynań podopiecznych w Internecie. Ponadto jakkolwiek wiele aktów cyberprzemocy jest w Polsce penalizowanych, to nadal brakuje zintegrowanej strategii przeciwdziałania im przez instytucje państwowe.

Key words: cyber violence, electronic aggression, juvenile delinquency, demoralization, patostreams.

Słowa kluczowe: cyberprzemoc, agresja elektroniczna, przestępczość nieletnich, demoralizacja, patostreamy.

Introduction

Juvenile delinquency is a phenomenon that is increasingly heard about in the media, although its scale is gradually decreasing.¹ Nevertheless, in recent years it has been possible to notice the emergence of new forms of illegal behaviour among children and adolescents. Criminal acts are no longer committed only by

¹ See Biuro Prewencji i Ruchu Drogowego Komendy Głównej Policji, Wydział Prewencji, *Informacja dotycząca stanu zagrożenia przestępczością nieletnich w Polsce w 2015 roku*, <http://www.policja.pl/download/1/189850/Przestepczosnieletnichw2015r.pdf>, (accessed 06.10.2018).

minors from pathological, difficult or dysfunctional families, but increasingly often by young people from so-called “good homes.” A young person spends a significant part of his or her time at school, which to some extent educates him or her. It is often there that various forms of aggression occur.² This aggression is not only physical, but also verbal. It sometimes leads to psychological aggression, which has a different specificity but often equally serious consequences. In this context, information technologies are increasingly becoming a vehicle for aggressive behaviour, both in adults and among children and adolescents. The Internet, as one of the most momentous and beneficial communication and media developments in history, has become a platform for interactions whose consequences can be pathological phenomena. One of these is undoubtedly cyberbullying, which has become a particularly serious challenge to the safety, as well as the proper psychological development, of children and young people.³

Although online communication has been developing for a long time, the phenomenon of cyberbullying has been identified in science relatively recently. There is therefore a need for a fuller understanding of its determinants and consequences in the context of online safety for children and young people. The aim of this article is to discuss not only the concept of cyberbullying itself, but also its potential causes and selected consequences for minors in Poland. In addition, it characterises the most important domestic legal regulations concerning minors’ responsibility for acts of online violence.

The concept of aggression in science

In order to understand the phenomenon of cyberbullying, it would be necessary to start by clarifying basic terms such as violence and aggression. According to the definition of the Polish Scientific Publishers’ Encyclopaedia (PWN), aggression is derived from the Latin “aggressio,” “aggression” or “attack” and means “a psychological tendency to use violence frequently in relations with others as a way of solving conflicts or achieving life goals, called

² J. Blikowska, J. Ćwiek, *Nieletni Polacy: wściekli i samotni*, Rzeczpospolita, <http://www.rp.pl/Spolczenstwo/305169863-Nieletni-Polacy-wsciekli-i-samotni.html>, (accessed 24.07.2018).

³ Najwyższa Izba Kontroli, Delegatura w Kielcach, *Zapobieganie i przeciwdziałanie cyberprzemocy wśród dzieci i młodzieży*, <https://www.nik.gov.pl/plik/id,15249,vp,17730.pdf>, (accessed 06.10.2018).

aggressiveness; it can take the form of physical behaviour, take on indirect and hidden forms, as well as express itself in symbolic actions as well as in the form of a verbal attack, it may be reactive in nature, constituting the discharge of aroused emotions of anger, rage, irritation, or instrumental – actions undertaken in order to obtain desired objects, states of affairs, values.”⁴

Another important term is violence. According to Article 2(2) of the Act of 29 July 2005 on counteracting violence in the family (Journal of Laws No. 180, item 1493, as amended), violence in the family is “a single or repeated intentional act or omission violating the rights or personal goods of the closest persons (as defined in Art. 115 § 11 of the Penal Code), as well as other persons residing or managing together, in particular exposing these persons to the danger of loss of life, health, violating their dignity, bodily integrity, freedom, including sexual freedom, causing damage to their physical or mental health, as well as causing suffering and moral harm to the persons subjected to violence.”⁵ Moreover, violence can take many forms:

- physical – consists of various forms of behaviour and of varying degrees of intensity, e.g. slapping, hitting, kicking, pushing, shoving, taking away various objects (backpacks, mobile phones, books) – most common among school-children, extortion of material goods, failure to provide the required assistance, etc;
- sexual – coercion into certain sexual behaviours and contacts (rape, forced viewing of pornographic films, pornographic images, forced sex with third parties, etc.);⁶
- psychological – this is a type of violence that focuses on, among other things, intimidation, humiliation and blackmail. Often these are verbal or non-verbal threats of violence against the person or what belongs to them. In addition, this type of violence also leads to ridicule of religious views, abandonment or the imposition of one’s own views;

⁴ *Agresja*, in: Encyklopedia PWN, <https://encyklopedia.pwn.pl/haslo/4007508>, (accessed 15.09.2018).

⁵ Announcement of the Speaker of the Sejm of the Republic of Poland of 24 August 2015 on the announcement of the consolidated text of the Law on Counteracting Domestic Violence, Dz.U. (Journal of Laws) 2015, item 1390.

⁶ Ministerstwo Sprawiedliwości, *Przemoc w rodzinie – definicja, rodzaje, formy*, <https://pomocofiarom.ms.gov.pl/pl/przeciwdzialanie-przemocy-w-rodzinie-w-polsce/przemoc-w-rodzinie---definicja-rodzaje-formy/#::~:~:text=Zgodnie%20z%20art.%202%20ust.%202%20ustawy%20z,cierpienia%20i%20krzywdy%20moralne%20u%20os%-C3%B3b%20dotkni%C4%99tych%20przemoc%C4%85.>, (accessed 15.09.2018).

- economic/material – denying or limiting access to shared financial resources or taking away money earned, preventing or restricting gainful employment, but also destroying objects and the like.⁷

In the scientific literature, researchers explain aggression in three ways. The first is instinct. This assumes that aggression is something innate. Currently, this theory is not valid, but it often recurs in explanations of aggression as a feature of human nature. Another is frustration. It states that aggression stems from frustration and leads to aggressive impulses every time. This has been criticised many times because not all frustration necessarily leads to aggressive behaviour. The last theory is the social learning of aggression, i.e. the acquisition of aggression through environmental influences.⁸ The creator of this theory was Canadian professor Albert Bandura. According to him, we learn new behaviours not only through rewards and punishments, but also the environment around us.⁹

The concept of cyberbullying

In characterising the concept of cyberbullying, also referred to as electro-bullying aggression, it should first be emphasised that its proper vehicle is the so-called new media. It is in these media that cyberbullying manifests itself.¹⁰ The 20th century saw the proliferation of media known as mass media, which influenced mass culture. Tomasz Goban-Klas defines it as a collection of stories that tell us about the essence of the universe, how it came into being and how it works, what is good and what is bad, in behaviour at a particular time, place and society.¹¹ Explaining what new media is is not that simple, because the word “medium” itself is so ambiguous that it is impossible to give a precise and exhaustive definition. The term new media is sometimes defined as “all media techniques and technologies that have been in widespread use since the mid-1980s. The

⁷ A. Stępień, *Zjawisko agresji w środowisku młodzieży: pojęcie agresji, przemocy oraz ich objawy*, „Pedagogika Rodziny” 2015, vol. 5, no. 3, pp. 177–190.

⁸ S. Guerin, E. Hennessy, *Przemoc i prześladowanie w szkole. Skuteczne przeciwdziałanie agresji wśród młodzieży*, Gdańskie Wydawnictwo Psychologiczne, Gdańsk 2004, p. 9.

⁹ See K. Bocian, *Dzieci uczą się agresji od dorosłych*, <http://badania.net/dzieci-ucza-sie-agresji-od-doroslych/>, (accessed 23.10.2018).

¹⁰ J. Pyżalski, *Agresja elektroniczna i cyberbullying jako nowe ryzykowne zachowania młodzieży*, Oficyna Wydawnicza „Impuls”, Kraków 2012, p. 9.

¹¹ T. Goban-Klas, *Media i komunikowanie masowe. Teorie i analizy prasy, radio, telewizji i Internetu*, PWN, Warszawa 2007, p. 38.

dawn of the new media age is associated with the spread of personal computers, satellite television and video, and so-called ‘off-monitor’ technologies, namely the tele-fax and the mobile phone.”¹² As M. Nieć states, some researchers use the term only to analyse digital media. However, the phrase was first used as early as 1951 by Marshall McLuhan in a letter to Harold Adams Innis. The term was referred “to such features of the media of the time as (radio and television), ‘electronic information gathering’ and the ‘global village.’”¹³

In Poland, the concept of cyberbullying has been promoted by the Nobody’s Children Foundation, which is one of the largest NGOs dealing with this problem.¹⁴ Cyberbullying, also referred to as electronic aggression, involves the use of violence via the Internet and other media. It is stalking, harassment, intimidation, harassment or ridicule.¹⁵ According to Karolina Duszczyk, “cyberbullying can start with clicking ‘like’ under a ridiculous photo or malicious comment, under someone’s publication or footage.”¹⁶ It can take various forms, e.g. sending compromising photographs or films, hacking into Internet accounts of post offices, social networks or communicators, with the aim of sending out compromising, false material or making truthful information public. Jacek Pyżalski defines this phenomenon very broadly “as aggression using communication technologies.”¹⁷ According to another approach, it is “intentional and repeated (multiple) harm caused by means of an electronic text.”¹⁸ According to A. Czesławiak, currently the above phenomenon includes: “teasing, lying, spreading rumours, making malicious or unfavourable comments, which are carried out through email, chat

¹² M. Lakomy, *Demokracja 2.0. Interakcja polityczna w nowych mediach*, Wydawnictwo WAM, Kraków 2013, p. 66.

¹³ A. Nacher, *Remiks i mashup – o nietatwym współbrzmieniu dwóch cyberkulturowych metafor*, „Przegląd Kulturoznawczy” 2011, no. 1(9), p. 79; M. McLuhan, *List do Harolda Adama Innisa z 1951 roku*, in: idem, *Wybór tekstów*, Poznań 2001; M. McLuhan, *The Later Innis*, “Queen’s Quarterly” 1953, vol. 60, no. 3.

¹⁴ A. Czesławiak, *Agresja elektroniczna i cyberbullying wśród dzieci i młodzieży a działania szkoły*, „Media w Edukacji” 2008, p. 9.

¹⁵ P. Szelaż-Jarosz, *Cyberprzemoc (cyberbullying, cyberstalking): czym się objawia i jakie są jej rodzaje? Jak reagować na cyberprzemoc?*, http://www.poradnikzdrowie.pl/psychologia/wychowanie/cyberprzemoc-cyberbullying-cyberstalking-czym-sie-objawia-i-jakie-sa-jej-rodzaje-jak-reagowac-na-cyberprzemoc_45486.html, (accessed 24.07.2018).

¹⁶ *Hejt – cyberprzemoc w sieci*, Stress Free, <https://stressfree.pl/hejt-cyberprzemoc-w-sieci/>, (accessed 05.11.2018).

¹⁷ *Agresja elektroniczna. Definicja*, <https://sites.google.com/site/agresjaelektroniczna2013/1-definicja>, (accessed 23.10.2018).

¹⁸ See W. J. Patchin, S. Hinduja, *Bullies move beyond the schoolyard: A preliminary look at cyberbullying*, “Youth Violence and Juvenile Justice” 2006, vol. 4, no. 2, pp. 148–169.

rooms, websites or through mobile phone capabilities (e.g. sending images or texts) and taking unwanted photos or videos.”¹⁹

Citing J. Pyżalski, eight types of electronic aggression can be distinguished:

- “Electronic bullying against peers.” When we talk about this, we mean the relationship between the perpetrator and the victim. The two are in a relationship belonging to the same social group, e.g. attending the same class at school. The perpetrators of these acts may act anonymously or also openly harass their victim in the real world. Such situations are carried out in a repetitive manner. Perpetrators often cooperate together in spreading acts of electronic aggression.²⁰ In the age of the Internet and ubiquitous smartphones, young people are not only perpetrating violence, they are also recording it and then “uploading” it online. In Poland, we have already had a few cases of cyberbullying leading to tragedy. One such situation was the suicide of a 14-year-old boy from Gorzyce, who committed suicide because he was ridiculed and bullied by his peers because of his appearance and alleged sexual orientation. The boy had been bullied for a long time because the problem had already emerged in primary school. Another tragedy took place in Biezuń, where a teenager left a suicide note in which he explained whom he considered his “colleague,” “friend” and “enemy.” It was the last group that allegedly contributed to his suicide.²¹ Another high-profile case was one from 2017 concerning the beating of a 14-year-old girl by three middle school students in Gdansk and the subsequent posting of the incident online. In the situations described above, it is uncertain to what extent social media contributed to these tragedies, but given that almost 94% of teenagers go online, and one in three are online virtually all the time, it is highly likely that much of this behaviour took place via mobile devices or the internet.²² It is not only in Poland that such situations occur. Recently in the USA, a 12-year-old girl committed suicide because she was receiving text messages from her peers saying “Kill yourself.” In addition, she allegedly received

¹⁹ A. Czesławiak, *Agresja elektroniczna i cyberbullying...*, op. cit., p. 9.

²⁰ J. Pyżalski, *Agresja elektroniczna – wirtualne ciosy, realne rany – cz. I*, „Remedium” 2008, no. 9, pp. 26–27.

²¹ P. Wójtowicz, *Wirtualne słowa, rzeczywisty ból. Jak cyberprzemoc niszczy dzieci*, Wprost, <https://www.wprost.pl/zycie/10083561/wirtualne-slowa-rzeczywisty-bol-jak-cyberprzemoc-niszczyc-zycie-dzieci.html>, (accessed 25.07.2018).

²² Pracownia Edukacji Zastosowań Technologii Informacyjno-Komunikacyjnych NASK, *Raport z badania „Nastolatki 3.0”*, Narodowe Centrum Kultury, <https://nck.pl/badania/raporty/raport--nastolatki-wobec-internetu-3-0>, Warszawa 2017, (accessed 25.07.2018).

messages on Snapchat in which she was called a “loser” by her classmates and ridiculed for her appearance.²³

- “Electronic aggression against teachers.” When we talk about this type, we mean that the victim is the teacher or educator of the perpetrator. The perpetrator of this aggression is most often a pupil or a group of pupils, directing their messages directly or indirectly. By direct means, e.g. the use of mobile phones, and by indirect means, e.g. by creating blogs or various forums or websites etc. and posting comments there.²⁴ One of the more high-profile cases of this type took place in 2009, when a vocational school student “poked a teacher” and, putting his shoes on his desk, told him to lick them. The whole situation was recorded and then posted on the internet, where it was found by police officers who were monitoring the web.²⁵
- “Electronic aggression against strangers in the real world.” In this situation the victim and perpetrator do not know each other. The attack occurs impulsively and is directed towards an unknown person, e.g. by using aggression towards another participant in online conversations.²⁶ Such a person’s primary goals are to hurt and ridicule others (indicated by 51 per cent of respondents), to post offensive posts, photos and videos (47.6 per cent) and to maliciously portray people and events (47.4 per cent).²⁷ According to Dominik Batorski, hackers are “people who are frustrated, dissatisfied with their own lives, but also have a lot of free time, which they devote precisely to attacking other Internet users.”²⁸
- “Electronic fraud” involves the fact that the victim and the perpetrator may or may not know each other in the real world. The perpetrator, either by deceiving their victim or by impersonating them in the virtual world, aims to portray them in an unfavourable light or wants to take advantage of them.²⁹ In 2007,

²³ *12-latka popełniła samobójstwo bo rówieśnicy pisali jej: „Zabij się”*, Rzeczpospolita, <https://www.rp.pl/Spoleczenstwo/180629844-12-latka-popelnila-samobojstwo-bo-rowiesnicy-pisali-jej-Zabij-sie.html>, (accessed 06.11.2018).

²⁴ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

²⁵ B. Sowa, *Cyberprzemoc w szkole! Jak polscy uczniowie gnębią nauczycieli*, Dziennik.pl, <http://edukacja.dziennik.pl/artykuly/382426,cyberbullying-w-szkole-jak-polscy-uczniowie-gnebia-nauczycieli.html>, (accessed 08.11.2018).

²⁶ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

²⁷ Ł. Rogojsz, *Hejter znad Wisły: kim jest, jak działa, dlaczego obraża*, Newsweek, <https://www.newsweek.pl/polska/hejt-w-internecie-kto-hejtuje-jak-walczyć-z-hejtem-w-sieci/3xlr14r>, (accessed 08.11.2018).

²⁸ Ibidem.

²⁹ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

actress Eyka Farhana was the victim of cyberbullying. The attack on her consisted of a sex tape posted on the Internet, of which Eyka was said to be the protagonist. The actress has denied rumours about this, claiming that she is not the one on the tape, but a woman who bears a strong resemblance to her. The matter has been reported to the police.³⁰

- “Electronic aggression against celebrities and celebrity.” In this case, the victim is a person who is known from newspapers, TV or gossip sites or who is known only online. Consequently, the two parties have no personal relationship in the real world.³¹ Many TV “stars” have to deal with so-called “online hate.” Recently, Małgorzata Rozenek, Hanna Lis and Weronika Rosati took part in an action against hate speech.³²
- “Electronic aggression related to a personal relationship.” In this situation the aggression occurs between people who know each other and have a close relationship. It is most often the result of a relationship being ended by one party and where the other party disagrees. In view of this, the motivation is to use electronic aggression towards a person with whom a closer relationship can no longer be maintained.³³ More often than not, this is a repetitive situation and lasts for a long time. Many people become victims of bullying when, for example, a relationship with a partner ends.³⁴
- “Electronic aggression in the form of criminal threats.” In this group the main determinant is the content of the aggression, i.e. the use of specific threats, e.g. suggesting beatings or even loss of life.³⁵ This may be the case when the joke convention of the so-called “youtubers” does not quite work out and offensive words are uttered by the video’s protagonist.³⁶

³⁰ M. Wojciechowska, *Padła ofiarą cyberprzemocy. „To nie ja jestem bohaterką tej sekstasmę”*, WP Kobieta, <https://kobieta.wp.pl/padla-ofiara-cyberprzemocy-to-nie-ja-jestem-bohaterka-tej-sekstasmę-6170997275170945a>, (accessed 08.11.2018).

³¹ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

³² See K. Gargol, *„Każdy ma ją za dupodajkę”. Rozenek, Rosati i Lis w mocnej akcji przeciw hejtowi*, na: Temat, <https://bliss.natemat.pl/240317,rozenek-rosati-i-lis-czytaja-hejterskie-komentarze-na-swoj-temat>, (accessed 08.11.2018).

³³ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

³⁴ *Mój były mnie nęka – jak bronić się przed stalkingiem*, WP Kobieta, <https://kobieta.wp.pl/moj-byly-mnie-neka-jak-bronic-sie-przed-stalkingiem-5982441624064641a>, (accessed 08.11.2018).

³⁵ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

³⁶ Zob. K. Lewandowski, *„Chcesz dostać?”*, czyli gdzie kończy się żart, a zaczyna groźba i strach [video], Wawalove, <https://wawalove.wp.pl/chcesz-dostac-czyli-gdzie-konczy-sie-zart-a-zaczyna-grozba-i-strach-wideo-6178749601359489a>, (accessed 08.11.2018).

- “Electronic aggression in the context of a joke.” In this situation it is difficult to speak of aggression, because the parties between whom this relationship takes place adopt a kind of convention and treat aggressive messages as a joke.³⁷ This type of online aggression is often manifested by so-called “youtubers.” These are so-called “pranks,” i.e. humorous materials. This is in the realm of a joke or a prank as long as the person being made fun of also sees it that way and smiles.³⁸

Thus, it can be seen that the phenomenon of cyberbullying includes a range of qualitatively different behaviours involving different configurations of online interpersonal relations, different methods of action, as well as diverse effects. Thus, they do not necessarily involve minors. Instead, electronic aggression perpetrated by children and adolescents may be a manifestation of their demoralisation. At the same time, it should be emphasised that they are the most vulnerable group of Internet users who can potentially suffer the greatest harm from electronic aggression. Therefore, cyberbullying is sometimes considered in science in the broader context of threats to children and young people in cyberspace. According to Jarosław Wujkowski, these can include:

- illegal trafficking online,
- pirated software,
- fraud,
- cyberbullying,
- others (including online auctions, advertisements, money-earning offers, media services).³⁹

In his view, cyberbullying is an illusory concept, as there is a high degree of anonymity of the perpetrator on the Internet. It has many forms. It is extremely quick to disseminate material that is then widely available. Moreover, victims are constantly vulnerable to attack regardless of location or time of day. Finally, there are difficulties in removing the compromising material, and an obstacle to countering cyberbullying by adults is poor knowledge of the specifics of electronic media and downplaying of the problem.⁴⁰

³⁷ J. Pyżalski, *Agresja elektroniczna...*, op. cit., pp. 26–27.

³⁸ K. Lewandowski, „*Chcesz dostać?*”..., op. cit.

³⁹ J. Wujkowski, *Zagrożenia dla dzieci i młodzieży w cyberprzestrzeni – elementy profilaktyki, prawa i przeciwdziałanie. Konferencja Wielkopolskiego Kuratora Oświaty dla dyrektorów szkół i placówek oświatowych, Kalisz, 24.08.2017 r.*, Ośrodek Doskonalenia Nauczycieli w Kaliszu, http://ko.poznan.pl/wp-content/uploads/2017/10/cyberzagrozenia_kuratorium_kalisz_24_08_2017.pdf, (accessed 20.09.2018).

⁴⁰ Ibidem.

It should be mentioned that cyberbullying can be qualified as one of the elements of computer crime. According to Interpol, cybercrime has two approaches. The first is vertical, meaning that it “concerns crimes specific to cyberspace, i.e. those that can only be committed there, e.g. hacking, computer sabotage.” The second approach is the so-called horizontal one – it assumes “the commission of crimes using computer techniques (e.g. computer fraud, money counterfeiting, money laundering, etc.).”⁴¹ According to the above approach, in some cases of online aggression, manifested, for example, by persistent harassment that would result in suicide, one could speak of computer crime.

Social environment as a determinant of aggressive behaviour among adolescents

There is no doubt that some of the sources of cyberbullying can be traced back to traditional factors influencing the occurrence of aggressive behaviour among young people. It is therefore worth discussing the most important of these. A characteristic feature of youth is having authorities. Initially, a child’s authority figure is most often a parent. Then, when we enter the pre-school/early school period, the authority is still the parent, but also the teacher/educator. It is only when we enter adolescence that these places are taken by the peer group, and it is this group that initially contributes to how the young person behaves. It is at this point that imitation of all kinds of behaviour, including negative behaviour, begins. The source of a teenager’s aggressive behaviour can also be found in his or her family environment. It can be influenced by the atmosphere in the family home. It is during this period that a parent should pay most attention to their children. It is not enough to ask “how was school?” or “what’s up?”⁴² A perfunctory questioning at such an undoubtedly difficult time as adolescence leads to emotional rejection on the part of the parents. At this point, the parent is faced with quite a challenge. He or she should not only be a parent to the child, but also someone like a friend. Of course, it is important not to overstep a certain boundary. For it is the parent who must demand, impose conditions and set limits, but also not become

⁴¹ R. Szymczykiewicz, *Czym jest cyberprzestępstwo*, Infor.pl, <https://www.infor.pl/prawo/prawo-karne/przestepstwa-komputerowe/298370,Czym-jest-cyberprzestepstwo.html>, (accessed 18.08.2018).

⁴² M. Ziemska, *Postawy rodzicielskie*, Wiedza Powszechna, Warszawa 1973, pp. 7–9.

a bully to the young person. He or she must not just set ever-higher goals for him or her, excessive demands that often lead to criticism or punishment. Of course, one must demand and expect results and outcomes, but the child must not feel abandoned or alone. He or she must still have his or her basic affiliation needs (needs for affection, love, belonging) and security needs met. Failure to meet these needs at a later age can lead to various types of aggression.⁴³ The kind of family a young person lives in has a huge impact on how he or she grows up and functions in school life and in the future. Parental deficiencies or dysfunction in the family can have a negative impact on adult life – at school and beyond. Parents should bear in mind that it is school failures that largely generate aggression in the young person. They are the consequence of learning delays and bad behaviour. They are often the beginning of much more serious problems, i.e. lying, truancy, running away, using alcohol or the increasingly popular designer drugs. This in turn can lead directly to drug addiction or first-time offending. It is important to remember that the way adults behave towards each other or towards their children is reflected in the behaviour of the young person, his or her personality, the way he or she expresses him or herself, the use of certain terms and the expression of his or her opinions. Young people are often well aware that, at such a young age, they are almost unpunished. They may be threatened with educational measures or, in the worst-case scenario, a correctional facility, but this is not a measure that is very often applied to a person entering adolescence.⁴⁴

In this context, according to a study by G. Miłkowska-Olejniczak, when giving the reasons for their aggression, students mentioned:

- “fear of a low grade,
- fear of failure,
- a large number of homework assignments,
- unannounced papers,
- frequent homework,
- lack of freedom of expression,
- antipathy of the teacher towards pupils,

⁴³ A. Stępień, *Zjawisko agresji w środowisku młodzieży...*, op. cit.

⁴⁴ M. Stachowicz-Piotrowska, *Agresja w szkole. Przyczyny – problemy – zapobieganie*, „Forum Dydaktyczne” 2009, no. 5–6, <https://repozytorium.ukw.edu.pl/bitstream/handle/item/1793/Monika%20Stachowicz%20Piotrowska%20Agresja%20w%20szkole%20Przyczyny%20problemy%20zapobieganie.pdf?sequence=1&isAllowed=y>, (accessed 18.09.2018).

- fear of being reprimanded,
- fear of malicious remarks about oneself,
- fear of worsening relationships with colleagues,
- fear of physical punishment by the teacher.”⁴⁵

According to research, the most frequent aggressive situations at school are in toilets and cloakrooms during breaks.⁴⁶ There are certain traits and behaviours in adolescents that can foster situations of aggression towards themselves. Such characteristics may include:

- “sensitivity,
- shyness,
- insecurity and cautiousness in dealing with others,
- poor relationships with peers,
- inability to make friends,
- anxiety,
- passivity,
- submissiveness,
- lack of ability to defend oneself in violent situations,
- tearfulness, low self-esteem,
- negative attitudes towards the use of violence,
- weakness or low physical fitness (as far as boys are concerned).”⁴⁷

In turn, I. Tyrna-Łoj explained that aggression is very often focused on so-called “misfits.” These are children who have speech problems – people who stutter, are visually impaired, hearing impaired, short in stature, slim or obese, and dressed differently.⁴⁸

It is also worth noting the research that the aforementioned G. Miłkowska-Olejniczak conducted on teachers’ actions, which consist of sources of aggression. According to her, these include: “favouring certain pupils, underestimating the work put in by pupils, unfairly assessing the results of school work, using physical punishment against pupils.”⁴⁹ In contrast, peer behaviours that

⁴⁵ G. Miłkowska-Olejniczak, *Przejawy i przyczyny agresywnych zachowań młodzieży*, „Problemy Opiekuńczo-Wychowawcze” 1999, no. 10, pp. 163–164.

⁴⁶ See M. Karkowska, W. Czarnecka, *Przemoc w szkole*, Oficyna Wydawnicza „Impuls”, Kraków 1993.

⁴⁷ J. Węgrzynowska, *Dzieci doświadczające przemocy rówieśniczej*, Stowarzyszenie Blżej Dziecka, Warszawa 2016, p. 11.

⁴⁸ M. Stachowicz-Piotrowska, *Agresja w szkole...*, op. cit.; J. Węgrzynowska, *Dzieci doświadczające przemocy...*, op. cit., pp. 12–13.

⁴⁹ G. Miłkowska-Olejniczak, *Przejawy i przyczyny...*, op. cit., pp. 163–164.

cause aggression are: “servility (overzealousness) towards teachers, blowing cigarette smoke in the face, silly jokes (sticking something on the back, hiding things such as a backpack or jacket), pushing in the corridor both intentional and unintentional.”⁵⁰ Furthermore, the author lists among the statements made by teachers: “statements whose content violates the dignity of students (humiliation, hurting feelings, showing contempt), calling students names, using offensive words, mocking, making fun of students’ appearance or school achievements, ironic, demeaning and even vulgar instructions,”⁵¹ and among the statements of peers: “name-calling, sniping at students’ behaviour, sucking up to teachers manifested in nodding off.” Teachers in the cited surveys experienced such forms of violence from students as: “writing insults on the bench, mouthing off, giving the teacher an unfavourable opinion, jerking the chair, dreams of causing physical harm to the teacher, arrogant, uncultured responses in response to annoying teacher instructions.”⁵²

A separate problem is parents’ lack of awareness of the plight of children who are victims of aggression. Barbara Coloroso lists the reasons that influence them to keep silent instead of telling what happened to them. Children do not inform their parents and teachers about their situation because:

- “they are ashamed of being bullied,
- they are afraid of the perpetrators’ revenge, of their situation getting worse,
- they think that no one can help them, they feel helpless,
- they don’t believe anyone can help them,
- adults have told them that bullying is part of adolescence,
- they are afraid that adults will disregard, their problem,
- they learned at school that ‘reporting’ on peers is not okay.”⁵³

With this in mind, a parent should be vigilant and know which symptoms in a child’s behaviour to pay attention to. In 2008, a study was conducted by A. M. O’Moore, in which she explained how to notice changes in a child:

- “the child looks nervous and anxious and refuses to answer questions about what is going on,
- cuts and bruises of unknown origin,
- damage to clothes, books, school supplies,
- deterioration in academic performance,

⁵⁰ Ibidem.

⁵¹ Ibidem.

⁵² Ibidem.

⁵³ J. Węgrzynowska, *Dzieci doświadczające przemocy...*, p. 13.

- requests for extra money,
- missing personal belongings, lunch passes,
- reluctance to go to school or intensification of this reluctance,
- an increase in late arrivals at school,
- changes in mood and behaviour, prolonged depressed mood,
- a lack of self-confidence and lowered self-esteem, a sudden drop in self-esteem,
- complaints of headaches and stomach aches, illnesses,
- sleep problems,
- lack of contact with peers outside of school.”⁵⁴

In addition, in 1993, after conducting a study, Dan Olweus listed some other signals that should worry teachers:

- “difficulty speaking in the classroom forum,
- withdrawal from activities, stuttering, loss of self-confidence,
- dropping out of class events and trips,
- spending breaks alone, not being allowed to join a group,
- spending breaks near an adult,
- lack of a good friend in the class,
- being picked last for a sports team,
- visible sadness and depression, tendency to cry,
- deterioration in academic performance.”⁵⁵

The vast majority of the determinants of aggression among minors described above, as well as signals that minors are victims of aggression, may determine the phenomenon of cyberbullying. Difficult family situations, as well as the lack of proper parental control over children can undoubtedly foster this, as they may find in the anonymous network an outlet for their personal problems, as well as encounter content that will lead to or deepen their demoralization.⁵⁶ Of similar importance are the school environment and relationships with peers. Problems occurring in these environments can gain an electronic dimension, as increasingly everyday interactions with peers move to the Internet, where children and adolescents use the same instant messaging, social media or services. This promotes the transfer of more traditional tensions and problems into the cyber dimension. Finally, it should be noted that most of the described signals

⁵⁴ Ibidem, p. 14.

⁵⁵ Ibidem.

⁵⁶ See Fundacja Dajemy Dzieciom Siłę, *Chroń dziecko w sieci*, <http://www.dzieckowsieci.pl/>, (accessed 08.11.2018).

of being a victim of aggression, not counting those purely physical ones such as bruises, can equally well indicate that a minor has been a victim of cyberbullying.

Internet as a new environment of aggressive behaviour among children and adolescents

In addition to the traditional sources of cyber-violence discussed above, arising from the phenomenon of aggression among children and adolescents themselves, however, there remain causes specific only to the virtual space. There is no doubt that the very nature of Internet communication, the increasing ubiquity of minors' access to information and communication technologies, as well as the content of the network, have a major impact on the scale and nature of this problem.

First of all, it is important to note the growing percentage of children using the Internet on a regular basis. According to a CBOS survey, in 2004 only about 58% of underage household members used this medium. However, by 2015, it was 86%. Among children aged 6–12 it is as high as 81%. More understandably, 95% of young people aged 13–15 and 94% of those between 16 and 19 use the global network. On average, they spend about 15 hours online per week, with only 10% spending less than 2 hours. It is worth noting that as many as 33% of parents are afraid of their children's exposure to harmful content online. 58% are also afraid of the possibility of making unwanted contacts, giving rise, for example, to paedophilic threats.⁵⁷ The data clearly suggests that children, including the youngest, are increasingly using the Internet, and that their parents do not have full control over their behaviour. The problem is further exacerbated by the popularization of smartphones, which allow users to access the web from outside the family home (e.g., from school), making it even more difficult to have any oversight of online activities. According to 2017 statistics, as many as 80% of children aged 7–8 have their own smartphone. In addition, as many as 35% of 6–9 year olds actively use social media, including Facebook (25%).⁵⁸

⁵⁷ M. Feliksiak, *Dzieci i młodzież w Internecie – korzystanie i zagrożenia z perspektywy opiekunów*, „Komunikat z Badań CBOS” 2015, no. 110.

⁵⁸ M. Sewastianowicz, *80 proc. dzieci w wieku 7-8 lat ma własny smartfon. Korzystają z niego średnio 2,5 godziny dziennie*, Prawo.pl, <https://biznes.newseria.pl/news/80-proc-dzieci-w-wieku,p1003907867>, (accessed 29.10.2018).

Young people are increasingly becoming hostage to computers and the Internet. Undoubtedly, one can speak here of a kind of addiction to the computer, but most of all to the Internet. Increasingly, this addiction is included in the category of pathology and placed next to addiction to, for example, alcohol, which qualifies for drug treatment.⁵⁹ As early as the 1990s, psychiatrists drew attention to the above phenomenon, but it was not until the 21st century that it was reported that web addiction occurs in more than 5% of all users, or about 40 million people. This disease manifests itself in the use of the Internet for many hours (up to 70 hours).⁶⁰ Between 2006 and 2008, studies – linked to hours of online gaming – were conducted in Asia (South Korea, Taiwan) in the 6–19 age group, which showed serious health disorders, including myocardial infarctions and increased crime rates. In China, meanwhile, as many as 15%, or more than 11 million young people, are diagnosed as suffering from IAD (Internet Addiction Disorder). As a result of the above studies, in 2007, the authorities introduced legal restrictions regulating that only 3 hours a day can be spent on computer games.⁶¹ In Europe, one in 10 citizens is addicted to the Internet. Meanwhile, according to a 2016 study by the Supreme Audit Office, nearly 100,000 people in Poland are addicted to the Internet, and 750,000 are at risk of addiction. Moreover, according to another study commissioned by the Children’s Ombudsman in 2014, teenagers spend 3 hours and 40 minutes online, and more than 40% of them are online all the time.⁶²

Considering the range of influences they may encounter in the electronic environment, the trends indicated above may raise serious concerns. After all, the global network is a place where a child can encounter not only the aforementioned paedophilic threats, but also content that can seriously disrupt the process of their upbringing and socialization. The first research that was conducted in Poland on children’s contacts with dangerous content on the Internet took place in 2006, and showed the already large scale of children’s contacts with potentially harmful content. As many as 71% of Internet users aged 12–17 declared at least one contact with pornography or erotica online, 51% – with violent scenes, 28% –

⁵⁹ M. Przybysz-Zaręba, *Uzależnienie młodzieży od współczesnych mediów*, Oficyna Wydawnicza „Prospekt”, Olsztyn 2008, p. 8.

⁶⁰ M. Filip, *Nowe uzależnienia XXI w.*, „Pismo Polskiego Towarzystwa Przyrodników im. Kopernika” 2013, vol. 114, p. 5.

⁶¹ Ibidem.

⁶² A. Smolińska, *Co 10 nastolatek uzależniony od Internetu*, Polityka Zdrowotna, <http://www.politykazdrowotna.com/15209,co-10-nastolatek-uzalezniiony-od-internetu>, (accessed 20.10.2018).

with materials promoting violence and intolerance. It should be emphasized, however, that the vast majority declared casual contact with these materials – 63%, 61% and 74% respectively.⁶³ In addition, it should be noted that, according to research conducted by the Institute for Integrated Prevention in 2017, 62% of boys and 21% of girls in middle school have viewed pornographic content. It should be emphasized that almost half (43%) of them did this on smartphones.⁶⁴

Also noteworthy is the 2022 Report “Online Etat 3.0: Mental Health of Polish Teens in Remote Learning.” According to the study, conducted in 2021, during the COVID-19 pandemic, teens spent an average of 12 hours and 31 minutes online, consisting of 7 hours and 41 minutes studying and 4 hours and 50 minutes in leisure time. Also, the report indicated that on weekends, young people are online for as much as 6 hours and 10 minutes.⁶⁵

It should be noted that linguistic aggression and the propagation of negative patterns can be encountered in those places that are most popular on the Internet. This includes computer (online) games, the aforementioned social media, as well as streaming sites and YouTube. Associated with the latter is the availability of so-called “patostreams,” which are increasingly popular in Poland, promoting pathological behaviour, including foul language, use of psychoactive drugs, drunkenness or aggression.⁶⁶

To be able to understand this phenomenon, it is necessary to explain what patostreams actually are. It is “a word formed from the combination of the words pathology and stream and describes: vulgar, obscene and violent Internet shows broadcast live on streaming services, e.g. youtube, twitch. A person

⁶³ Ł. Wojtasik, *Rodzice wobec zagrożeń dzieci w Internecie*, Fundacja Dzieci Niczyje, <https://dzieckokrzywdzone.fdds.pl/index.php/DK/article/view/725/579>, (accessed 24.10.2018).

⁶⁴ *Twoje dziecko też to robi. Statystyki dotyczące oglądania pornografii są przerażające*, Do Rzeczy, <https://dorzeczy.pl/kultura/50373/Twoje-dziecko-tez-to-robi-Statystyki-dotyczace-ogladania-pornografii-sa-przerazajace.html>, (accessed 24.10.2018).

⁶⁵ B. Białecka, *Raport 2022. Etat w sieci 3.0. Zdrowie psychiczne polskich nastolatków w nauce zdalnej*, Fundacja Edukacji Zdrowotnej i Psychoterapii, <http://rodzice.co/raport-2022-etat-w-sieci-3-0-zdrowie-psychiczne-nastolatkow-po-nauce-zdalnej/>, (accessed 13.09.2023).

⁶⁶ Heuristic, *Cyberprzemoc, czyli agresja w Internecie – skąd się bierze*, <https://www.heuristic.pl/blog/internet/Cyber-przemoc-czyli-agresja-w-Internecie-skad-sie-bierze;211.html>, (accessed 05.11.2018); See *Patologia na żywo, czyli świat patostreamerów*, Uwaga, <https://uwaga.tvn.pl/uwaga-po-uwadze,2680,n/patologia-na-zywo-czyli-swiat-patostreamerow,273874.html>, (accessed 04.11.2018); *Patostreamy*, in: Miejski.pl. Miejski Słownik Słanu i Mowy potocznej, <https://www.miejski.pl/slowo-Patostreamy>, (accessed 05.11.2018).

who creates this type of entertainment is called a patostreamer.”⁶⁷ More specifically, it is “showing violence and vulgar content, sometimes in violation of the law, in order to make viewers who watch this over the Internet pay the broadcaster. In Poland, the phenomenon has been growing in recent years in a way unknown in other countries. These are vulgar, degrading materials, often full of physical and verbal violence, not infrequently recorded under the influence of alcohol or other drugs with disregard for the law and the rules of social intercourse. They have a large audience, and their broadcasters make money from it. They also get money for doing something abhorrent or cruel: it can be abuse of a loved one, beating or humiliation.”⁶⁸ Although many Internet users speak negatively about patostreams, there are still those who subscribe to their “activities.” As psychologist Maria Rotkiel explained it, people have always enjoyed watching stupidity, evil, violence or weirdness.⁶⁹ On 18 October 2018, the Ombudsman held a roundtable on the phenomenon of patostreaming at his Office in Warsaw. The topic of the meeting was how to deal with patostreaming, which was attended by lawyers, academics, representatives of authorities, NGOs, technology companies, as well as youtubers and journalists.⁷⁰ During the meeting, numerous demands were made to reduce the phenomenon of pathostreaming itself and its harmful social and educational effects.⁷¹

In April 2023, the government once again announced a crackdown on patostreaming. A draft amendment to the Criminal Code concerning the criminalization of the above phenomenon was submitted to the previous parliamentary term, in which Article 225b is to be added. This provision defines patostreaming as the dissemination of content depicting the commission of a criminal act (harmful content) or its pretence depicting the act as actually committed. Dissemination

⁶⁷ Ibidem.

⁶⁸ Rzecznik Praw Obywatelskich, *O patostreamingu – prawnicy, naukowcy, przedstawiciele władz, organizacji pozarządowych i firm technologicznych, youtuberzy i dziennikarze*, Biuletyn Informacji Publicznej RPO, <https://www.rpo.gov.pl/pl/content/o-patostreamingu-prawnicy-naukowcy-przedstawiciele-w%C5%82adz-organizacji-pozarz%C4%85dowych-i-firm>, (accessed 04.11.2018).

⁶⁹ *Patostreamy – co to jest? Wulgarne treści, poniżanie i głupota na YouTube*, Radio Eska, <https://www.eska.pl/news/patostreamy-co-to-jest-wulgarne-tresci-ponizanie-i-glupota-na-youtube-aa-9c9d-5JRV-qhZz.html>, (accessed 04.11.2018).

⁷⁰ *O patostreamingu...*, op. cit.

⁷¹ See Ł. Wojtasik, *Patotrześci w Internecie. Raport o problemie*, Fundacja Dajemy Dzieciom Siłę, Warszawa 2019, <https://bip.brpo.gov.pl/sites/default/files/Raport%20z%20bada%C5%84%20nastolat%C3%B3w%20nt.%20patotre%C5%9Bci.pdf>, (accessed 31.01.2024).

is to consist of transmitting video or audio (e.g., livestreaming) or making available a recording of the video or audio via an ICT network (primarily the Internet). The provision is divided into three groups. The first relates to an intentional crime against life or health, freedom, sexual freedom, morality, family and guardianship, or committed with violence. It is to be punishable by imprisonment of at least five years. The second group concerns the abuse or killing of an animal. The last group constitutes violation of bodily integrity, in a manner leading to humiliation or indignity of another person, and is to be punishable by imprisonment from 6 months to 8 years. On the other hand, in the case of acting for or with the purpose of gaining a pecuniary or personal benefit, the penalty of imprisonment can be from one to 10 years. It is worth adding that, according to the provision of §4 of the article in question, persons who acted to defend the public interest or a deserving private interest will not be liable for patostreaming. However, they cannot be perpetrators of the crime of patostreaming, instigators or assistants. Unfortunately, the currently discussed provision has not been added to the Criminal Code, and as of 1 June 2023, it is at the stage of first reading at the session of the Diet.⁷²

Contact with the pathological content discussed above and lack of proper parental control on the Internet are not enough. The network itself additionally provides anonymity and thus enables perpetrators to do much more than outside the virtual world. Such activities occur mainly through email, chat rooms, instant messaging, websites, blogs, social networking sites, newsgroups, SMS and MMS services.⁷³

In conclusion, frequent contact with aggression, vulgarization of the language used, anonymity and lack of sanctions on the Internet are certainly factors that encourage behaviour that has the characteristics of cyberbullying. At the same time, it should be remembered that the world of the Internet, while carrying an incredible number of risks, also generates many benefits. Among them are helping children with socialization, education, as well as entertainment.⁷⁴

⁷² *Poselski projekt ustawy o zmianie ustawy – Kodeks karny*, Druk nr 3310, Sejm Rzeczypospolitej Polskiej, <https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=3310>, (accessed 31.01.2024).

⁷³ W. Szczepaniak, *Cyberprzemoc: jak uchronić przed nią dzieci*, Serwis Zdrowie, <https://zdrowie.pap.pl/psyche/cyberprzemoc-jak-uchronic-przed-nia-swoje-dzieci>, (accessed 22.10.2018); J. Rokicka, *Cyberprzemoc – koszmar naszych dzieci*, *Gazeta.pl*, http://www.edziecko.pl/rodzice/1,79361,11063144,Cyberprzemoc___koszmar_naszyc_dzieci.html, (accessed 22.10.2018).

⁷⁴ J. Izdebska, *Dziecko w świecie mediów elektronicznych. Teoria, badania, edukacja medialna*, Trans Humana Wydawnictwo Uniwersyteckie, Białystok 2007, p. 132.

The scale of cyberbullying among young people on the Polish Internet

Adolescent bullying is nothing new, as such situations have been occurring for centuries. However, thanks to new technologies, it has taken on previously unprecedented forms and scale.⁷⁵ The attacker has an easier task, since by spreading information about others through new media they can potentially reach a larger group of people, and furthermore cause many more problems for the victim. Not surprisingly, cyberbullying is now a problem in virtually all technologically developed countries of the world. Many European countries are struggling with this phenomenon. It is particularly evident in countries such as Sweden, Estonia, Lithuania, Austria, the Czech Republic, Slovenia, France, Belgium, Romania and Bulgaria.⁷⁶

Against this background, the situation in Poland is in line with global trends. In characterizing the phenomenon of Internet violence occurring among Polish minors, it is worth presenting statistics from a study conducted by the Nobody's Children Foundation and the Scientific and Academic Computer Network. According to them, as many as 51% of children and adolescents have become, at least once, the object of photos or videos taken against their will, 52% of children aged 12–17 have had to deal with verbal violence on the Internet or via cell phone, 47% of children have experienced vulgar name-calling, 29% of respondents declare that someone online has claimed to be them without their consent.⁷⁷ According to other surveys, almost one in four children (21%) have experienced ridicule and humiliation, 16% have experienced threats and blackmail, 14% of children report dissemination of embarrassing material via the Internet or cell phones.⁷⁸ Also, the results of a 2017 survey conducted by the Supreme Audit Office (among 271 teachers, 814 parents, 737 students) indicate that cyberbullying is a significant phenomenon among students, with 39.5% of them having been affected by cyberbullying, with 28.8% of parents and 45.4% of teachers also being victims.⁷⁹

⁷⁵ See A. Czesławiak, *Agresja elektroniczna i cyberbullying...*, op. cit., p. 9.

⁷⁶ Najwyższa Izba Kontroli, *NIK o cyberprzemocy wśród dzieci i młodzieży*, <https://www.nik.gov.pl/aktualnosci/nik-o-cyberprzemocy-wsrod-dzieci-i-mlodziezy.html>, (accessed 26.07.2018).

⁷⁷ J. Wujkowski, *Zagrożenia dla dzieci i młodzieży w cyberprzestrzeni...*, op. cit.

⁷⁸ Ibidem.

⁷⁹ Najwyższa Izba Kontroli, *NIK o cyberprzemocy...*, op. cit.

At the same time, it should be noted that most situations involving cyberbullying are not disclosed. This is largely influenced by the aforementioned fact that not all caregivers are aware of exactly what their charges are doing online. According to statistics published by the Public Opinion Research Centre in 2015, 85% of caregivers know what their children (adolescents) are doing online, with 44% knowing very well, while as many as 41% know only moderately. 10% know little about how their children use the web and 5% have no knowledge at all in this regard.⁸⁰ The problem of insufficient detection of acts of electronic aggression is indicated by the 2017 NIK study cited above. Indeed, nearly half of the students surveyed said that they would not disclose the fact of experiencing cyberbullying to anyone. Only slightly more than 13% of students would tell their teachers about their problem and 19% would tell their parents.⁸¹ In December 2016, a similar survey was conducted by the Scientific and Academic Computer Network. It showed that 39% of students would not ask an adult for help and only 3% would turn to teachers with their problem.⁸² This is not a very optimistic trend, the consequence of which is that a young person, without informing anyone about their problem, is left completely alone with it. This, in turn, can lead to the build-up of negative consequences, mainly of a psychological nature.

Analysing the data cited above, several conclusions can be drawn. First of all, cyberbullying is a common phenomenon in Poland, especially at the stage of school education. Children and adolescents encounter acts of aggression on the Internet very often, although the full scale of this problem is not known. Minors are rather reluctant to inform their guardians and teachers, who, significantly, can also fall victim to cyberbullying. The still low awareness of the nature of the problem and the lack of precise knowledge among parents about what their children do while using the Internet also play their part.

Legal regulations in Poland against the phenomenon of cyberbullying among children and adolescents

Young people who commit such crimes often do not realize that they are not only hurting and harming their victim, but also breaking the law. Such dissemination

⁸⁰ M. Feliksiak, *Dzieci i młodzież w Internecie...*, op. cit.

⁸¹ Najwyższa Izba Kontroli, *NIK o cyberprzemocy...*, op. cit.

⁸² *Cyberprzemoc. Zatrważające statystyki*, Niezależna, <http://niezalezna.pl/202843-cyberprzemoc-zatrwarzajace-statystyki>, (accessed 26.07.2018).

of a person's hurtful image is subject to criminal liability under Article 212 of the Penal Code, which speaks of defamation, or under Article 216 of the Penal Code (insult).⁸³ The aggrieved party can pursue his or her rights through civil as well as criminal means. With criminal protection in mind, it is important to clarify that insult and defamation are private criminal offences. This means that the victim or their legal representative must file a private indictment. In addition, in such a situation it must be known exactly who the offender is and have evidence incriminating them. Such evidence can be, among other things, recordings posted on the Internet, in addition, the testimony of witnesses who saw or heard the circumstances of the recording of the crime itself. It should be noted that if the crime is committed by a person under the age of 17 then such a case is handled by the family and juvenile court. On the other hand, if the act bears the hallmarks of an image violation under Articles 23 and 24 of the Civil Code, the case is referred to civil proceedings, i.e. claims for damages.⁸⁴ It should be clarified that if the case involves minors under the age of 18, all legal actions are carried out by parents or legal guardians. In a situation where we are dealing with a perpetrator who is a schoolmate/colleague, the parents should immediately notify the authorities of the unit for prosecution in accordance with internal regulations. Minors who commit criminal acts are subject to the Law on the Support and Rehabilitation of Minors.⁸⁵ According to the aforementioned law, they may be subject to educational measures or a corrective measure in the form of placing the minor in a correctional facility. In addition, bearing in mind Article 18 of the aforementioned law, the family court may also oblige the parents or guardian of the minor to improve the minor's educational, living or health conditions, as well as to cooperate closely with the school the minor attends, with the psychological and pedagogical counselling centre, including, if necessary, to perform an appropriate diagnosis of the minor, and with the entity that performs therapeutic activities. Another situation where a parent or guardian may be held responsible for their child is if they evade the duties imposed on them by the family court, the court may impose a fine of PLN 3,000 on them.⁸⁶

⁸³ Penal Code Act of 6 June 1997, Dz.U. (Journal of Laws) 1997, No. 88 item. 553, as amended.

⁸⁴ Civil Code Act of 23 April 1964, Dz.U. (Journal of Laws) 1964, No. 16, item 93, as amended.

⁸⁵ Announcement of the Speaker of the Sejm of the Republic of Poland of 13 April 2018 on the announcement of the unified text of the Law on Juvenile Matters Proceedings, Dz.U. (Journal of Laws) 2018, item 969.

⁸⁶ *Ibidem*.

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Summary

With the development of the technological revolution, manifested by the increasing use of online communication by children and adolescents, the scale of cyberbullying is bound to increase. This is undoubtedly a multidimensional phenomenon, the roots of which are to be found not only in the online sphere, but also in the traditional conditions of pathological behaviour of minors. The growing scale of cyberbullying is also helped by the popularization of harmful content on the Internet, such as the extremely popular “patostreams,” which promote harmful behaviour patterns among children and adolescents. It should be noted that awareness of this problem is currently low. The public has only in recent months, mainly due to Internet users, paid wider attention to some aspects of the issue.⁸⁷ There is also a lack of understanding, especially among guardians, that proper control of how minors use the Internet could significantly reduce both the causes and consequences of cyberbullying.

The effects of online aggression are often difficult to grasp. Name-calling, threats and bullying on the Internet can have a major impact on the psychological development of children who actively engage in cyberspace. They can manifest themselves in disrupted interpersonal relationships, deterioration of academic performance, depression and, in extreme cases, suicide. It is worth noting that a lack of response can result in the transformation of cyberbullying into other forms of juvenile crime in the virtual space.

⁸⁷ See *Rodzice z TikToka z zarzutami. Ojciec przyduszał dziecko, matka nie reagowała*, Radio ZET, <https://wiadomosci.radiozet.pl/polska/dabrowa-gornicza-rodzice-z-tiktoka-z-zarzutami-ojciec-przyduszal-dziecko>, (accessed 31.01.2024); *Glupie pomysły i wulgarne treści. Patostreamy docierają do dzieci*, TVN24, <https://www.tvn24.pl/wiadomosci-z-kraju,3/patostreamy-coraz-popularniejsze-jak-uchronic-najmlodszych,827210.html>, (accessed 27.10.2018).