

LEGAL PROTECTION AGAINST CYBERBULLYING AND CYBER VICTIMIZATION

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Abstract

Cyberbullying and cyber victimization have emerged as significant issues in the digital age, affecting individuals across various age groups and geographic locations. This study examines the legal frameworks currently in place to address these issues, focusing on how laws can effectively protect victims and deter perpetrators. The research analyzes the existing legal protections under telecommunications, electronic transactions, criminal, and tort laws, highlighting their strengths and limitations. The findings suggest that while some legal measures provide a foundation for addressing cyberbullying, there is a critical need for more comprehensive and targeted regulations. The study also emphasizes the importance of integrating multi-modal approaches, including public education and international cooperation, to address the complex nature of cyberbullying and cyber victimization. The recommendations for future legal and policy developments aim to create a more robust framework to safeguard individuals in the online environment.

Keywords: Cyberbullying, cyber victimization, problematic internet use.

Introduction

Cyberbullying, which typically occurs on websites and social media platforms, can cause a range of problems for victims, including fear, sadness, anger, self-harm, academic failure, and low self-esteem. It is widespread among young people. Understanding the experience of cyberbullying and its potential negative consequences is crucial. Additionally, examining problematic internet use, which is believed to be related to cyberbullying and victimization, could provide deeper insights into the issue. Cyberbullying is a global public health concern with significant negative impacts on the physical and mental health of victims, as well as their overall well-being and academic performance. Myanmar is still in the early stages of developing its cyber law framework. Currently, protection against cyberbullying is provided under the Telecommunications Law and the Electronic Transactions Law, with additional, albeit indirect, protection through Criminal Law and Tort Law.

Research Methodology

This research employed a qualitative approach to gather and analyze information from various sources. It involved collecting legal data, including relevant provisions and commentary from Myanmar law, which are crucial for the study. The methodology included a thorough review and analysis of books, reports, legal texts, news articles, and other information from internet sources. This comprehensive examination of literature and legal documents provided the foundation for understanding and evaluating the subject matter of cyberbullying and cyber victimization.

Cyberbullying

Cyberbullying is a form of bullying that takes place over digital devices such as computers, smartphones, and tablets, using online platforms like social media, websites, messaging apps, forums, or gaming communities. It involves repeated, intentional actions aimed at hurting, humiliating, or threatening another person.

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Cyberbullying occurs through electronic communication tools, including text messages, emails, social media platforms (e.g., Facebook, Instagram, Twitter), and online gaming or forums. Similar to traditional bullying, cyberbullying is usually persistent. The bully repeatedly engages in harmful behavior over time. One key feature of cyberbullying is that perpetrators can hide behind anonymous profiles or fake accounts, making it easier for them to harass others without immediate consequences.

Unlike traditional bullying, which may occur in a limited, physical space, cyberbullying can reach a large audience quickly. A single post, comment, or photo can be shared widely, leading to greater humiliation and distress for the victim. Cyberbullying can occur at any time of day or night, meaning victims may feel there is no escape from the harassment, sending abusive or threatening messages repeatedly. Creating fake accounts to pose as someone else and harm their reputation or relationships, sharing someone's private information, photos, or secrets online without their consent, intentionally excluding someone from an online group, chat, or social activity, leading to social isolation, continuously sending intimidating or threatening messages, often escalating to real-world threats, posting deliberately inflammatory or off-topic messages to provoke emotional responses and disrupt online discussions, spreading false, damaging rumors about someone online, sharing intimate photos or videos without consent, often to embarrass or blackmail the victim.

Traditional bullying and cyberbullying are not the same. Differentiating between traditional bullying and cyberbullying involves understanding the mediums, methods, and contexts in which these forms of bullying occur. While both are harmful, they manifest differently in terms of how the bullying is carried out, where it happens, and the overall impact. Traditional bullying refers to direct, face-to-face aggression or harassment that typically occurs in physical settings, such as schools, workplaces, or communities. It involves repeated actions intended to harm, intimidate, or dominate another person.

Traditional bullying includes bullying that happens through in-person confrontations, where the victim and the bully are physically present in the same space. Traditional bullying can take several forms: physical bullying, verbal bullying, and social or relational bullying.

Relational or social aggression affects a person's social relationships, status, image, or reputation. It includes actions such as spreading rumors or embarrassing information, making rude or disrespectful gestures, cracking jokes to humiliate someone, mimicking unkindly, causing social isolation or exclusion, encouraging others to exclude someone, and damaging someone's social reputation or acceptance.²

Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behavior.³

Direct cyberbullying occurs when the cyberbully "directs the electronic communications directly at the victim. It encompasses a cyberbully's use of instant messaging, text or multimedia messaging, or email intended to have a direct, immediate effect on the victim."⁸ Direct

² Willard, Nancy E. *Cyberbullying: Bullying in the Digital Age*. 2nd ed., Corwin Press, 2015. p.5.

³ <https://www.pacer.org/bullying/info/cyberbullying/>

cyberbullying is limited to the context where the cyberbully directs communications to the victim only, as opposed to communications that are posted to more public areas of cyberspace. Direct cyberbullying occurs in the private domain.⁴

Indirect cyberbullying occurs where the cyberbully “does not direct the electronic communication that constitutes the bullying at his or her victim directly. Instead, the bully posts them on MySpace, Facebook, a specially created Website or blog, or some other reasonably public area of cyberspace.” Public forums such as social media sites, blogs, Web pages, and video-sharing Web sites are obvious examples of platforms that fall within the public cyberspace arena. The concept of the public domain in cyberspace extends to situations where the victim has knowledge of multiple recipients being privy to personal communication transmitted via ICTs. The nature of this technology is such that the sender has no control over to whom the original communication is forwarded. Because multiple parties are directly privy to the original electronic communication, the communication has the potential to spread to an infinite audience. Thus, once any other recipient has access to the information, it should be considered material falling within the public arena.⁵

A cyber-attacker can be physically remote from the victim, being on the other side of the state, country, or world. Essentially, the unlimited geographical reach of the Internet means that online abuse differs from offline abuse in three important ways. First, online abusers can act cheaply and easily anywhere globally. While the second is the ominous privacy of the attacker's location, it makes the victim feel either proximate or most distantly close to the perpetrator. Finally, the jurisdictions enforcing laws and gathering evidence due to its global spread make legal issues challenging.

Therefore, cyberbullying is a harmful form of harassment that occurs through digital platforms, utilizing technology to target individuals with repeated, intentional acts of aggression, humiliation, or threats. Unlike traditional bullying, it can occur at any time and reach a wider audience, often leading to severe emotional and psychological effects on victims. The anonymity of the internet exacerbates the problem, making it harder to hold perpetrators accountable. However, through education, responsible online behavior, legal protections, and platform-based interventions, cyberbullying can be mitigated, helping to create safer digital spaces for all users.

The Causes and Harmful Effects of Cyberbullying

Cyberbullying is a very serious issue that impacts not only the victims but also their families, the perpetrators, and those who witness the instances of cyberbullying. The effects on victims can be particularly detrimental. They often experience a range of emotional issues that affect their social interactions, academic performance, and overall mental health.

The distinctive and extraordinary characteristics of the digital realm create a fertile breeding ground for aggression. From a psychological perspective, anonymity emboldens individuals, making them less apprehensive about consequences and discipline. When one believes that their identity is concealed, the sense of responsibility for their words often

⁴ Colette Langos, “Cyberbullying: The Challenge to Define”, Article in *Cyberpsychology, Behavior, and Social Networking* · June 2012, pp.286, <https://www.researchgate.net/publication/227162137>.

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diminishes. Within this virtual domain, freedom of expression takes on a transformative nature, resulting in relentless debates and the proliferation of hurtful language. When individuals recognize the exceedingly minimal cost associated with online aggression—virtually no financial repercussions and a limited likelihood of facing punishment—the inclination to engage in such behavior becomes more pronounced.⁶

Cyberspace gathers people from all over the world, which also means that netizens have the characteristics of diverse cultures, diverse beliefs, diverse languages, etc. In an environment where diversity is not limited, or in other words, cannot be limited, the dispute between different viewpoints is more likely to arise. This makes heated disputes inevitable; therefore having negative language contributes to cyberbullying.⁷

In certain cases, some individuals may not be fully aware that their actions contribute to cyber violence due to the ambiguous boundaries of such behavior. The way we define cyberspace and cyber violence plays a crucial role in shaping people's motivations to engage in these activities. When we define "cyberspace" as an electronic interactive realm crafted by information network technology, essentially an intangible "virtual society" distinct from the physical world, it becomes clear that the online conduct of netizens is primarily influenced by the moral dynamics within this virtual realm. However, if we fail to distinguish between the "network society" and the "real society," considering both as collections of individuals and viewing the Internet merely as one of the modern mediums for free speech, we can better understand that netizens' "violent" actions often stem from their pursuit of freedom of expression. In this context, their behavior can be seen as a reflection of their desire to exercise their right to free speech in a digital age.⁸

The impacts of cyberbullying can be severe, leading to:

- Emotional distress, anxiety, and depression.
- Low self-esteem and withdrawal from social activities.
- Academic problems in school-aged victims due to stress and distraction.
- Physical symptoms, such as sleep disturbances or health issues caused by ongoing stress.
- Self-harm or suicidal thoughts, especially in severe cases of online harassment.

Many cyberbullies hide behind fake profiles or anonymous usernames, making it harder to hold them accountable. This perceived invisibility can embolden individuals to behave aggressively or maliciously online without fear of immediate repercussions. Unlike face-to-face bullying, where the bully may see the immediate reaction of their victim, cyberbullies don't directly witness the emotional or psychological effects of their actions, making them more detached from the harm they cause. Some cyberbullies seek to assert dominance or gain a sense of power over others. They may bully others online to feel superior, especially if they feel powerless in other areas of their lives. Sometimes, cyberbullying can become a group activity, where individuals join in or encourage the bullying to fit in or avoid being targeted themselves.

⁶ Liang, Xuanlin. "The Cause and Influence of Cyberbullying." *Journal of Education, Humanities and Social Sciences*, vol. 26, 2024, pp. 662. Shenzhen College of International Education, Shenzhen, China.

⁷ Liang, Xuanlin. "The Cause and Influence of Cyberbullying." *Journal of Education, Humanities and Social Sciences*, vol. 26, 2024, pp. 663. Shenzhen College of International Education, Shenzhen, China.

⁸ F. Jiang, "'Cyberviolence': Concept, Root Causes and Responses - An Analytical Perspective Based on Risk Society," a.xueshu.baidu.com, 2011.

Cyberbullying can be driven by envy, where individuals feel jealous of their victim's success, appearance, popularity, or social status. They may attempt to undermine or harm the victim by spreading rumors, posting hurtful content, or publicly humiliating them. Individuals who feel wronged or slighted by someone may turn to cyberbullying as a way to seek revenge. They may use online platforms to shame, harass, or publicly attack the person they feel has harmed them. Online environments can sometimes reduce empathy, as communication through screens is less personal than face-to-face interactions. This emotional detachment may make it easier for some people to engage in hurtful behavior without considering the consequences for the victim.

Exposure to negative or toxic behavior on social media, reality TV, or online platforms can normalize bullying behavior. When people see others bullying without consequences, they may feel that such behavior is acceptable or even expected in certain social circles. Adolescents, in particular, may participate in cyberbullying to gain approval or acceptance from their peers. They might join in online bullying to avoid being ostracized or to boost their own social standing. Some individuals engage in cyberbullying simply out of boredom. In an environment where there is little adult supervision, young people might turn to bullying as a form of entertainment or a way to pass the time.

Cyberbullying can have severe emotional, psychological, and social consequences for victims. Unlike traditional bullying, its impact can be amplified by the reach and permanence of the digital space. Victims of cyberbullying often experience increased levels of anxiety and depression. Constant exposure to hurtful messages, rumors, or threats can lead to persistent feelings of sadness, worthlessness, or hopelessness. Repeated online attacks on someone's character, appearance, or abilities can severely damage their self-esteem, making them doubt their worth and capability. In extreme cases, cyberbullying has been linked to suicidal ideation and suicide attempts. The relentless nature of online harassment can push victims to feel that there is no escape, leading them to consider taking their own lives.

Cyberbullying can make victims feel unsafe or unwelcome in online spaces and social gatherings. As a result, they may withdraw from social interactions, both online and offline, leading to feelings of isolation. Victims might feel ashamed or embarrassed about what is being said about them online, causing them to avoid friendships, social activities, or even going to school or work. Cyberbullying can strain friendships and relationships. Victims may distance themselves from friends or family out of fear that they will be judged, or because the cyberbullying is linked to social group dynamics.

Victims of cyberbullying often struggle to concentrate in school, leading to a decline in academic performance. They may skip school out of fear of facing their bullies or feeling too distressed to focus on their studies. In severe cases, cyberbullying can lead to truancy or dropping out of school entirely. Similarly, in the workplace, employees may take more sick days or quit their jobs due to the stress caused by cyberbullying. Some victims turn to drugs or alcohol as a way to cope with the emotional pain caused by cyberbullying. Substance abuse can further complicate their mental and physical health. Victims of cyberbullying may experience difficulty sleeping due to stress, anxiety, or fear of encountering more bullying. This can lead to insomnia, nightmares, or poor sleep quality. The emotional toll of cyberbullying can manifest in physical symptoms, such as headaches, stomachaches, or fatigue. The constant stress can weaken the immune system, making victims more susceptible to illness.

Cyberbullying often involves spreading false information, rumors, or embarrassing photos or videos that can damage a person's reputation. This can be especially harmful when content is shared widely and cannot be easily erased. Negative online content can affect future opportunities, such as college admissions, job prospects, or social relationships. Employers and educational institutions may come across harmful or untrue information about the victim during background checks.

Cyberbullying is a pervasive and harmful form of bullying that thrives in the digital age, where anonymity, vast reach, and a lack of accountability make it more insidious than traditional bullying. The causes of cyberbullying range from a desire for power and control to envy, revenge, and the negative influence of media and social norms. Its harmful effects extend beyond immediate emotional distress, leading to long-term psychological issues like anxiety, depression, and even suicidal thoughts. Social isolation, work performance, and physical health problems are also common among victims, highlighting the far-reaching impact of cyberbullying. Unlike traditional bullying, the digital footprint left behind by cyberbullying can haunt victims indefinitely, damaging their reputations and limiting future opportunities. Addressing cyberbullying requires increased awareness, stronger online regulations, and the promotion of empathy and responsible behavior in digital spaces. Victims need access to support systems to help them recover from the emotional and psychological harm caused by this form of abuse.

Protection of Cyber Victimization

Protecting individuals from cyber victimization involves a combination of legal, technological, educational, and support measures. Develop and implement specific laws that address various forms of cyberbullying and online harassment. Current laws need to cover online offenses more explicitly, including harassment, defamation, and intimidation. Ensure laws clearly define cyberbullying, online harassment, and related offenses. Create accessible and confidential channels for reporting online abuse and enhance the capacity of law.

Current criminal laws, including those targeted specifically at online conduct, fail to comprehensively deal with today's cyberbullying. Existing disharmonized state laws cannot effectively deter conduct that typically crosses state or national borders. Criminal law shares with civil law the shortcoming that victims are forced to relive the humiliation, embarrassment, shame, and fear attached to the defendant's conduct on the public judicial record. Closed criminal trials may be preferable in particularly sensitive cases. Absent effective privacy protections, victims of online abuse may be reticent to make complaints or to give evidence in court.⁹

Both criminal and civil processes often exacerbate the trauma for victims. Trials, by nature, involve making details public, which can be retraumatizing for victims of cyberbullying who already experienced humiliation online. This public exposure can lead to secondary victimization, as victims are forced to relive the abuse.

When studying the Electronic Transactions Law (2004) provides that "This Law shall apply to any person who commits any offence actionable under this Law within the country or

⁹ Smith, John. "Cyberbullying and Legal Challenges." *Journal of Cyber Law* 12 (2022): 40-60

from inside of the country to the outside of the country, or from outside of the country to inside of the country by making use of the electronic transactions technology.”¹⁰

This law ensures that cross-border electronic crimes, including cyberbullying and online fraud, are subject to legal accountability under the law, addressing the challenges of enforcing digital conduct across national boundaries.

The Electronic Transactions Law 2004 stated in Chapter XII in respect of Offences and Penalties: “Whoever commits creating, modifying or altering of information or distributing of information created, modified or altered by electronic technology to be detrimental to the interest of or to lower the dignity of any organization or any person shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine or with both.”¹¹

Also the Telecommunications Law 2017 “Whoever commits extorting, defaming, disturbing, or threatening to any person by using any telecommunications network shall, on conviction be punished with imprisonment for a term not exceeding two years or with a fine not exceeding one million kyats or with both.”¹²

This provision strengthens the legal framework against online abuse, providing specific consequences for those who misuse digital communication platforms to harm others.

A notable case involved journalist Swe Win, who was charged with defamation after making critical remarks about a prominent Buddhist monk on social media. His case drew international attention due to concerns about freedom of speech and the use of the law to suppress dissent and critical voices. Swe Win faced imprisonment, although the case was later dropped in 2020 after prolonged legal battles.

Another example is the case of Maung Saungkha, a poet and activist who was imprisoned in 2016 under Section 66(d) for defaming the president of Myanmar by posting a satirical poem on Facebook. This case raised questions about the balance between free speech and the use of telecommunications laws to protect public figures from criticism.

Both cases illustrate how the Telecommunications Law has been applied to penalize individuals using online platforms to allegedly defame or criticize others, sparking debates about its potential to stifle freedom of expression.

In Cyber Security Law 2025, “Any person convicted of having with dishonest intention committed or having with dishonest intention caused another person to commit any of cheating using cyber resources or electronically creating, modifying or altering information to harm another person or degrade his reputation, or electronically distributing such data shall be punished with imprisonment for a term of not less than 1 year and not more than 2 years, or with a fine of not less than MMK 5,000,000 and not more than MMK 20,000,000, or with both”.¹³

To constitute a crime, cyberbullying must involve intentional, knowing, or reckless behavior aimed at causing harm, distress, or fear to another person. This distinguishes deliberate online harassment from accidental or careless conduct. For instance, intentionally sending threatening messages, spreading false rumors, or sharing private information to humiliate

¹⁰ Section 4(b) of the Electronic Transactions Law, 2004.

¹¹ Section 34(d) of the Electronic Transactions Law, 2004.

¹² Section 66(d) of the Telecommunications Law, 2017.

¹³ Section 68 (e) & (f) of the Cyber Security Law, 2025.

someone clearly demonstrates criminal intent. Thus, criminal intent serves as the foundation for distinguishing punishable cyberbullying from protected online expression, ensuring accountability for those who knowingly exploit digital platforms to inflict psychological harm.

It involves the intentional use of technology—such as social media, messaging platforms, or email to threaten, humiliate, or emotionally harm another person. Many jurisdictions have enacted laws to criminalize such behavior, acknowledging that online abuse can lead to severe psychological trauma, social isolation, and even suicide. For example, in the United States, numerous states impose criminal penalties for willful online harassment or intimidation, while in the United Kingdom, the Malicious Communications Act 1988 and the Communications Act 2003 prohibit sending threatening or grossly offensive messages. Similarly, other countries, including Australia and India, treat cyberbullying as a punishable offense under their cybercrime or electronic communications laws. Cyberbullying is recognized as a serious crime due to its harmful impact on victims a

Some states have enacted laws targeted specifically at online conduct. This legislative approach fails to cover many prominent online cases of abuse. Online conduct will not amount to detaining or restraining the personal liberty of the victim. When a perpetrator is pretending to be another person, he is in a sense communicating about that person because anything he does in the guise of the victim indirectly communicates his views be they true or false about the victim. However, this conduct is not the same as writing something about the victim in the third person. A court might hold that the legislative intent of the statute was limited to comments about the victim made by a person other than the victim, rather than comments made in the guise of the victim.¹⁴

In law, defamation is an act of communication to a third party a false statement about a person, which causes damage to that person's reputation.

“Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person”.¹⁵

In South Korea, cyberbullying targeting high-profile celebrities is a serious problem, with several stars tragically taking their own lives due to online harassment. The devastating impact of cyberbullying often starts with just a few keystrokes, and many still recall the lives lost because of this harmful behavior. Social media users frequently label online abuse as "toxic," condemning the attackers for "hiding behind the keyboard." Unfortunately, this is not the first instance where a celebrity's suicide has drawn attention to the issue of cyberbullying in the country.

Cyberbullying can be considered a tort, which is a civil wrong that causes harm to another person. Even without specific laws, the actions taken during cyberbullying can be against the law and have their devices taken away, and may even have to pay their victims. The acts that underpin the cyberbullying might as well mean a traditional common law of tort regardless of whether they originated from online communication. Attention has focused so far on criminal law, tort law, and to some extent, civil rights law.

¹⁴ Jacqueline D. (2014). *Combating Cyber-Victimization, Case Western Reserve University School of Law*.pg-17.

¹⁵ Section 499 of the Penal Code, 1861.

Under tort law, cyberbullying may fall within categories such as defamation, invasion of privacy, or intentional infliction of emotional distress. For instance, spreading false information online that damages a person's reputation may constitute defamation, while publicly sharing private photos or messages without consent can amount to a violation of privacy. Even when the conduct does not meet the threshold of a criminal offense, victims of cyberbullying can pursue civil actions to obtain compensation or injunctions to prevent further harm. Courts in various jurisdictions have acknowledged that the emotional and reputational damage caused by online harassment is comparable to traditional tortious acts.¹⁶

By emphasizing that cyberbullying actions can lead to legal consequences, it underscores the potential for victims to seek redress through civil litigation, even in the absence of specific anti-cyberbullying laws. The reference to common law tort principles indicates that traditional legal frameworks can still apply to online behaviors, reinforcing the idea that harmful actions, regardless of their medium, can have serious legal implications.

Effective legal reform requires both national and international collaboration, combining criminal law with privacy protections and measures that account for the unique nature of online behavior. Legal frameworks must adapt to the speed and scope of digital interactions, and privacy protections for victims must be central to any reform to ensure justice without further victimization.

Suggestions

Cyberbullying and cyber victimization have become significant concerns in the digital age, raising questions about the adequacy of existing legal protections. The increasing prevalence of harmful online behavior calls for a comprehensive examination of the legal frameworks in place to safeguard victims. Current laws often fall short in addressing the unique nature of cybercrimes, particularly when it comes to the anonymity of offenders and the cross-border nature of the internet. A critical analysis of these legal protections is essential to identify gaps and propose necessary reforms. Strengthening legal mechanisms, enhancing enforcement, and promoting international cooperation are important steps to ensure victims of cyberbullying receive the justice and protection they deserve. This research aims to evaluate the effectiveness of existing legal frameworks and offer recommendations for improving the protection of cyber victims in the evolving digital landscape.

Conclusion

Cyberbullying refers to bullying that takes place via electronic communication devices, including cell phones, computers, social media, and other online platforms. Cyberbullying can affect anyone and may lead to severe health consequences such as the onset or worsening of mental health conditions, sleep disturbances, or even suicidal thoughts and self-harm. While there are laws aimed at preventing cyberbullying, it is important to recognize and address it when it occurs. Current legal frameworks primarily focus on criminal law, tort law, and, to some degree, the Electronic Transactions Law and Telecommunications Law. This paper proposes updates to these laws to enhance their effectiveness in tackling online abuse and suggests future regulatory directions or special law for cyberbullying is required. Additionally, developing extra-legal strategies offers the benefit of minimizing the time and financial burdens on victims.

¹⁶ Citron, D. K. (2014). Hate crimes in cyberspace. Harvard University Press. pg-123

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