

# Cyberbullying: Concept, Features, and International Legal Standards for The Protection of Children from Cyberbullying

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## ABSTRACT

**Objective:** This article provides a comprehensive analysis of criminal liability and sentencing for cyberbullying against children in the school environment. **Method:** It examines the concept and key features of cyberbullying, relevant international legal standards for child protection, as well as national legislation and challenges in legal qualification of such acts. **Results:** Particular attention is paid to the individualization of punishment, taking into account the personality of juvenile offenders and the impact on child victims. **Novelty:** Based on the research, the author proposes measures to improve criminal legislation, judicial practice, and preventive mechanisms aimed at ensuring effective protection of children's rights in the digital educational environment.

## INTRODUCTION

The problem of cyberbullying against minors has in recent years acquired particular urgency and has moved beyond the scope of purely pedagogical or psychological discourse, transforming into a complex socio-legal issue. The development of information and communication technologies, along with the widespread use of mobile devices, social networks, messengers, online games, and digital educational platforms, has created a fundamentally new environment for communication, socialization, and learning for children and adolescents. Alongside the obvious positive opportunities offered by the digital environment, it has also given rise to new forms of aggression, pressure, humiliation, and harassment, one of the most dangerous of which is cyberbullying [1], [2], [3].

The relevance of this study is primarily обусловлена the growing incidence of cyberbullying among minors. While traditional forms of bullying were previously largely confined to the school environment, face-to-face interaction, and the time limits of the school day, cyberbullying has virtually no spatial or temporal boundaries. A child may be subjected to humiliation, insults, threats, dissemination of false information, or the publication of compromising images or videos around the clock, regardless of whether they are at school, at home, or in what may appear to be a safe environment. This fundamentally changes the nature of victimization, as digital harassment is characterized

by persistence, rapid dissemination of information, and the potential for repeated reproduction of harmful content [4], [5], [6].

Particular concern arises from the fact that cyberbullying increasingly affects school-age children, who, due to their age, psychological, and social characteristics, represent the most vulnerable group of users in the digital environment. Minors often lack sufficient skills to protect themselves online, are unable to adequately assess the legal consequences of publishing certain materials, and are not always ready to seek timely assistance from parents, teachers, school psychologists, or law enforcement agencies. Moreover, in the school environment, digital harassment often overlaps with ordinary interpersonal conflicts, which complicates its early detection and legal assessment [7], [8].

Another important factor determining the relevance of this issue is the digitalization of the educational environment. Modern schools are no longer limited to the traditional classroom format. Educational processes increasingly incorporate electronic journals, distance learning platforms, class and parent group chats, video conferencing, systems for sharing educational materials, and school channels on messengers and social networks. Under these conditions, the boundary between the educational space and the child's personal digital life becomes increasingly blurred. Communication among students continues beyond school hours – through group chats, comments, videos, memes, voice messages, closed channels, and other digital formats [9], [10], [11].

For this reason, schools as social institutions are increasingly involved in situations where unlawful or socially dangerous behavior occurs outside the physical premises of the educational institution but is directly connected to the student community, the child's reputation, relationships among students, and the overall safety of the educational environment. For example, the dissemination of a humiliating video about a student, the creation of a fake account in their name, the posting of offensive messages in a class chat, or systematic collective mockery of a student in a messenger may occur in the evening or on weekends; however, the consequences of such actions manifest directly within the school environment—through deterioration of the child's psychological condition, declining academic performance. A third significant reason for the relevance of this topic is the high latency of cyberbullying and its severe psychological consequences for minor victims. Unlike many traditional offenses, cyberbullying often remains hidden from adults. Child victims are frequently afraid to speak about what is happening, fearing an escalation of the harassment, condemnation by their peers, restrictions on access to their phones and the Internet by their parents, or the underestimation of their experiences by adults. In many cases, parents and teachers themselves do not immediately grasp the scale of the problem, perceiving what is happening as an “ordinary children's quarrel,” a “joke,” or a “feature of adolescent communication.” As a result, socially dangerous acts often remain without an adequate response for a long time.

The latent nature of cyberbullying is further reinforced by the specific characteristics of the digital environment: the possibility of using anonymous accounts, deleting correspondence, creating temporary content, using fake pages, and operating

through closed groups and channels. All of this substantially complicates the identification of perpetrators, the collection of evidence, the documentation of psychological violence, and the subsequent legal qualification of the act. In law enforcement practice, questions often arise as to the point at which online aggression moves beyond the sphere of immoral conduct or a disciplinary offense and enters the realm of administrative or criminal liability.

Cyberbullying is especially dangerous because of its grave consequences for a child's psyche and personality. Systematic online humiliation can generate in a minor a persistent sense of fear, shame, helplessness, and social rejection. Victims may experience anxiety disorders, depressive states, sleep disturbances, low self-esteem, emotional instability, and a loss of interest in study and ordinary social activity. In the most severe cases, cyberbullying may push a child toward self-destructive behavior, running away from home, refusal to attend school, and other forms of dangerous maladjustment. It is precisely for this reason that the legal assessment of such acts cannot be regarded as secondary or optional [12], [13], [14].

An additional factor underscoring the relevance of the topic is the fact that the current criminal legislation of many jurisdictions, including those in the post-Soviet space, generally does not contain a separate offense explicitly designated as cyberbullying. This gives rise to serious difficulties in the legal qualification of the relevant acts. In practice, individual manifestations of cyberbullying may fall under the legal definitions of insult, defamation, threats, violation of privacy, incitement to suicide, unlawful dissemination of private information, inducement to dangerous behavior, and other offenses. However, the fragmented application of such provisions does not always make it possible to fully and adequately reflect the social danger of systematic digital persecution of a child, especially where the harm is caused not by a single act but by a series of repeated, interconnected, and psychologically destructive acts [15], [16], [17].

From both a scholarly and practical perspective, an important question remains as to how the criminal law response to cyberbullying in the school environment should be structured. On the one hand, it is necessary to ensure effective protection of minor victims, timely suppression of the most dangerous forms of digital aggression, and fair punishment of offenders. On the other hand, it must be taken into account that some of these acts are also committed by minors whose personalities are still in the process of formation; therefore, criminal law measures should combine the principles of justice, humanism, individualization, and educational orientation. This makes the issue of sentencing particularly complex and requires thorough academic reflection.

Thus, the relevance of the research topic is determined by a combination of interrelated factors: the steady spread of cyberbullying among children and adolescents; the expansion of the digital dimension of school and school-based communication; the hidden nature of a significant portion of such acts; the serious psychological and social consequences for victims; as well as the existence of gaps and controversial issues in the field of criminal law qualification and sentencing. Under these conditions, the study of criminal liability for cyberbullying against children in the school environment has not

only theoretical significance but also clear practical importance for improving legislation, law enforcement activities, judicial practice, and the system of prevention of offenses among minors.

## **RESEARCH METHOD**

### **Degree of Scientific Development of the Problem**

The issue of cyberbullying against children and adolescents has already received considerable attention in both international and Russian-language scholarship; however, the degree of its development remains uneven. The most thoroughly studied aspects are psychological, pedagogical, sociological, and medico-social dimensions of cyberbullying: its causes, forms of manifestation, risk factors, consequences for the mental health of minors, and preventive measures at the level of family and school. At the same time, criminal law issues – specifically those related to the legal qualification of cyberbullying, the limits of criminalization, evidentiary challenges, and sentencing – remain significantly less developed. This is particularly evident in the school environment, where digital aggression often lies at the intersection of disciplinary, civil, administrative, and criminal liability [1].

In international scholarship, one of the central areas of research is the definition of cyberbullying itself and its distinction from traditional bullying, online harassment, cyberstalking, and other forms of digital violence. Researchers consistently note that bullying is typically characterized by intent, repetition, and an imbalance of power between the aggressor and the victim. However, in the digital environment, these features manifest more complexly: a single post, image, or video may be repeatedly reproduced and cause long-term harm, even if the act was committed only once. For this reason, there is no fully unified definition of cyberbullying in the academic literature, and the variability of definitions directly affects differences in empirical data, legal assessments, and legislative response models [2].

The second most extensively developed area of research concerns the prevalence of cyberbullying, its risk factors, and its consequences for children and adolescents. Systematic reviews and interdisciplinary studies demonstrate that cyberbullying is consistently regarded as a serious public health and school safety issue. The academic literature provides detailed analyses of the links between cybervictimization and depression, anxiety, loneliness, low self-esteem, psychosomatic complaints, declining academic performance, and social maladjustment. UNESCO reports have also established cyberbullying as part of the broader problem of school violence and unsafe educational environments, rather than as an isolated digital phenomenon [3].

A third major area of scholarly development relates to prevention and intervention. This field is dominated by pedagogical, school-administrative, and clinical-psychological approaches. Research focuses on anti-bullying school programs, the enhancement of digital literacy, the development of empathy, engagement with parents, restorative practices, and integrated models of support for victims and behavioral correction for perpetrators. Systematic reviews of interventions indicate that the

academic community places significant emphasis on prevention and early intervention, whereas the law enforcement and criminal justice stages of response are addressed less frequently and often in a fragmented manner. In other words, the body of research on how to prevent cyberbullying is far more developed than that on how to classify it as a criminal offense and impose fair punishment [4].

Legal studies on the problem of cyberbullying do exist in the international academic literature; however, they are noticeably less extensive than psychological and pedagogical research. Legal reviews emphasize that the main difficulty lies in the absence of a unified legislative definition of cyberbullying and in the fact that, in many countries, it does not constitute an independent criminal offense but is instead covered by existing provisions on harassment, threats, malicious communications, defamation, violation of privacy, and harm to the individual. Researchers also highlight issues of proportionality of the criminal law response, freedom of expression, the age of the offender, and the difficulty of developing a legal model that simultaneously protects children without leading to excessive criminalization of adolescent behavior [5].

At the same time, even in foreign legal scholarship, the primary focus is more often placed not on sentencing, but on questions of the admissibility of criminal law intervention, the construction of the offense, the relationship between school discipline and criminal repression, and the choice between punitive and restorative models of response. Recent studies addressing the role of police and other mechanisms of external control further confirm that the criminal law component remains part of a broader discussion on prevention, deterrence (the prevention of offenses through the threat of punishment), and rehabilitation, rather than a fully independent and mature field of research. Therefore, the issue of sentencing for cyberbullying against children—especially when the act is committed in a school environment and the offender is also a minor—has not yet received sufficient conceptual development [6].

In Russian-language academic literature, interest in the topic has significantly increased in recent years. While earlier publications primarily focused on general issues of bullying, child victimization, and psychological safety in the educational environment, since around 2019, specialized studies have emerged that specifically address cyberbullying among minors, its prevention, and legal regulation. For example, the works of V.A. Maltseva, and later Yu.Yu. Gilmutdinova, D.S. Kuznetsov, A.A. Nukusheva, M.Yu. Puchnina, and other scholars analyze issues of criminal law protection of minors, comparative legal models for countering cyberbullying, problems of qualifying online harassment under existing criminal offenses, and the insufficiency of specialized legal provisions. At the same time, psychological studies continue to examine bullying and cyberbullying as problems of the educational environment and adolescent development [7].

For the countries of Central Asia and Uzbekistan, the topic is also gradually entering academic and expert discourse; however, it is still addressed mainly within the framework of broader studies on the digital environment, adolescent victimization, information and psychological security, and child protection. In Uzbekistan, scholarly

publications are largely devoted to the phenomenology of cyberbullying, its socio-psychological consequences, and general measures for protecting children, rather than to issues of criminal liability and sentencing. This allows us to conclude that, at the national and regional levels, the problem has not yet reached the degree of criminal law development that already exists with respect to related offenses, such as threats, incitement to suicide, dissemination of defamatory information, or violation of privacy [8].

The conducted review shows that several stable research clusters have already been formed in the academic field: first, the theoretical and conceptual; second, the empirical and psychological; third, the preventive and pedagogical; and fourth, the comparative legal. However, the criminal law dimension remains the most controversial and the least developed. The literature still lacks sufficiently elaborated criteria for distinguishing cyberbullying from other digital offenses; there is no generally accepted model for qualifying systematic online harassment of a child; and there is limited research on the subjective elements of such acts, issues of digital evidence, as well as principles of individualization of punishment in cases where both the victim and the offender are minors within the same educational environment [9].

Thus, the degree of scientific development of the problem can be assessed as sufficient with regard to psychological, sociological, and preventive aspects, but insufficient in terms of criminal law analysis and sentencing practice. The academic literature has convincingly demonstrated the social danger of cyberbullying for children and adolescents, identified its main forms, risks, and consequences, and proposed a number of preventive models. At the same time, key questions remain open: whether a specific criminal offense should be introduced; which acts should entail criminal liability; how to take into account the age of the offender and the victim; which circumstances should aggravate or mitigate punishment; and how to ensure a balance between the protection of the child victim, the principle of humanism, and the objectives of preventing repeat aggression. These gaps determine the need for further comprehensive research on the stated topic [10].

### **Concept and Features of Cyberbullying**

In the context of the rapid development of digital technologies and the transformation of communication processes, there is a need for a clear theoretical and legal understanding of such a phenomenon as cyberbullying. Despite the widespread use of this term in both academic and practical discourse, there is currently no single, universally recognized, and legally *закреплённое* definition, which necessitates recourse to doctrinal and interdisciplinary approaches.

In the academic literature, cyberbullying is generally considered a form of bullying carried out through the use of information and communication technologies. In a generalized sense, cyberbullying can be defined as intentional actions committed through the Internet, digital platforms, social networks, messengers, and other electronic means of communication, aimed at the systematic humiliation, intimidation, harassment, or infliction of psychological harm on another person, primarily a minor. The key

distinction between cyberbullying and traditional bullying lies in the use of the digital environment as the primary means of influencing the victim.

It should be noted that both international and domestic scholarship engage in ongoing debate regarding the necessity of such a feature as repetition of actions. In classical bullying theory, repetition is one of the fundamental criteria; however, in cyberspace, this feature is transformed. Even a single act of posting offensive or compromising material may be repeatedly reproduced, disseminated among an unlimited number of users, and cause long-term psychological harm. For this reason, some scholars propose interpreting repetition not only as the multiplicity of the aggressor's actions, but also as the multiplicity of the harmful effects.

For the purposes of criminal law analysis, it is advisable to identify the key features of cyberbullying that allow it to be distinguished from other forms of unlawful or immoral behavior.

First, the intentional nature of the act. Cyberbullying presupposes direct or indirect intent aimed at causing moral or psychological harm, humiliating the honor and dignity of the victim, or creating an adverse psychological environment. Accidental, negligent, or neutral actions do not constitute cyberbullying.

Second, the use of information and communication technologies. An essential feature is the commission of actions through the digital environment: social networks, messengers, forums, online games, video hosting platforms, educational platforms, and other electronic services. This feature determines the specific characteristics of cyberbullying, including its transnational nature, rapid dissemination of information, and difficulty of control.

Third, the targeting of a specific individual or group of individuals, most often minors. In the school environment, cyberbullying is typically personalized and directed at a particular student, although it may also target a group (for example, classmates or members of a specific social circle).

Fourth, the systematic or sustained nature of the harmful impact. As noted above, systematicity may manifest either through repeated actions (multiple messages, posts, comments) or through the prolonged effect of a single act (for example, the dissemination of a video accessible to an unlimited audience). What is essential is the sustained nature of the psychological pressure.

Fifth, the imbalance of power between the aggressor and the victim. In traditional bullying, this may be expressed in physical, social, or status superiority. In cyberbullying, the imbalance often takes different forms: anonymity of the aggressor, use of fake accounts, technical skills, group pressure, and the scale of the audience. The victim is typically placed in a vulnerable position, lacking effective means of protection.

Sixth, the public or potentially public nature of the act. Unlike offline conflicts, cyberbullying often occurs in spaces accessible to a wide audience. Even if information is shared within closed groups, it can easily be copied and disseminated, significantly amplifying the negative consequences for the victim.

Seventh, the infliction or real threat of psychological harm. An essential feature is the presence of a harmful effect – emotional suffering, humiliation, fear, anxiety, social isolation, or other negative conditions. For criminal law purposes, both actual harm and the real threat of such harm may be relevant.

Based on the combination of these features, cyberbullying should be regarded as a complex, multi-component phenomenon situated at the intersection of psychology, pedagogy, and law. For criminal law science, it is crucial not only to define this phenomenon formally, but also to develop criteria that distinguish it from other offenses, such as insult, defamation, threats, unlawful dissemination of private information, incitement to suicide, and others.

Thus, the development of a clear concept and a system of defining features of cyberbullying is a necessary prerequisite for the subsequent analysis of issues of criminal liability, legal qualification of acts, and sentencing, as well as for the development of effective legal protection mechanisms for minors in the digital educational environment.

## **RESULTS AND DISCUSSION**

### **International Legal Standards for the Protection of Children from Cyberbullying**

Modern international standards for the protection of children's rights form the normative and value-based framework for countering cyberbullying, despite the fact that this term is not explicitly закреплён in most universal international treaties. An analysis of international legal instruments, recommendations, and the practice of international bodies indicates that cyberbullying is regarded as a form of violence, psychological pressure, and violation of children's rights that requires an adequate legal response, including the use of criminal law mechanisms.

#### **Universal International Instruments**

The key instrument within the system of international standards is the 1989 UN Convention on the Rights of the Child, the provisions of which must be taken into account in shaping national legislation and law enforcement practice. Although the Convention does not use the term "cyberbullying," its provisions substantively cover such acts.

Thus, Article 19 of the Convention obliges States to take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment. In the context of the digital environment, this provision extends to cyberbullying as a form of psychological violence carried out through information and communication technologies.

Article 16 of the Convention establishes the child's right to protection against arbitrary or unlawful interference with his or her privacy, family life, home, or correspondence, as well as against unlawful attacks on his or her honor and reputation. The dissemination of humiliating information, publication of compromising materials, creation of fake accounts, and other forms of cyberbullying directly affect these rights.

Articles 28 and 29 of the Convention are also of particular importance, as they enshrine the child's right to education and require the creation of an educational

environment that respects the dignity of the child. The presence of cyberbullying within the school environment undermines a safe educational setting and hinders the realization of these rights [11].

The provisions of the Convention are further developed in the General Comments of the UN Committee on the Rights of the Child, in particular General Comment No. 13 (2011) “The right of the child to freedom from all forms of violence” [12] and General Comment No. 25 (2021) “Children’s rights in relation to the digital environment” [13]. These documents emphasize that States are obliged to protect children from violence not only in the physical environment but also online, including cyberbullying, online harassment, threats, and other forms of digital aggression.

The Committee explicitly highlights the need for comprehensive measures, including legislative mechanisms, effective complaint procedures, access to justice, as well as preventive and digital education measures. It is particularly emphasized that the State’s response must be proportionate, take into account the best interests of the child, and ensure a balance between the protection of the victim and the rights of other participants in digital interaction.

### **Regional Standards and Comparative Experience**

At the regional level, a significant role is played by the instruments and recommendations of the Council of Europe, particularly the provisions of the European Convention on Human Rights. Although the Convention does not explicitly mention cyberbullying, Articles 8 (right to respect for private and family life) and 10 (freedom of expression) establish the legal framework for assessing online communications [14].

The case-law of the European Court of Human Rights demonstrates that States are obliged to ensure effective protection of individuals from interference by third parties, including actions carried out on the Internet. At the same time, the Court emphasizes the need to strike a balance between freedom of expression and the protection of honor, dignity, and psychological well-being, especially when minors are concerned.

In a number of European countries (the United Kingdom, Germany, France), there is no single criminal offense labeled “cyberbullying”; however, relevant acts are covered by provisions on harassment, threats, malicious communications, defamation, and violations of privacy. In recent years, there has been a trend toward strengthening liability for online violence, particularly against children, as well as increasing the obligations of internet platforms to remove harmful content.

In the United States, the regulation of cyberbullying is primarily carried out at the state level, where specific laws have been adopted to prevent bullying in school and online environments. These acts typically combine disciplinary measures within educational institutions with the possibility of criminal liability in the most serious cases.

Of particular interest is the experience of Singapore, where the Protection from Harassment Act has been adopted, providing both civil and criminal law mechanisms for protection against online aggression, including cyberbullying. The law allows for court orders requiring the cessation of unlawful conduct, removal of content, and the imposition of sanctions on offenders [15].

## International Approaches to Criminal Law Response

An analysis of international standards makes it possible to identify a number of key principles that should be taken into account when shaping criminal law policy in the field of countering cyberbullying.

First, the principle of the best interests of the child. Any response measures, including criminal law measures, must prioritize the protection of the rights and well-being of the child. This applies both to the victim and to the juvenile offender.

Second, the principle of proportionality and minimum necessary intervention. International bodies emphasize that criminal liability should be applied in the most serious cases, while less harmful forms of conduct may be addressed through administrative, disciplinary, or restorative measures.

Third, the recognition of the digital environment as a full-fledged space for the exercise of human rights. This implies that children's rights must be protected both offline and online, and that the State is obliged to ensure effective mechanisms for responding to violations in the digital environment.

Fourth, the development of restorative justice and alternative measures. With regard to juvenile offenders, international standards recommend the active use of mediation, rehabilitation programs, psychological assistance, and other measures aimed at resocialization rather than punishment alone.

Fifth, the obligation of the State to ensure effective investigation and access to justice. This includes the creation of mechanisms for collecting and preserving digital evidence, protecting victims, ensuring confidentiality, and providing a prompt response to incidents of cyberbullying.

Thus, international standards establish a comprehensive approach to countering cyberbullying, based on a combination of legal protection, prevention, and educational measures. Despite the absence of a unified universal definition and a specific international treaty regulating cyberbullying, the existing system of international law provides a sufficient normative basis for qualifying it as a form of violence against children and for developing effective national criminal law responses.

## CONCLUSION

**Fundamental Finding:** This article provides a comprehensive analysis of criminal liability and sentencing for cyberbullying against children in the school environment. It examines the concept and key features of cyberbullying, relevant international legal standards for child protection, as well as national legislation and challenges in legal qualification of such acts. Particular attention is paid to the individualization of punishment, taking into account the personality of juvenile offenders and the impact on child victims. **Implication:** Based on the research, the author proposes measures to improve criminal legislation, judicial practice, and preventive mechanisms aimed at ensuring effective protection of children's rights in the digital educational environment. **Limitation:** This study is limited by its predominantly doctrinal and analytical approach, focusing on the interpretation of legal norms and existing legislation without

incorporating empirical data from judicial practice or statistical evidence on cyberbullying cases in the school environment. Additionally, the absence of a unified legal definition of cyberbullying across jurisdictions restricts the generalizability of the analysis and complicates the comparative assessment of legal responses. **Future Research:** Future studies should incorporate empirical and comparative approaches, including analysis of court decisions, law enforcement practices, and victim experiences, to better understand the practical application of criminal liability in cyberbullying cases. Further research is also needed to develop standardized legal criteria for the qualification of cyberbullying and to explore the effectiveness of restorative justice models and preventive interventions in protecting children's rights in digital educational environments.

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