



ISSN: 2249-7315

Vol. 11, Issue 10, October 2021

SJIF –Impact Factor = 8.037 (2021)

DOI: 10.5958/2249-7315.2021.00136.2

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## INFLUENCE OF CYBER BULLYING ON SOUTH AFRICAN SOCIETY

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### ABSTRACT

*The excessive usage of the Internet and social media by young people in South Africa has both bad and good consequences for users. Cyber bullying is one expression of such adverse consequences. Students of rural high schools are not immune to this social issue of contemporary era. In order to safeguard them from the potential dangers, this occurrence among this group of young people is essential to investigate. The psychological effect of cyber intimidation is frequently more traumatic than physical intimidation by the very public nature of the intimidation. Online exposure implies that the whole world may be witness to the humiliation of the victim. Because kids spend a lot of time on their mobile phones and in cyberspace, cyber bullying may take place around the clock and the victim will believe that there is no way out there. Cyber bullying may lead to anxiety and despair, and suicide can occur in severe instances. But cyber bullying victims may be unwilling to report the abuse for fear of being removed or suspended from the Internet.*

**KEYWORDS:** *Bullying, Criminal, Cyber Bullying, Victim, Violence.*

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### 1. INTRODUCTION

There is little study in South Africa on internet bullying and sexing. As such, the number of children engaged in these activities is unknown. It is also unclear how many youngsters are exposed to online bullying. However, some limited investigations have been carried out. In 2009, the Center for Justice and Crime Prevention (CJCP) performed a pilot survey of 1,726 young persons aged 12-24. The research showed that nearly half (46.8%) of respondents experienced cyber bullying. A further intriguing result was that there seems to be a link between young people who conduct cyber bullying and those who suffer from cyber bullying: 69.7 per cent had themselves been bullied by survey respondents who had tormented others through text messaging[1].

A survey carried out by 1,594 primary and secondary school students in Nelson Mandela Bay, Port Elizabeth showed that 36 per cent of respondents had received online bullying. A more recent study on online victimization of minors carried out by the Youth Research Unit of the University of South Africa market research office found that:

- I. 21.46 percent of high school students polled claimed they had been treated with "unwanted sex talk;"

- II. 17.79 percent said that e-mails or instant chats were received with ads or links to 'X-rated' websites;
- III. 16.95% had accessed messages or links to images of nude individuals or people who had sex;
- IV. 16.60 percent had been questioned for their own sexual information;
- V. 14.27% were concerned or threatened with internet abuse;
- VI. 9.90% stated they were asked to perform anything sexual.

The research also showed that male teenagers are prone to participate in insecure online behaviors that put them at higher risk of online victimization than their female peers. This behaviour includes opening up messages containing nude or sexual images (50.3%), visiting websites displaying sexually explicit content (50.9%), or getting e-mails or instant messages with advertises on, or links to age-restricted sites (51.3 percent).

### *1.1 Bullying and Cyber Bullying:*

The most general definition of bullying is that "a person is bullied if subjected to negative behaviour by one or more other people repeatedly and over time." Bullying may be done physically (here known as conventional or traditional bullying) or online, known as cyber bullying. Traditional bullying is bullying that is typically physically committed and the attacker is considered to be stronger physically, socially or mentally than the victim. However, many definitions of cyber bullying are often referred to as violence via technological means such the Internet, mobile devices and computers. Traditional and cyber bullying are similar, since they both hurt people and are often repeated. According to studies, the major distinction is:

- I. the perception by the perpetrators of anonymity;
- II. a possibly endless audience;
- III. the perpetrator's incapacity to see the instant response of the victim;
- IV. a changed power balance; and
- V. the lack of bullying time and space restrictions.

Some have argued that cyberbullying is an extension of conventional bullying, with the same people involved in both conduct. The similarity between traditional and cyberbullying has prompted This perspective is still controversial. Researchers discovered that the anonymity of the perpetrators online is the consequence of aggressive conduct. Sexual assault against minors was also discovered to be transferred from the Internet to the real world. Moreover, cyber bullying may vary on the technology utilized. Such variations in opinions and effects need additional investigation of the nature and relation between various kinds of cyber bullying and conventional bullying. The research investigates the nature and consequences of one type of cyber bullying, i.e. mobile bullying[2].

### *1.2 Mobile Bullying:*

Mobile bullying is the form that emails, chat rooms, instant chats and tiny text messages are committed via mobile phones. In recent years, mobile bullying has become a prevalent type of bullying, it frequently goes undetected and has severe consequences. The challenges in defining cyber bullying have meant that a definition of cyber bullying has to be adopted. However, the nature of particular kinds of cyber bullying and assumptions about comparable technology impacts was similarly restricted. Researchers believe that acts of electronic violence are significantly different if one examines the psychological and social processes employed and their effects. Researchers found that sending abusive e-mails and SMS

messages directly to a victim through the internet may harm indirect assault, such as spreading rumors[3].

Researchers have also previously found that although the Internet and mobile phone users overlap, they are not always comparable groups. Researchers have also recently discovered variations in Internet activity depending on the kind of gadget utilized. Researchers thus believe that our knowledge of how individuals utilize technology differently continues to be inadequate. Researchers say in particular: "The mobile phone aggressiveness and the mechanisms that lead to it are not entirely understood." Since mobile phone violence has become a prominent technique of cyber bullying, it needs to be thoroughly understood and how it differs from other kinds of bullying. This section discusses the variables that are expected to affect mobile bullying and the theoretical work that explains these characteristics.

### *1.3 Cyber Bullying and Training Institutes:*

The academic environment is where students and lecturers co-exist for teaching and learning. The contemporary university environment includes the use of conventional, digital and hybrid methods of teaching and learning. University also accommodates students from many races, cultures, backgrounds and classes. The fact that all this marks the academic atmosphere makes digital and physical bullying unavoidable. Cyber bulldozing may thus be defined as individuals or a group utilizing the Internet incorrectly to harass or threaten others via voice, video, text or pictures. The underlying reason of this abuse may be predicated on the fact that boys (male adolescents) consider themselves superior to females. The threat may be continued anywhere, anytime, the identity of the bully is sometimes concealed from the bully. The bully utilizes baleful sound, videos and pictures to abuse a person or a group through social media. The bullying may be classified into many kinds, roles, shapes, categories and others[4].

### *1.4 Cyber Bullying and Sexting (Examples from South Africa):*

Although the words "cyber bullying" or "sexing" may not be known to some people, it is apparent from the descriptions of each case that these instances have lately been published in local media, from victims in South African tribunals for relief. Some of these instances are as follows:

After her becoming infatuated with his 17-year-old daughter whom she met in an MXit chat room, a businessman got a ban in April 2008 against a Durban lady. The High Court of North Gauteng in Pretoria forbade the lady from telephoning the businessman, her daughter, her son or any of her family members. At Springs, Gauteng, the mother of a 16-year-old girl, got a peace order from a 16-year-old girl in her daughter's school under section 384 of the Criminal Procedure Act of 1955. This occurred when the other girl seemed to ridicule the daughter of the mother on MXit frequently. The name of the daughter also featured on an MXit 'slut' list including the names of women from several Springs schools, including their homes, telephone numbers and schools[5].

On 8 November 2010, two children, aged 14 and 16, were detained for the alleged rape of a 15-year-old girl at school. The alleged rape was carried out at Jeppeshtown's Jules High School, and the guys reportedly videotaped the event on their cell phones. According to news sources reporting their first court appearance, the lads acknowledged their role in the consensus sex but the girl claimed she was raped. After examining the material in the case docket, the Prosecutor decided that insufficient evidence was available to prosecute the two boys for rape and asked for further investigations while taking other potential accusations into consideration.

On 11 November 2010, the Prosecutor-General and the acting Director of Public Prosecutions held a long consultation with the girl and prospect of witnesses, following which they decided, by contravention of Section 15(1) of the Sexual Offenses and Related

Matters Act 2007, to charge all three children (both boy and girl). In relation to this clause, a person who, notwithstanding the kid's permission, performs an act of sexual penetration of a child is guilty of a crime. If both a "perpetrator" and a "victim" are minors, a prosecution body must be approved by the National Director of Public Prosecutions in writing, and both parties must be punished for infringing that paragraph[6].

It has also been reported that all three defendants have been accused of a violation of the Films and Publications Act of 1996, since "creativity, production, distribution or possession of pornography" involves the filming and dissemination of a sexually explicit video clip. 26 All three accused appeared on 17 November 2010 and were released into their parents' care. The charges were removed temporarily on 1 December 2010 and a three-month diversion programme was imposed by the court. Three high school lads aged 15 to 17 years have been charged with crime injuria in February/March 2006 after posting a presumed defamatory picture of the deputy principal of their school. One of the children electronically produced a defamatory image by adding the heads and faces of the principal and adjutant to a photograph of two nude guys sitting sexually provocative and intimately close to one other. The kid stole the school emblem and used it to conceal the genitals of males. He then shared the picture to a mobile phone of a buddy who distributed it to other students at school. One of the defendants printed the picture and put it on the school board[7].

The school authorities punished the 3 boys: the absence of leadership posts or the use of honorary colors for the remainder of the year was banned. They also had to go to school for three hours on five consecutive Fridays. The boys were also charged with criminal offences, but the matter was disconnected from the criminal court system when the youngsters took control. In terms of the diversion order, the kids had to scrub cages as a community duty at the local zoo for 56 hours. The principal of the school accepted two of the accused's apologies but the deputy head was not legally advised to consider an apology. The deputy principal sued the defamation and appealed for damages for harm to his dignity, good name and character against the three school children. The High Court of North Gauteng found the deputy principal in favor, and awarded R45 000 in damages. The lads appealed to the Supreme Court of Case, but they rejected their appeal. The Restorative Justice Centre joined the arena in the case of the Constitutional Court as one of two amici curiae[8]. The center requested the court to amend the legislation to compel the parties to engage each other sensibly in reconciliatory procedures in defamation matters involving children before a court is filed. 29 The Constitutional Court upheld the appeal but lowered the damages to R25 000. The court also established the common law to recognize the importance of excuses and to discourage the prosecution of such issues without attempting to address them by means of restorative judicial procedures.

## **2. DISCUSSION**

The Act applies exclusively to children and establishes a distinct child justice system especially for children's unique needs. The procedures under the Act are aimed at protecting children and concern solely the manner in which children are being treated and handled in the criminal justice system and not the substance of charges against minors. If a kid and an adult commit the same crime, the charges are the same. The Act simply allows for additional considerations when dealing with a kid and additional protective measures for children. While the Act provides for the protection of childhood in the criminal justice system and provides for child deportation in the appropriate cases, it does not mean that children are diverted from the criminal justice system by all acts of cyber-bullying (defining crime) or sexual activity (defined as child pornography).

Every case is determined on its own merits, and the kid who does not comply with the Diversion Order may still be punished even if the case is diverted. Depending on the severity of the offence, the kid may be arrested and imprisoned according to the police officer

involved. If the child's prosecution is condemned, he or she will have a criminal record. If you commit a sexual offence, you are listed as a sexual offender in the National Register of Sexual Offenders. In addition, a criminal conviction does not preclude a victim from claiming the kid's damages in a civil court and the child may thus also be responsible for such damages if the claim is successful.

Bullying in South African schools has garnered media attention lately, and therefore many media stories have emerged on this subject. There are few studies on violence at work and bullying in South Africa. In general, bullying creates a sense of "incompetence, isolation and despair;" in schools, cyber bullying may lead to "poor self-appreciation, family difficulties, academic problems, violence at school, criminal behaviour and suicide." In the United Jurisdictions, many adolescents committed suicide by cyber bullying and "school teasing" that prompted the legislature to seek a consistent definition of cyber bullying in different states to study the incidence and frequency of cyber bullying in schools. The prevalence rates vary by many variables such as "sample characteristics, definitions employed" as well as the measurement of conventional bullying[9].

This is not a little problem: the effort to show control and authority over topics in "anonymous" cyberspace involves as many as "93%" of adolescents in North America using the internet. In February 2012, even a lady who had been tormented in red hair at a young age was reported to suffer the same violence as a 35-year-old when her image of a childhood was uploaded on Facebook. The internet assault was so extreme that she had to contact the police, and said that at least at school she could see the bullies, but now the bullies were faceless behind their keyboards. While cyber bullying shares some of its characteristics in 'traditional' bullying, Bauman, for example, refers to an overlapping of the two, there are also some big differences in that the main ones are anonymity (cyber bullies are often not known to their victims), disinhibition. Researchers have said that "cyber bullying is a rising issue as an increasing number of children utilize online interaction and have fully embraced it." In judging by the medium of cyber-bullying, one might be inclined to claim that a kid may simply avoid cyber bullying by not signing on electronically.

However, this does not hold water: it is very difficult to avoid posting defamatory personal information on the Internet and millions may download it once uploaded before it has been deleted, thus it becomes immaterial whether the victim has been logged in or not. Rather, the particular character of cyber bullying presents issues with regard to the fundamental rights enshrined in the Constitution of learners and educators. The right to equality should be balanced in a modern educational setting, the right to dignity, the right to freedom and security, the right to privacy, the right to a secure environment, and the right to freedom of speech[10].

### **3. CONCLUSION**

Cyber bullying may be characterized as an old crime new manner. There has certainly always been bullying among children, and the reasons why some kids bully others are complicated and varied. But sexual activity is a very recent phenomenon. Not all kinds of sexual activity are prohibited. Sex between adults is not prohibited, as long as there are no minors in pictures or recordings. Sexing between children is more complicated, on the other hand. Children may not fully comprehend and appreciate the danger and potential repercussions from sharing nude or semi-nude pictures and/or sexually suggestive messages to other children through mobile telephone texts or instant chats, making prevention more difficult. There is a clear connection between sexual activity, online bullying and harassment. The study's results highlighted the importance of cyber bullying in the lives of students in rural high schools throughout South Africa. Despite having access to the newest cyber technology, the kids at this school were ill-prepared to avoid and deal with its negative consequences and suffered alone. This is concerning. This research suggests schools hire a counsellor and adopt an anti-

cyber bullying policy. Adopting such a policy is not without legal difficulties. Parent, teacher, student, and other stakeholder collaboration is essential to the policy's success. We encourage the inclusion of cyber safety and cyber security measures in all e-learning training and school curricula, since the government and certain universities want to extend e-learning and cyber technology in all South African schools, including rural schools. Without anti-cyberbullying measures, educational technology may really damage kids. More study on cyberbullies is needed, as well as studies on gender and sexual cyberbullying.

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