FIGHTING ONLINE HARASSMENT: A DOUBLE-EDGED SWORD OF EMERGING TECHNOLOGIES AND LEGAL FRAMEWORKS

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Abstract: *Online harassment, primarily targeting children but also affecting other social groups, remains one of the most severe issues in the digital environment. Recent developments in emerging technology-driven algorithms have introduced powerful tools in this field, playing a dual role: on one hand, they can exacerbate the phenomenon, while on the other, prevent it. Traditional methods (laws, counselling, education) increasingly blend with technology-driven solutions (generative AI, machine learning, automated moderation), being a double edge sword because of ethical concerns including bias, privacy, and AI-related inaccuracies. This article compares traditional versus modern approaches, evaluates policy gaps, and recommends legislative improvements to transform technology into an effective safeguard against cyberbullying.*

Keywords: *cyberbullying; online harassment; cyberbullying legislation*

1. INTRODUCTION

The migration of interpersonal interaction to digital platforms has amplified secondary phenomena such as cyber-bullying. Online disinhibition, anonymity and the instantaneous, borderless spread of information jointly increase both incidence and harm, while simultaneously undermining traditional control levers (parental supervision, school discipline, national jurisdiction). Understanding the main risk factors and behavioral patterns of cyberbullying in youth is considered a condition for identifying the main methods of intervention. Emerging technologies, however, have allowed the emergence of new, automated ways of combating the phenomenon, such as generative artificial intelligence (Generative AI), machine learning and automatic content moderation systems, and these tools have the potential to identify abusive behaviors. This article compares classical and modern approaches, audits the international and Romanian legal frameworks, exposes policy gaps, and proposes legislative steps to turn technological progress from a potential risk into a real safeguard against cyberbullying.

2. CYBERBULLYING: A UBIQUITOUS PHENOMENON

Unprecedented technological progress and its ephemeral trends, such as the 'explosion' of generative artificial intelligence and extended reality (XR), impact our lives profound that it may change the way individuals live their lives (Lesenciuc, 2024). And cyberbullying is no exception, affecting everyone individually and together.

The Health Behavior in School-aged Children (HBSC) Study (Badura *et al.*, 2024)*,* a unique cross-national study of adolescent health and well-being in Europe and North America, confirms the rise in cyberbullying among adolescents in 44 countries in Europe, Central Asia and Canada, highlighting gender differences in online bullying behavior, with boys more likely to bully online and girls reporting a higher tendency to be victims. It also proposes interventions to prevent and combat this phenomenon, involving teachers, parents and policy makers to promote digital literacy and safety. In full agreement with these objectives, the approach of a British child protection charity - the National Society for the Prevention of Cruelty to Children (NSPCC), founded in 1883 by Thomas Agnew, has highlighted that over three quarters of British citizens want to check the safety of children with new generative artificial intelligence (GenAI) products, due to identified risks such as sexual harassment, bullying, sextortion (blackmail for sexual favors) and the proliferation of harmful content (NSPCC, 2025) through constantly mobilizing government efforts to proactively

identify measures and regulations to prevent and counter the risks specific to the unprecedented use of technological solutions. Office for National Statistics data from 2020 shows that one in five children aged 10-15 in the UK and Wales (19%) have experienced at least one type of online bullying behavior; one in four have not reported their experiences to anyone; three in four children who have experienced online bullying behavior have experienced at least some of it at school or during school. It should be added that the UK is the best practice example of a strategic approach to regulating artificial intelligence (AI).

In 2024, the UN Special Rapporteur to the Human Rights Council, Mama Fatima Singhateh (Gambia), warned of the urgent need to put children's rights at the center of the development and regulation of the internet and new digital products, given the 87% increase in child sexual abuse material since 2019 to date. She highlights the rise in harmful manifestations including the use of technology-assisted child sexual abuse and exploitation material, against which the tech industry has been shown to be less reliable than it claims to be.

EU Kids Online (2020) mapped internet access, online practices, skills, online risks and opportunities for children aged 9-16 (25.101 children) in 19 European countries, including Romania and revealed that situation is not at all different from that in other parts of the world, in the sense that children are repeatedly (at least monthly) bullied online (5%) and in traditional form (7%) from pre-adolescence. The Romanian chapter (2019) of EU Kids Online was a comprehensive study that collected data from a nationally representative sample (935 children, aged 9-17 years), presenting data on online practices, digital skills, risks and opportunities that Romanian children and adolescents have encountered online, as well as data on cyberbullying and hate speech (hate speech or cyberhate). The study reported an increase in children's self-reported negative online experiences (33% in 2018 compared to 21% in 2010). In addition, boys and girls, in equal proportions, have had negative experiences online, with the 9-10 age group being the most exposed to such experiences (29%), and boys, more than girls, being at risk of cyberbullying, probably also due to their longer presence on gaming platforms. At the same time, it is alarming that teenagers aged 15-17 were the most exposed to cyber-hate and witnessed online bullying, with almost half of them doing nothing to support the victim, 7% of them encouraging the bully, and 8% sending hate messages online themselves.

The work of the organization "Save the Children" reflects the constant concern for knowledge,

prevention and awareness of cyberbullying, through social programs, public policies and sound practices for the benefit of the Romanian child. It addresses children, parents, teachers and public authorities that can contribute to reducing the psycho-social impact of cyberbullying on young people in Romania.

In this context, although vast literature has existed for more than two decades, the critical need for a standardized conceptual framework is underlined, more so as cyberbullying has become a significant public health problem.

Various researches confirm the consistent associations between Machiavelism, psychopathy, narcissism and sadism known as te Dark Tetrad, as traits of personalities of cyberbullying behaviors (Buckels *et al.*, 2014; Sest & March, 2017; Gajda *et al.*, 2023; Alavi *et al.*, 2023) suggesting the need for interventions tailored to the personality profiles of online aggressors with Generative AI help.

3. CYBERBULLYING IN INTERNATIONAL AND ROMANIAN LEGAL AND POLICY FRAMEWORKS

Although it is a global phenomenon, with similar patterns of manifestation throughout the world, the regulations aimed at combating cyberbullying are different across jurisdictions. For our paper, we chose to analyze the main legislative texts in Europe and internationally, as the relevant ones, to better understand the gaps in Romanian legislation and to propose remedial measures. At the European Union level, although there are no acts that specifically combat cyberbullying, several important legislative texts have been adopted recently that aim to combat harmful online behaviors:

a) *The Digital Services Act (Regulation (EU) 2022/2065)* aims to combat the spread of illegal content and to protect the fundamental rights of users by regulating online marketplaces, social media, very large online platforms (VLOPs) and very large online search engines (VLOSEs). Cyberbullying is limited by the fact that VLOPs have the obligation to identify and mitigate the risks associated with dangerous content, which includes cyberbullying.

b) *The Audiovisual Media Services Directive (2018/1808 – Amendment of Directive 2010/13/EU)* was to be implemented in the national legislation of the Member States by 19 September 2020 and regulates video-sharing platforms with the objective of protecting the rights of minors and preventing any incitement to hatred and violence, implicitly cyberbullying.

c) *The EU Charter of Fundamental Rights and the General Data Protection Regulation (GDPR)* address European citizens' rights from all perspectives, tackling cyberbullying also. The GDPR introduced the "right to erasure" (Art. 17), which can be requested by those who consider themselves victims of online harassment so that their personal data can no longer be made available online.

In addition, a series of soft legislation has been formulated at European level, which, although not imposing legislative obligations, sets out the framework within which interpersonal relations in the cyber environment should take place, such as the *Code of Conduct on countering illegal hate speech online (2016)* (agreed with Facebook, Microsoft, Twitter and YouTube in 2016, Instagram, Snapchat and Dailymotion in 2018, Jeuxvideo.com in 2019, TikTok in 2020 and LinkedIn 2021) and *the EU Strategy on the Rights of the Child and the European Child Guarantee* (2021).

The concern for combating cyberbullying is also reflected in the documents adopted at international level, even nonbinding, as *United Nations General Assembly Resolutions 69/158 and 71/176 Protecting children from Bullying.*

Also, *The Council of Europe's Istanbul Convention (2011)* approached the subject of online bullying by addressing the psychological effects of violence and harassment carried out through online communication channels.

The concern for combating cyberbullying is relatively old and the angle of approach to the issue at European and international level differs, being considered channels such as those specific to social media, but also streaming, spheres of private/public life such as education, family, group of friends, all from the perspective of protecting the fundamental rights of the child and the person.

Romania has the obligation to comply with these regulations and to introduce into its own legislation those elements that ensure the elimination of the aforementioned risks within a broader concept of systemic governance in cyberspace (Georgescu *et al.,* 2020). For a long time, Romanian legislation did not explicitly refer to cyberbullying and approached combating the phenomenon by concatenating measures that lead to fight against its component dimensions. Thus, legal texts that refer to criminality, domestic violence, child protection, GDPR, and anti-discrimination legislation are considered sufficient to prevent all types of online harassment. Thus, in *the Romanian Penal Code (Law no. 286/2009),* article 208 generally defines harassment so as to include communication through electronic means that induces fear, as well as threats (Art. 206), blackmail (Art. 207), and, in extreme cases, incitement to suicide (Art. 191), but legal repercussions can only be activated if there is a prior complaint from the victim.

For situations of slander and defamation, civil sanctions are applied in Romania in accordance with the responsibilities provided for in Articles 1349–1357 of *the Civil Code*, which are complemented by audiovisual legislation (Law 504/2002) and by the provisions of *Government Ordinance 137/2000 for any type of discriminatory content based on race, gender, sexual orientation, religion*, etc.

In the field of education, consolidated steps have been taken to combat bullying. Thus, *the Law on Preuniversity Education* requires the adoption of the National Plan for Combating School Violence (art. 65) and defines bullying for the first time, although it limits this phenomenon only to spaces intended for education and professional training. However, in accordance with this law, there is a concern for the training of teachers to prevent and combat psychological violence (art. 10, letter i), information, counseling and support services are offered for victims of any form of violence in the school environment, including bullying, cyberbullying, harassment (art. 120, letter j).

The Law on preventing and combating domestic violence (Law 217/2003) was amended by Law no. 106/2020 to specifically include cyber-violence as a form of abuse. This legal innovation recognizes online harassment by intimate partners or family members as domestic violence, enabling victims to seek protection orders that restrict any form of contact, including digital communication. Also, child protection legislation (e.g., *Law 272/2004* and the *Education Law no. 198/2023*) obliges the responsible authorities to notify and intervene in the situation where any psychological abuse occurs, including cyberbullying.

Of course, European Union regulations (E.G. GDPR) are respected in Romania, complementing national regulations. Despite the efforts made to combat this phenomenon, Romania is currently lagging behind the level of ambition that documents such as the *Digital Services Act (DSA)* and *Artificial Intelligence Act (AI Act)* propose. Thus, the DSA requirements must be translated into clear national regulations targeting VLOPs and local tech companies and expressly requiring them to combat the phenomenon.

Also, in accordance with the AI Act, Romania has to classify AI systems according to the risk they pose – in this context, there is a possibility that current tools for identifying cyberbullying to be associated with a major risk because they have the possibility to profile children. Therefore, national policies in this area need to be complemented with very detailed ethical regulations, with provisions regarding the management of technical errors and human supervision, so that these tools can continue to be used safely.

Of course, legislative harmonization should start with defining cyberbullying and bullying as a stand-alone phenomenon, likely to be encountered in diverse environments and with clear specificities in relation to psychological violence or cyber violence. A legislative act dedicated to bullying/ cyberbullying would be desirable, in order to bring together and harmonize all facets of the phenomenon and could regulate: the functioning of a committee responsible for identifying and combating the phenomenon, the way online platforms respond, the need for knowledge of rights in online space among magistrates, media education to avoid these situations, the inclusion of specific provisions for cyberbullying in the GDPR.

4. TRADITIONAL AND CONTEMPORARY METHODS OF COMBATING CYBERBULLYING

Complementary to regulatory dimension, cyberbullying necessitates a comprehensive strategy that integrates both traditional and artificial intelligence-based methods to mitigate its detrimental effects on individuals and communities.

encompass manual reporting mechanisms where victims or witnesses report incidents to platform administrators or relevant authorities. Furthermore, community awareness campaigns play a crucial role in educating individuals about the nature of cyberbullying, its impact, and strategies for prevention and intervention (Topor, 2024, Snakenborg *et al.*, 2011). AI-based methods utilize natural language processing and machine learning to analyze online content, identify cyberstalking, remove harmful content, provide emotional support via chatbots, perform predictive analysis, and power parental control apps (Frommholz *et al.*, 2016; Nguyen, 2023). AI offers speed and scalability but faces challenges like bias in algorithms, difficulty understanding context, false positives/negatives, and ethical concerns like privacy (Milosevic et al., 2022).

In Table 1, we compare these two approaches, noting AI's advantage in speed and scalability while acknowledging traditional methods' importance in emotional support and nuanced understanding, and also highlighting the challenges and limitations of AI, such as bias, context understanding, and ethical considerations like privacy. When addressing cyberbullying through AI-based methods, ethical considerations and human oversight are crucial. Human participation is essential in establishing clear guidelines, policies, and standards to govern the use of AI in cyberbullying mitigation. Humans must carefully curate the data used to train AI models, audit the algorithms for biases, and set up transparent processes for appealing AI-driven decisions. Additionally, human experts should interpret AI-generated insights, providing contextual understanding and making final determinations on appropriate actions.

Dimension	Human-centered methods	AI-based methods

Traditional methods, characterized by human intervention and community-driven initiatives,

Table 1. Comparison of human-centered and AI-based methods for addressing cyberbullying

Primary identification mechanisms	Manual reporting by victims/bystanders (to platforms, schools, authorities); Observation of behavioral changes; Community awareness and education; Peer support.	Automated analysis of online content (text, image, video) using NLP, ML, Deep Learning; Pattern detection (e.g., cyberstalking, grooming); Sentiment analysis, keyword spotting.
Primary combating mechanisms	Reporting procedures leading to platform/authority action (content removal, sanctions); Community support systems (counseling, helplines); Educational programs (digital literacy, empathy); Policy implementation & enforcement; Stigmatization (debated effectiveness).	Automated content filtering/removal; Automated user blocking/flagging; AI-powered chatbots for victim support & guidance; Predictive analysis for early warning/intervention; Parental monitoring tools.
Accuracy & nuance	Potentially higher accuracy in understanding complex social context, intent, and subtle cues; Prone to subjectivity, human bias, and overlooking subtle or hidden bullying.	Can achieve high accuracy on specific, defined tasks (e.g., detecting hate speech keywords); Struggles significantly with context, sarcasm, irony, cultural nuances, evolving language (slang, codes).
Scalability & coverage	Difficult and resource-intensive to scale; effectiveness limited by available human resources and community engagement; relies on individual reporting.	Highly scalable; can process vast amounts of data across multiple platforms simultaneously with relatively lower marginal cost per user.
Strengths	Empathy, deep contextual understanding (potentially), addressing root causes (via education/support), community building, fostering positive social norms, flexibility in handling complex cases.	Speed, scalability, consistency (in applying defined rules), ability to handle massive data volumes, 24/7 operation, detection of large-scale patterns.
Weaknesses & challenges	Scalability limitations, slow response, potential for human bias/inconsistency, underreporting (victim fear/shame), difficulty detecting anonymous/subtle forms, resource-intensive.	Context-blindness, algorithmic bias (from data/design), false positives (censorship) & false negatives (missed cases), adversarial attacks (evasion tactics), transparency / accountability issues ("black box"), privacy concerns.
Ethical considerations	Ensuring fair application of policies, avoiding undue stigmatization, providing adequate support resources, maintaining confidentiality in reporting.	Privacy violations (surveillance), algorithmic bias leading to discrimination, lack of transparency and accountability, potential for over-censorship and chilling effects on free speech.
Role of human oversight	Core component; methods inherently rely on human judgment, reporting, intervention, and support.	Essential; needed for handling complex / ambiguous cases, appeals, managing bias, interpreting nuanced situations, ensuring fairness, and providing empathetic support AI cannot replicate ("human-in-the-loop").
Adaptability to evolving tactics	Relies on ongoing education and awareness to recognize new forms of bullying; human adaptability can be slow to recognize novel technological misuse.	Requires continuous retraining with new data to keep up with evolving language, symbols, and evasion tactics used by bullies; can be vulnerable to novel adversarial methods.

The privacy and data rights of individuals must also be carefully considered. AI-based methods that collect and process personal information must adhere to data protection regulations and obtain informed consent from users. Oversight is needed to ensure that the use of AI does not infringe on individual privacy or enable unwarranted surveillance. Ultimately, the integration of traditional and AI-based approaches to address cyberbullying should be guided by a balanced and ethical framework that leverages the strengths of both, while prioritizing the protection of vulnerable individuals and upholding fundamental human rights.

5. CONCLUSIONS

In conclusion, following the analysis carried out on these works, we highlighted not only the gravity of the phenomenon, but also the particularities in which it can be combated in a unitary technological and legislative approach. We highlighted the urgent need for conventional methods of fighting this phenomenon to be integrated with modern ones, such as generative AI, machine learning algorithms, and automated moderation tools, so that the evolution of the phenomenon can be effectively kept under control. Although the need to use these technologies is obvious, there are ethical risks, in the sphere of privacy, algorithmic bias, and the accuracy of AI-driven interventions. Therefore, in order to identify the best technical solutions and legislative regulations, the joint effort of developers and policymakers is necessary. In Romania, a balanced dedicated legal text is needed, which includes references to education, ethics and the most appropriate mix between traditional and modern approaches to countering the phenomenon.

6. ACKNOWLEDGMENT

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