

AWARENESS AND PREVENTION OF *BULLYING AND CYBERBULLYING*: A WAY TO AVOID SEVERE PUNISHMENT.

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ABSTRACT

This paper presents information on *bullying* practices and the increase in *cyberbullying*³ due to the growth in the use of social networks and digital media itself. Awareness and preventive actions related to these practices require efforts from the whole of society in order to prevent situations from reaching the point of extreme punishment, especially after the enactment of the law that criminalized such conduct. Through awareness, education, and sensitization, it is possible to create a healthier environment of respect and safety for everyone. The focus should be on building environments where all children and adolescents can develop without fear of being intimidated or excluded, an obligation imposed by the State on all educational establishments.

Keywords: awareness; prevention; *bullying*; *cyberbullying*; punishment.

INTRODUCTION

Bullying and *cyberbullying* are highly complex problems that affect millions of children, adolescents, and even adults around the world, including Brazil. Awareness of this issue is a fundamental obligation and strategy for combating and preventing these problems. Awareness involves educating people about what *bullying* and *cyberbullying* are, their forms, the consequences for victims and aggressors, and ways to prevent these situations in various environments, especially in schools, because, in addition to being a criminal problem, these behaviors are part of a cultural problem.

Law No. 14,811/2024, which criminalized *bullying and cyberbullying*, defines these behaviors as systematic intimidation, individually or in a group, through physical or psychological violence, against one or more people, in an intentional and repetitive

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Term given to the practice of *bullying on the internet and social media*.

manner, without obvious motivation, through acts of intimidation, humiliation, or discrimination, or through verbal, moral, sexual, social, psychological, physical, material, or virtual actions. Nevertheless, *cyberbullying* occurs through computer networks, social networks, applications, *online* games, or any other digital medium or environment and/or transmitted in real time.

Bullying and *cyberbullying* can occur through different means and in multiple ways. According to Articles 3 and 4 of Law No. 13,185/2015, *these* types of aggression can be practiced in various forms, including verbal, moral, sexual, and even psychological and patrimonial. In this sense, given the inherent complexity of the case, it is imperative to legally determine responsibility for social participation in the prevention and, therefore, combating of these practices. In order to tackle this problem, it is essential that the historical structure and punitive model in Brazil, based on control, surveillance, and coercion, be overcome. Thus, it is necessary to imagine other ways to mitigate these controversies, going against mass incarceration and toward more humane and effective possibilities (Bonalume; Jacinto, 2019).

Given this situation, it is worth highlighting the effects of globalization, which have led to a proliferation of *cyberbullying* cases in the virtual environment. In March 2024, the World Health Organization (WHO) released the second volume of the *Health Behaviour in School-Aged Children (HBSC) study*, which focuses on patterns of *bullying* and violence among adolescents in 44 countries and regions. According to the survey, although overall trends in school *bullying* have remained stable since 2018, *cyberbullying* has increased, amplified by the growing digitalization of young people's interactions, with potentially profound impacts on the lives of children and adolescents (WHO, 2024). Similarly, adolescents are spending more and more time *online*, which creates a need for interventions involving educators, parents, community leaders, and policymakers to promote digital literacy and safety (WHO, 2024).

Given these dilemmas, Dr. Joanna Inchley, International Coordinator of the HBSC study, emphasized that the digital world is an environment that can provide learning opportunities, but also amplifies challenges such as *cyberbullying* (WHO, 2024). Thus, comprehensive strategies that include the synergistic action of governments, schools, and families are essential to mitigate *online* risks and provide safer virtual environments (WHO, 2024).

The Brazilian context is fraught with numerous difficulties in preventing and combating *cyberbullying*: on the one hand, it is one of the leaders in internet and social

media use, and on the other, it is one of the countries with the highest rates of cyberbullying in the world (Hupsel Filho, 2024).

Given this scenario, legal measures were established in the Brazilian legal system to deal with the problems arising from *bullying* and *cyberbullying* practices, as well as to promote awareness and reduce the number of cases. Law No. 13,185/2015 established the Program to Combat Systematic Intimidation and set guidelines for preventing and combating *bullying* and *cyberbullying*. Among the actions provided for in this Law are guidance for parents and family members, training for teachers, and the implementation and dissemination of awareness campaigns. Another example is Law No. 13,663/2018, which was published to encourage the promotion of "measures to raise awareness, prevent, and combat all types of violence, especially systematic intimidation (bullying), in schools," in addition to "establishing actions aimed at promoting peace in these spaces." Furthermore, Law No. 14,811 of January 12, 2024, established measures to protect children and adolescents against violence in educational or similar establishments and criminalized the practices of *bullying* and *cyberbullying*.

The creation of the aforementioned legislation represents an important step toward protecting children and adolescents against *bullying* and *cyberbullying*. However, the criminalization of these behaviors is controversial, given the indirect effects of Law 11,841/2024. Lawyer Janaína Conceição Paschoal warns of the risk of bringing adolescents into the prison system at an early age (even if they are in units designed for adolescents), creating a stigma that is difficult to overcome (Paschoal, 2014). This perspective is consistent with the provisions of Article 4, VIII of Law 13.185/2015, which states: "the punishment of aggressors should be avoided as much as possible, giving priority to alternative mechanisms and instruments that promote effective accountability and a change in hostile behavior." In this way, it is understood that society must be united in a project based on inclusion, education, awareness, and the search for mechanisms capable of preventing new cases of *bullying* and *cyberbullying*.

METHODOLOGY

This study was made possible through qualitative research, literature review, as well as newspaper sources and legislation. Using these methodological tools, the objective was to identify the problems of *bullying* and *cyberbullying*, and more specifically, the particularities of the Brazilian context. In addition, we also sought to carefully analyze Brazilian legislation that regulates this matter in both the infra-constitutional and criminal

fields. Subsequently, questions were raised about effective and less punitive solutions for new cases.

RESULTS

The results of this study highlight the urgent need to adopt and implement more robust and legally sound measures to combat *bullying* and *cyberbullying*, in line with the guidelines recommended by the United Nations to combat violence against children. The analysis of the data shows that the increase in the use of digital technologies and the prolonged exposure of children and adolescents to the virtual environment have intensified the incidence of digital aggression, becoming a public and social problem. In this sense, it is essential to develop educational and awareness programs that involve the entire school community—including students, teachers, and guardians—with the aim of consolidating a safe and conducive educational environment for learning. Furthermore, the adoption of public policies that are effectively aligned with international recommendations can strengthen the prevention and repression of these practices, ensuring the full protection of the rights of children and adolescents. Such measures are essential for profound social change, promoting a culture of peace and respect and ensuring that educational spaces are protected against any form of violence or intimidation.

CONCLUSION

Bullying and *cyberbullying* are persistent challenges in Brazilian society. In addition to affecting thousands of people, these aggressive practices give rise to other problems that spread to multiple areas, such as the legal, social, and human spheres, as well as extending to the digital realm. The proposal of effective public policies aimed at mitigating the incidence of cases must be based on several multifocal levels of action: awareness, prevention, and combating. In the meantime, the coercive legacy of the Brazilian penal system must be overcome, and new ways of dealing with the problem that differ from incarceration must be used. Furthermore, coordinated and comprehensive actions are essential in the spheres of public administration, as well as in social institutions, such as the family and schools, in order to promote a safe and combative environment—both physical and virtual—against *bullying* and *cyberbullying*.

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