

The Necessity of Criminalizing the Phenomenon of Cyberbullying in Iranian and American Criminal Law

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Abstract

Cyberbullying is any violent behavior with the abuse of power in cyberspace, which often, anonymously and repeatedly, causes harassment and intimidation to the victim. This phenomenon has been criminalized in US criminal law at the state level and only in some states independently. But at the federal level, examples of criminal behavior such as online harassment have been criminalized. In Iranian criminal law, there are no crimes under the headings of bullying, classic, and cyberbullying, and only in Articles 617 and 618 of the Islamic Penal Code, Articles 4 and 5 of the Audiovisual Law approved in 2007, some examples were scattered. The purpose of this study is to express the necessity of criminalizing the phenomenon of cyberbullying and to evaluate and analyze the relevant legal materials in this regard in Iranian and American criminal law. Findings in this study indicate that physical behavior in cyberbullying is in the form of state and through methods such as severe harassment, defamation and dissemination of private information, deprivation, forgery, and indirect threats appear on the scene. In addition, the existence of

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a dangerous situation for the perpetrator as well as the harmful consequences of cyberbullying, the difference between cyberspace and real space, the inadequacy of existing laws and principles such as the principle of harm, the principle of legality of crime and punishments, the need for differential and independent criminalization, justify this phenomenon.

Keywords: Bullying; Cyberbullying in Cyberspace; Cyberstalking; Threat.

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