

An Empirical Study on Cyber Violent Crime

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Abstract:

In recent years, cyber violence cases have frequently aroused social attention. During this year's national two sessions, cyber violence appeared frequently on the list of hot searches on social media. The report of the two high schools stressed that "the problem of governing cyber violence according to law" was also on the hot search of Weibo, causing wide attention from all sectors of society. Dong Chenyu, a lecturer at the School of Journalism of Renmin University of China, spoke about the topic of "cyber violence". And Zhou Shihong, member of the CPPCC National Committee and vice president of Anhui Bar Association, held in-depth dialogue through video connection. Cyber violence is not only happening in China's Internet field, but has become a global problem. Therefore, in order to eradicate the persistent disease of cyber violence, it is necessary to carry out empirical research on cyber violence, so as to promote related issues to be further improved in the future legislation, so that citizens' rights can be more effectively protected on the Internet in the future, and it is expected that the tragedy caused by cyber violence will not be repeated.

Keywords:

Cyber Violence, Governance According to Law, Crime Research

1. Introduction

These years, the phenomenon of network violence case wounding, really let a person impossible to guard against [1]. The Internet has become a place outside the law for many people. In the name of anonymity, people constantly violate the rights of others, which will not only produce civil liability, but even more serious will produce criminal liability.

2. The Problem

"The Beginning", a popular drama that opened in 2022, used a bus bombing to arouse people's deep thinking about the harm of cyber violence. The father of the show said: "What do they know about these people? Why can they slander a complete stranger on the Internet, they call such horrible things, cute is 20 years old." As early as 10 years ago, the theme of the movie "Search" directed by Chen Kaige is about "cyber violence". The movie roughly tells the story of not giving up a seat, being

criticized by all passengers on the bus, and then being searched by people online, P pictures, abuse, and even offline harassment. In addition, high score dramas such as *Our Distance from Evil* and *Keep You Safe* have focused on this hot social issue, which shows that film and television creators are paying more and more attention to this social phenomenon. Some people boast freedom of speech, but once over the legal and moral boundaries, invisible, intangible, the Internet has become a weapon lethality huge public opinion, become some people outside the law of land, no one will blame themselves for the killer, cyberspace anonymous letter to the people behind the ID, all in the name of “eating melon” optional spy out other people’s privacy, enjoy online judge, Even the pleasure of rumor, is the so-called “rumor a mouth, run a leg.” Some netizens brandished the banner of moral judgment, but brought unethical harm to the parties, and the social environment spawned by network violence will eventually hurt each of us. In addition to “melon eating” etizens, many we-media will also carry out malicious speculation in order to earn traffic. Bai Yansong, a CPPCC member and journalist representative during the two sessions, criticized the practice.

3. The Concept of Cyberbullying

What is “cyber violence”, has not yet formed an authoritative concept. However, the academic community has two theoretical views on this concept:

Some scholars believe that network violence is equal to the violence of network public opinion. That is, Internet users use the network to create public opinion, make some language attacks on others’ behavior, even insult, slander, expose others’ privacy, so as to conduct moral judgment on others, so as to directly affect others’ daily life of the group behavior. According to this view, the following elements should be met to constitute cyber violence: a. Internet users use violence with personal offensive language on the Internet. b. The verbal violence can lead to a sense of persecution of others. c. Cyber violence is a collective behavior, that is, the opinions of the majority suppress the opinions of the minority. Those who hold this view are mainly scholars of the news media.

Some other scholars claim that cyber violence is actually equivalent to “cyber anomie”. That is, the actor using the Internet to use the concealment of the Internet, the implementation of invasive, extreme and other bad network behavior, and then to others cause a variety of substantive harm to the bad results of a network anomie nature of behavior. There are two kinds of scholars who hold this view: the first is sociologists, and the other is scholars of journalism and communication.

According to the above the views, the constitutive elements of cyber violence can be summarized as follows: a. Subject: all types of Internet users. b. Object: It can be an individual, an organization, or a group. c. There are various ways of implementation: it can be personal attack, public opinion attack, hacker attack, and network blackmail [2].

4. The Causes of Network Violence

The continuous upgrading of the original network caused by network violence brings convenience to people, but also brings a series of problems. Among them, network violence becomes more common, and the occurrence of network violence is also increasing every year. A case in 2008 was the first case in our country to enter the criminal proceedings because of Internet violence - “people's vowels” walked into

the court. The increasing frequency of network violence incidents is not only a common concern of the public, but also a headache for the public. In order to solve this problem, it is essential to carry out the analysis and research on the causes, because only by analyzing the causes clearly can the cure be given to the disease.

4.1. The lack of moral quality of netizens

With the advent of 5G era, the development of Internet technology in China is very rapid, and the number of netizens also shows an “explosive” growth, but this leads to the overall moral literacy of netizens can not keep up with the development speed of the Internet, which is bound to lead to the increase in the number of violent acts.

The reason that causes netizen quality to lack is nothing more than: (1) family reason. For example: the heavy family environment, parents speak and act violently, do not take into account the children’s behavior and so on, the lack of moral children also has a great negative impact. (2) The school education level is not in place. For the vast majority of us, we spend about a quarter of our lives in school. Schooling is a rite of passage for every citizen. But now our education is still the only fractional theory, there is a lack of quality education in view of quality education, this leads to the most easy to absorb moral knowledge education and establish correct values of students stage, so that the young people do not receive good moral quality education, thus causing the lack of young people’s morals. (3) Social reasons. Society is like a big dyeing vat, which has both positive and negative aspects. Everyone lives in a complex social environment, which will more or less affect each individual. As teenagers lack personal experience and their “three views” are also taking shape, their judgment will be much weaker than adults. It is often the most vulnerable to the influence of unfavorable to its growth and unfavorable to its cultivation of correct “three views”. As a result, the moral quality of teenagers is deficient [3]. (4) the cause of Internet violence itself. Morality is not the same as law. There is no external binding force in morality, so that it will not constrain itself morally.

In addition, the herd mentality of netizens will also play a role in the cyber violence. When discussing some social issues, netizens tend to “take sides”, choosing opinions similar to their own, and then refuting and attacking those opinions that are different, even rising to personal insults and slander.

4.2. The anonymity of online platforms

When talking about the causes of cyber violence, Dong Chenyu introduced that there is a concept called “disinhibition” effect in communication. In real life, people will observe a kind of basic social etiquette in interpersonal interactions; But on the Internet, because of anonymization, people “de-repress” social norms in the real world, and the darker aspects of human nature are more easily exposed [4].

With the development of The Times, people pay more and more attention to the protection of their privacy rights. In the field of the Internet, it is to allow netizens to protect their privacy rights in an anonymous way. However, they do not know that it is this well-intentioned approach that has become the “umbrella” for others to abuse, insult and spread malicious remarks on the Internet. It is the anonymity of the network platform that makes the Internet field highly inclusive to netizens, and this inclusiveness makes the netizens have an illusion that they are not responsible for publishing anonymous remarks, even improper ones.

4.3. Lack of supervision of online platforms

First of all, there is a certain lack of supervision of the online platforms themselves [5]. In 1G, 2G era, people acquire knowledge mainly by means of television, radio, newspaper and so on. In the era of 3G and 4G, people acquire knowledge mainly from Weibo, Douyin and other major network platforms. And 5G generation of strong attack, so that the speed of transmission of information, is like lightning across the speed. And due to the characteristics of the network anonymity, so this makes certain information cannot be verified whether is real, plus some intended to improve their traffic and clicks network platform, thus to put out some events for the public's eye, making for some false things or itself is only a small incident was hyped up. Bai Yansong, a CPPCC member and journalist representative during the two sessions, criticized the practice.

Secondly, the network platform has a lack of supervision on users. For some users is met the unpleasant things in real life, in real life has cannot be effectively out with ease, they will choose relieve your dissatisfaction on network platform, and for the citizens, intellectually wanting, tend to exaggerate the truth of the time, and even fabricated some false facts. For other netizens, people's human nature is born to sympathize with the weak. In addition to the characteristics of the network itself, the herd mentality of netizens will also play a role in the network violence. When discussing some social issues, netizens tend to "take sides", choosing opinions similar to their own, and then refuting and attacking those opinions that are different, even rising to personal insults and slander [6]. In addition, due to the lack of relevant information censorship on the network platform itself, netizens arbitrarily express their own comments and opinions, thus causing irreparable damage to others.

4.4. There is a lack of network legislation

First of all, although, at present, "criminal, civil and administrative law", there are laws concerning network supervision, but lack of "operability and pertinence". "The traditional legislative model emphasizes 'ex post sanctions', but this can no longer adapt to the development trend of the Internet era." This is because the post-punishment of traditional legislation needs a long process to go through prosecution, investigation and trial. However, the fast speed and wide scope of cyber violence make it difficult to achieve the purpose of legislation and law enforcement.

Secondly, there are still many obstacles to legally punishing the perpetrators of cyber violence. "If a victim of cyberbullying decides to Sue, he will find that he has no idea who to Sue and it is difficult to obtain evidence because the content on the Internet can disappear and hide at any time. According to the current regulations, the website must be notarized by the notary office before it can be submitted as evidence." Because of this, when an ordinary Internet user is subjected to cyber violence, he is very weak and helpless, and he is powerless to fight against it.

5. Countermeasures

5.1. Improve and enact relevant legislation

According to the search of laws, there is no law directly stipulating cyber violence, and it is not very realistic to formulate a special "cyber violence law" in a short period of time. And at present, what's more, the harm brought by cyber violence to others is often not material and physical Shanghai, but a kind of mental harm, there is no

obvious representation, which makes it difficult to establish a standard to measure its harm from the law.

Of course, if the perpetrator of cyber violence has already constituted a violation of the law at the time of cyber violence, then the perpetrator can still be punished. Secondly, it is not possible to formulate a special law on cyber violence in a short time, but the relevant departments of The State Council can first formulate some relevant administrative regulations or regulations, or introduce the content related to cyber violence when other laws are amended and enacted. Finally, the author believes that if the traditional legislative mode is adopted to enact laws related to the Internet, there may be problems of inadaptability in the use. Legislation should be combined with the characteristics of network communication, such as timeliness, etc. Legislators can combine some theories and viewpoints in journalism and communication when legislating in the future. The formation of a strict sense of “cyber violence” belongs to a law [7].

5.2. Online platforms will strengthen supervision

The essence of cyber violence is actually a revival of lynching, so the governance of cyber violence must be “multi-dimensional and three-dimensional”. In addition to the state organs, the major network platforms should also assume the corresponding social responsibilities. Because the network platform is the best chance in the first time the party provide protection for victims of the network violence, for example when social media users in the massive network violence, the network platform can be through the use of big data, monitoring to the negative comments received are rapidly increasing, while the network platform can step in, To help the user filter out some unfriendly and malicious comments, or can also use the temporary shutdown of reply, etc. In addition, the major network platforms can also carry out certain legal punishments on the perpetrators of cyber violence, such as banning them or canceling their accounts [8].

In addition, the “real name system of network registration” should also be implemented, because the anonymity of the network is an important reason for the frequent occurrence of network violence. At the beginning of 2015, the State Council Cyber Information Office issued relevant regulations on the “real name system for network users”. Even though the promulgation of this regulation does not require the “real name system of the whole network”, it is also a good start, and the specific effect of the regulation needs to be tested by practice.

5.3. Improve the moral quality and legal awareness of netizens

First of all, for now the “age of fragmentation,” in the comments section of the network platform, many parts of the Internet is not the something rationally discussed, but adopts a kind of abuse, a way of personal attacks, to emphasize its position, so the net friend to comments in the comments section, should maintain “empathy”, thus the rational, Not a rush team.

Secondly, the low moral quality of Internet users is also a cause of frequent network violence incidents. Therefore, first of all, schools should strengthen moral quality education and add this course. Secondly, for family education, parents should also increase their children’s quality education, in the family atmosphere, should give children to maintain a harmonious family atmosphere, in the behavior, should do the role of the model, to set a good example for children. Finally, on the social level, the

government should strengthen the governance of bad social customs, so as to eliminate the influence of bad social customs on young people.

Finally, Cultivate the legal consciousness of netizens. Let them know that cyberspace is not a place for criminal acts, that acts carried out in cyberspace beyond the boundaries of the law will still be subject to legal sanctions, even in the virtual cyberspace, can not infringe on the rights of others, and that the enactment of relevant laws is not the ultimate goal. The ultimate purpose of formulating relevant legal liability is to make the majority of Internet users abide by it. Therefore, in the concrete implementation, Legal publicity on Internet platforms needs to be strengthened. Secondly, schools should also set up law classes to cultivate young people's legal awareness. Secondly, the relevant departments of political and legal affairs should also increase the publicity of the harm of network violence, and the most important thing is to inform the majority of Internet users when they receive the harm of network violence; "Do not panic, not to commit suicide, can use judicial means to protect their rights" [9].

6. Thoughts Caused by Network Violence

World champion Liu Xiang was forced to withdraw from the competition because of a leg injury. On Aug 25, 2018, a female doctor in Deyang, Sichuan Province left this world due to online violence. On Oct 14, 2019, South Korean actress Choi Sol-ri took her own life because of online violence. On October 15, 2012, the Internet celebrity "Luo Xiaomaozi", suffering from depression due to long-term online violence, committed suicide by drinking pesticide during a live broadcast, ending her young life. On January 24, 2022, Liu Xuezhou could not bear the online violence and lost hope to live. On April 6, 2022, a young woman in Shanghai jumped from the 32nd floor to her death after being caught by an Internet storm for tipping a rider 200 yuan. And more recently, because of the pink hair, a young girl born in 1995 was attacked by the whole nation. A grandfather selling sugar water, 17 years adhere to do not raise prices on the hot search, to more and more guests, but the keyboard man jumped out and said: "Grandpa does not wear gloves, food is not clean", "children unfilial let the elderly stall", overwhelming abuse, let grandpa tearful closed the sugar water shop. The tragedy caused by network violence happens all the time around us. It is said that no snowflake is innocent in the avalanche. That whether we are unknowingly into that piece of snow?

The harm of cyber violence is self-evident. Some people say that the Internet era ushered in an information explosion, but on the other hand, it is probably malicious explosion. The darkness of human nature, which is ashamed to show in physical space, will be released online with unprecedented density and intensity. Network malicious also has no large, small points, no geographical, interpersonal barrier. No matter who, no matter how far away, can heap malice directly in front of the parties. No matter how big or small the number is, it is a word of the same font size, and it is dirty with equal damage force. Ideally, the Internet should be a social marketplace of ideas and a space of empathy, but the visible trend is that the Internet is becoming increasingly mean, cruel, violent and more like a public opinion execution ground. Quantity is justice. Quantity in human society often produces a kind of sufficient reason. Individuals in groups feel a strong sense of "justice", for whom group is justice and number is reason; Even if not, people in the group will have a kind of "law does not blame the crowd" of the idea, and thus in their behavior is justified.

Now a new phenomenon in information dissemination of the Internet era, many people only responsible for emotions, not responsible for the facts, often appear “a dog, barking” phenomenon, a person be moved forward out, everybody follow touched, spread to a person feel angry, you angry with, but there may be deviation in the forward propagation, It doesn't matter if you're pushing too hard. Do you remember that a female doctor in Deyang, Sichuan Province suffered from Internet abuse due to false rumors spread by others, and finally committed suicide by taking drugs? Remember, Chengdu 20 - year - old girl diagnosed privacy exposure suffered from Internet violence, personal life exposed. Every network violence behind a hundred responses, are groundless blind, are “since the sheep can be planted, do not believe the cocoon into silk” blind faith. As the 19th century French statesman and historian Francois Guizot said, “Man speaks with certainty because he knows too little.” The less we know about a subject, the easier it is to form judgments, and purely strong judgments that follow emotions.

Baudelaire in the book “The Flower of Evil” has such a sentence: “once falling into the world of ridicule, powerful wings can not move.” Diving women's 10m platform runner-up Chen Yum-xi, was accused of not smiling congratulations champion all Hong Chan, was called petty; Yang Jian, the runner-up of men's 10m platform diving, was scolded for not embracing champion Cao Yuan in time after the race. In a world where everyone has a microphone, it's even more intimidating, and anyone can hang out and express their opinions and emotions online without pressure, boiling a dog and sharing a huge amount of thoughtless information about what's going on and what's going on.

As Milan Kundera said, “Man has an innate and irresistible desire to judge before understanding.” Behind the cyber violence, it is also the desire to do evil. Some netizens will only blindly criticize the facts they believe, but never think in other's shoes. A rumor is a flute played by suspicion, conjecture, and conjecture, which startles the heart of those who hear it, eats the bones of those who reject it, and is violent to the ear; The characters under the keyboard are full of power, but in the case of bias in fact, can only become the abuser's head hanging the sword of Damocles, under the sharp harm to oneself.

The road is difficult, not in the mountains in the water, only in the human repeated. After several similar incidents, should we all reflect on the fact that there are not only two extreme voices in the world, empathy and practical facts can lead to communication and understanding. “Storms can crush people into dust or form new continents.” In this Internet age of mixed data, there is so much information that it is difficult to distinguish between true and false. When evaluating people or things, you should first conduct detailed investigation and research and determine your own thinking position, so that the bullet can fly for a while.

The road is difficult, not in the mountains in the water, only in the human repeated. After several similar incidents, should we all reflect on the fact that there are not only two extreme voices in the world, empathy and practical facts can lead to communication and understanding. “Storm can put people into dust, also can be condensed into a new continent”, in this data mixed network era, information is various, depoliticization, butch, coupled with some people in order to attract eyeball, earn traffic, will be malicious clips, misunderstanding caused by netizens, therefore, when evaluating someone or something, don't go with the flow, conformity and what

others say, what you say, Instead, conduct exhaustive research and determine your own mental position, and let the bullet fly for a while.

The knife of network violence may be used to kill people at any time. The few words that keyboard men knock down at will actually become the sword, gun and halberd of killing people, making the Internet full of violence. Keyboard slurs have a habit of taking their grievances out on innocent people, with hideous faces, sarcastic language and despicable methods, even if they don't even know the target of their abuse. Even if they think of "justice", is completely false, even if the other side may die because of this, they even want to add a sentence, "how psychological bear pressure so weak". Put a person suddenly die, the world suddenly love you, at the beginning of the net burst is them, now they are also the candles, so continue to look for the next victim. Therefore, the knife of cyber violence must be incorporated into the sheath of the rule of law, because those who complain of death cannot die in vain.

7. Conclusions

"It's regular, it's guerrilla, it's subtle, it's something that our eyes may not be able to detect." That is why it has become increasingly risky to engage directly in a controversial discussion. In this environment, if each of us becomes the "terminator" of cyber violence, the tragedy caused by cyber violence will be greatly reduced, and countless family tragedies will be saved.

Conflicts of Interest

The author declares that there is no conflict of interest in this article.

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References

- [1] Zhang, H.Z. Thoughts on the first case of cyber violence. *The People's Daily*, 2008, 12, 01.
- [2] Lu, F. On the definition of cyber violence. *News of the world*, 2010, 12.
- [3] Jiang, G.Y. Adolescent Cyber violence: A kind of interactive construction behavior between online community and individual living environment. *News of the world*, 2011, 1.
- [4] Peng, L. How to understand the phenomenon of violence in network public opinion. *Chinese Journal of Social Sciences*, 2009, 8, 25.
- [5] Wu, W. Analysis of the causes of network violence. *News Research Guide*, 2015, 15, 263.
- [6] Zhao, G.P.; Zhang, Y.Y. A Brief analysis of the causes and countermeasures of network anomie Speech - Based on the theoretical perspective of "The Mob - A

Study of Mass Psychology”. *Journal of North University of China (Social Science Edition)*, 2020, 36, 39-46.

- [7] Xie, S. Legal regulation of “cyber violence”. *Legal expo*, 2015, 6, 38-39.
- [8] Cao, M.X.; Luo, Y. On rational coping strategies in the era of cyber violence. *Science and Technology Information (Academic Research)*, 2008, 18.
- [9] Wang, Z.Q. When will cyber violence stop. *Information Network Security*, 2006, 8.



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