Cyberbullying and legal repercussions in students of upper level in Mexico: case CUCEA.

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ABSTRACT.

In this paper, we explore the need to deepen the detection and exploration of the spaces of violence between young people in ICTs, as well as the legal framework that is taken around the world in reference to the violence that is developed and how this can be adopted in the Mexican system, seeking to promote a better alternative to the form of conflict resolution in all areas (Educational Institutions, Legal Framework and Social Networks).

Social networks have developed in recent years as a space of violence among young university students that leads to significant development with means of prevention and seeking to punish those who exercise it in bad way in several countries around the world.

The University Center for Economic and Managerial Sciences and the University of Guadalajara in Mexico are located in the beginning of the incursion in this area and it is considered that the implementation of measures is an essential element to reduce the conflicts that are present in this area which are scarce in the country.

We present several results of studies that are presented in the University Center for Economic and Managerial Sciences of the University of Guadalajara concerning cyberbullying and cybercrime. It is based on a survey applied by specialists in the subject in the year 2014.

We believe that this paper would be useful to the CUCEA´s administration in order to consider this phenomenon as part of everyday issue and we also think that this paper would help to other professors and researchers as a tool to make future studies on this touchy topic.

Keywords: Cyberbullying, Cybercrime, Higher Education Institution, Mexico

Main content

In this paper we present the results of an investigation around the Cyberbullying and the Cybercrimes at (CUCEA)[1] campus, as well as their legal repercussions in students of a higher education institution in Mexico, splitting from several approaches and conceptualizing the best possible ways to the topic.

Something that we have to highlight is the increasing use of Internet among students, games and social networks is already the activity of leisure more important than the television, Gabelas makes an approach:

> *"belong to a generation that presents of a natural way to handle the interface, manage his diary of friendships and contacts, discriminate the information and sail by the Network" (Gabelas, 2010).*

Facebook allows young people to make their social networks visible (Martínez, Fonseca and Castillo, 2013),

> *which begins to establish what they do online has real impacts on their offline life and this becomes indispensable for students to begin their relationships with other students, as well as   starting feel comfortable in that way (Haythornthwaite, 2005).*

In the University Center for Economic and Managerial Sciences of the University (Universidad de Guadalajara), a number of studies have been carried out by specialists in the subject, where two studies made by (Prieto, Carrillo and Lucio 2015) can be highlighted. The results of this research reveal the generalized idea that only at lower levels does violence occur in school spaces.

The phenomenon of violence within schools is a reality at the higher level. This study made clear to the authorities that the phenomenon has multifactorial causes and not a single cause; which is in accordance with the evidence-based design of public policies. And it is that Cyberbullying has spread through cell phones, with offenses, bad tidings and messages that affect the reputation of the student community.

There are few specific studies on the speeches issued by battered, aggressors and observers, in order to recognize and work on fundamental aspects of these indications and to have tools under which one assaults or has been assaulted, therefore, it is extremely relevant aspect if we consider that aggression reveals itself, especially by social networks through writing (as well as other resources such as images and videos).

It was pointed out by Prieto, Carrillo and Lucio (2015) that the way these cases were handled by the university:

> *"We work with the tutorial processes, particularly in the psychological, social and affective orders, with aspects of human and personality development,   tutors take care of this stage, beyond the academic part, they have the faculties and the abilities to derive the students to the corresponding instances, having here a red focus due to the lack of instances that Support the resolution of this type of conflicts at the higher level".*

For purposes of this manuscript, we must distinguish between Cyberbullying and Cybercrime:

> *Cyberbullying: defined as threats, harassment, humiliation or other discomfort carried out by an adult against another adult by means of telematics communication*

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[1] CUCEA is the University Center for Economic and Managerial Sciences of the University of Guadalajara, Mexico; 1 of the 15 Centers that covers all state of Jalisco.

technologies, ie Internet, mobile telephony, online video consoles, etc. (Parry Aftab, 2006).

(Reyes, 2009) indicates that it was Bill Besley who in 2005 first used the word Cyberbullying to conceptualize the use of technology as the basis for,

"intentional, repeated and hostile behavior developed by one individual or group to harm others."

Cyberbullying, Sexting, Dating Violence, Sextortion, Sexcasting, Stalking, Trollism.

However, to this definition, Grooming leaves this conceptualization since it is the harassment that is given by an adult towards a minor trying to consummate a crime of a sexual nature.

Cybercrime: Matías Bevilacqua, Technological Director of Cybex, assures that;

"Internet crimes or cybercrimes are all traditional transgressions where new information and communication technologies are used, and that it is unusual to encounter any crime that does not exist Since, if one analyzes the types of damages that exist in the network, it is evident that there is nothing new, except the means where the fault is committed (Hocsman, 2005)."

Within the category of Cybercrime we have demonstrations such as: Hacking, Bombing, Grooming, Cyber Frauds, etc.

In this paper we found a conglomerate of "original and strange" behaviors that receive many denominations such as: Cyberbullying (insulting, ridiculing, making or being a victim of taunts, intimidating someone in order to make them feel bad by using some ITC), Sexting (sending photographs and videos of a sexual type of someone with whom you have some kind of relationship with some ICT), Grooming (seduce or try to seduce someone under age by means of ICT to get sexual favors from them), Sexcasting (real-time broadcasting of sexually transmitted images or videos by webcam), Dating Violence (sexually or emotionally abused by the couple in social networks to dominate and control it), Sextorsion (Blackmailing a person by means of images of sexual content), Hacking (forcibly entering a computer or a network), Stalking (uninterrupted and intrusive pursuit of a person by means of ICT against his will), Trollismo (to publish lies, to criticize, to insult, to defy or to mock one's publications), Bombing (to use programs to collapse or to violate an operating system, mail or social network)

In this paper, it was assumed that there is a need to find effective alternatives to detect this problem that is developed in social networks among university students, because at the moment there is little data in this area in the country and there are no tools in the society regarding information of laws that punish the acts and /or cybernetic manifestations, from here, it is important that the figures are placed well with the scenario and these subjects could be taught in classrooms, incorporating preventive material by the schools and society in our country.

Cyber bullying and cybercrime offer a very rich field of exploration not only for the impact that has shown in recent years, not only at the student´s campus, but also for the impact on daily life of individuals who suffer from this problem, therefore, understanding and elaboration of strategies are required.

The legislation regarding cyberbullying is limited; the work that exists on the subject is scarce and hardly gives us an orientation of how this problem develops in schools.

Some authors emphasize precisely the lack of studies on the subject and the lack of empirical evidence in Latin America.

> *"The unique and unprecedented violence can be more extensive than the one that happens in the Bullying phenomenon, to occur at any moment and without delimited space circumscribed physically", (Wendt, Welter, Lisboa, & de Macedo, 2013)*

During this investigation, some attempts were made to establish contact with the Attorney General of Jalisco without any success; what is perceived as a service that does not operate properly, since it does not fulfill its function of attending and informing the society that requires these services.

Based on personal experience and narrative, the Attorney General of Jalisco and the Cyber Police are deficient in providing support to those who request it, so that educational institutions should be involved in supporting this   phenomenon.

In 2013, an attempt was made to put into the legislative branch a bill at the federal level that was not issued by Congress, since this legislation was excluded from the Senate's agenda of priorities on April 2013.

The authorities recognize the shortcomings in the matter. A survey by the Ministry of Public Education (2014) indicates that 71.9% of students consider that their teachers work little to prevent problems among peers. A third of students say their schools are dangerous places.

According to the third national survey on exclusion, intolerance and violence in high school SEP (2014), 71.3% of students say they often try to stop conflicts involving a friend.

Bullying is partly related to an environment of violence in classrooms, homes and social networks, as well as reason of school dropouts and early pregnancy, to mention some causes and consequences.

So far in Mexico, there are pilot plans, with additional actions to the programs of the Ministry of Public Education, derived from recent cases of extreme violence, in which aggression, even in classrooms, has led to serious injuries and deaths.

Within the state of the art reviewed in the country and in other nations, there is a concern to address this serious social problem by public policies like Argentina, Spain, United States, United Kingdom; among others.

It is important that in research such as the report Voices of Girls, Children and Teenagers on Violence (UNICEF, 2006) and several authors such as (Abramovay, M., & Pinheiro, LC, 2003), (Prieto Quezada, 2011) Perception not only of adults and institutions on the factors that determine violence, but also takes into account the vision of children and adolescents on this phenomenon, highlighting the influence of media, drug and alcohol consumption, As well as economic and social factors expressed in conditions of poverty and inequality.

"Countries such as the United States, Japan, Costa Rica and Mexico joined in an anti-cyber-crime treaty, but they have not signed it and would have to do so, to make it enforceable as an appropriate right, since in Mexico there is no framework that protects individuals who are affected by conflicts caused by these means.

On the other hand, it is also highlighted the social change that has occurred in recent years, in the face of technological events as an object of protection, to begin to be identified as subjects of

socially recognized rights, which must be defended and safeguarded by the institutions, including the State. In this matter an author mentions;

> *"to the fact that through discourses circulating in the media and the language used, situations of violence are reproduced and imaginary reinforced on how the other is, as well as gender stereotypes. It represents what is normal and what is not, so that in the world of networks, where young people spend much of their time on the Internet, behaviors reproduce in some ways produced by the characteristics of the medium, As well as the adaptations that the users make of this one," (Gómez Rodríguez, 2012)*

Thus, it is important for school leaders to foster a positive and empowered dialogue between teachers and students, as well as to create policies and programs to effectively address these behaviors and make them feel more secure. It is important that they make a correct training on the use of ICTs, since ignorance about the consequences arising from the improper use of ICTs, does not exempt actions carried out by these means.

The recent emergence of problems arising from the inadequate use of ICTs means that they are not yet explicitly covered in the vast majority of criminal codes and other regulatory regulations. However, in recent years there is a tendency towards regulation that cannot be consummated.

With this, it is important to be aware of the impact of using digital devices can harm and harm the lives of users, therefore, it is important to detect it in a well-timed manner and accuse to the corresponding authorities and to emphasize that the technologies of information and communication have undoubtedly changed people's lives, but at the same time, they have generated great questions, tensions, difficulties, problems and risks.

Materials and methods

In 2014, a survey was applied to 2,993 students in both genders (Prieto Quezada, Carrillo Navarro, & Lucio López, 2015) it was applied out from the first to the tenth semester of the different CUCEA degrees, 38% according to the results, student mentioned that have received insults in social networks; 15% report being threatened; 29% have been ridiculed; 21% that others write offensive words on their chat; 18% who have stolen their password; 22.5% have reported phrases that have made them feel sexually harassed and 4% report the dissemination of intimate photographs for the purpose of damaging them.

32% of all the aggressions originate in conflicts within the school environment. of every ten cases, in six the aggressor is identified; 26.9% admit having insulted social networks; 5.8% reported threatening another; 26.1% have ridiculed others; 13.8% who have written offensive words on a fellow's chat; 8.5% who have stolen passwords; 8.8% have written words to sexually harassment; 2.6% acknowledge that they have broadcasted intimate photographs of his classmates with the purpose of causing them harm and 1.9%, which has broadcast videos.

> *This study highlights that violence between peers leads to deterioration of the image, "this takes place in vulnerable people, who come to require professional support, and can influence school achievement, determine at a given time that a young deserter of the University; There is even the danger that the victims may be driven to suicide "(Prieto Quezada, 2015).*

Thispaper highlights that in the event that any of these situations happen to them they would not know who to turn to and few mentions that they would go to the Federal Attorney's Office, Human Rights, Public Prosecutor's Office or the cyber police.

Result and discussions

Students were informed the reason of the surveys regarding the content of the work, exposing them to the different types of Cybercrime and/or Cyberactivity that occurred through the ITCs so that they could relate what had happened to them. After that a questionnaire was designed where they participated and they acceded to more information on their experiences, which served to several students to want to make a more detailed narrative of the facts that had happened to them.

When all the students finished the questionnaire, they were exposed to the possibility of making a narrative in a voluntary way that would serve to deepen the study of this work, for which a group of 5 students with different types of experiences offered to collaborate.

For the purposes of the production of the narratives, the 5 students were asked to report what had happened to them in electronic format and to have them send by mail, anticipating that the narrative would be anonymous, confidential, voluntary and at all times would seek to safeguard the identity of the participants.

The narratives exposed in the paper are stories of students of the University Center for Economic and Managerial Sciences, in Jalisco, Mexico that are related to the topics covered in the study. It is intended that these events serve as a window of knowledge to the problems that are happening. Based on the analysis of this information, the conclusions and proposals discussed below.

The narratives served in the same way to confirm several results of the previous studies showing the natural that the respondents see the events and that they do not consider that they are going through some type of Cyberactivity or Cybercrime this gives as a result that they do not have an idea Who can give them help or who to turn to in these cases and that everyone is detached from responsibilities

What helps us to ratify everything we have said in the study, there is little information about it, the authorities do not have mechanisms to help when the cases happen and there is no preventive culture, so that at the time they are consumed The acts do not know if a sanction can be imposed or it will remain unresolved and also the doubt arises that institution is who has to be responsible for the situation.

Final Reflections

With the use of ICTs, the so-called information revolution has been promoted, with which we have noticed countless benefits that have led to a high social, economic, political, scientific and cultural development. On the other hand, along with this growth, we have noticed the increase in the number of crimes committed through the virtual world (which as we have seen in higher education students in Mexico, we do not have the knowledge of these and therefore no prevention or sanction in this regard).

Most of us know someone or have been the target of some illicit related to the use of technological means; when for example someone creates a false profile of our Facebook account, which at first sight does not seem to be so serious, for some people can represent serious

damages related or reflected in their heritage, property, privacy, security, etc. In these cases new forms of harassment and crimes are presented, since they go against any concept of justice and security that the laws should provide us.

Although they can be considered as crimes and deserve punishment, there is no proper classification and regulation in our laws Mexican It should not be forgotten that criminal law must constantly adapt to the changes required by society and for the administration of justice in these manifestations are difficult to pursue due to the form and manner in which they are committed, although not impossible to punish.

Throughout the development of this study, we have seen how in the stage of the university students, the technological devices and their diverse applications gain strength and acquire a generalized reach by which they become protagonists of their daily life.

Both the internet and social networks play a very important role in the conflicts that occur in the school environment, as well as the prominent role played by the family and educational institutions as instances to prevent them. Parents should combine care and support for their sons to achieve trust and good communication, as well as safety habits that minimize the risk situations that may be caused by the inappropriate use of these means. On the other hand, young people need the support of teachers and authorities who find themselves with solid digital skills to advance their abilities against the risks they face. In this way the support of both parties allows the acquisition of social, technical and educational skills that strengthen their well-being and security in the face of these threats.

Technological devices expose vulnerable students to risks such as harassment in virtual space, which can become a common practice and influence violent behavior. Many of these behaviors are related or arise in school, from a physical environment nearby. The grievances are socially, psychologically and emotionally devastating.

Definitely, a great number of behaviors and aggressions of these characteristics are not denounced; and supposedly others are addressed within the same educational institution, but the truth is not so. I believe that the educational institution is the one to solve these conflicts.

It is for this reason that this research work has been directed mainly to expose the following proposals:

➢ To incorporate in the institutional electronic pages links in these matter.

➢ Organize forums, seminars, diplomas and conferences on issues related to school violence.

➢ Create a chapter in the Mexican Federal Criminal Code with the title "Cybercrime"

➢ To create a specialized sub-prosecutor's office in the persecution of the electronic crimes in the State of Jalisco, as well as in the Federation.

➢ Establish in the state an official instance, dependent on the local educational authority, to deal with cases of school violence.

➢ Develop national, state and regional studies on the problem of school violence.

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