Abuses in virtual space and aiding suicide

SZABÓ, BARBARA

ABSTRACT *Cyberbullying abuses in virtual space can also qualify as stalking in a criminal law obscurity, my thesis notes that the concept of harassment is examined from as many aspects as possible. It raises awareness of the current icings of the harassment, and to provide a summary of the subject that can be used in the older ones for the mouths of the livers.*

KEYWORDS *Cyberbullying, Abuses, Virtual, Harassment*

1. Aims and methodology of the research

The aim of my study is to identify the new crime waves, namely abuses in virtual space and aiding in suicide, which have an increased occurrence in the 21st century, and to find out the effectiveness of improving knowledge about them. We must highly emphasise that the community of the social internet area has been widening in recent times causing the need to have more comprehensive legal steps against the dangers for the minors and adolescence in this respect. The paper uses a descriptive and critical method to analyse the virtual threats to children and minors on online platforms.

2. Introduction

The emergence of a global network has opened up new spaces for people to communicate with each other. Communication, a Latin word (communicatio) meaning disclosure and fulfilment, has its origins in the world community (communio). Communication in its modern sense means the exchange, communication and dissemination of information.[1] With the development of science, communication can also be carried out through various technical means.

Billions of computers, tablets and smartphones are available to us to enable the exchange of information anywhere and anytime for the user. Data is a form of representation of our knowledge, a kind of raw material that is processed to produce information, anything we gain knowledge about is present as data.

Information is more than data; it is knowledge that can be used to make decisions. This can take the form of a phone call, sending an SMS, but the latest revolution in communication is chat, which is a real-time written conversation over the internet.

---

[1] https://hu.wikipedia.org/wiki/Kommunik%C3%A1ci%C3%B3.

Social media, in a broad sense, is the media that is primarily shaped by a community as a group, not a collection of journalists, writers and media companies at the community level, it is the system of computer programs that facilitates the building of collaborative communities and the subjective experience of community space through electronic media.

In a narrow sense, the term is used to describe community-driven online content and has been in use since July 2006.[2] Social media is primarily based on human interaction.[3]

Through different platforms, we can discuss even more diverse topics with people of any nationality from anywhere in the world. In addition to exchanging messages, we can also share links, large documents, pictures, videos, and posts with each other, either in a private personal message or in a closed or open group.

Various instant messaging applications have been revolutionised to facilitate online communication. These apps can be installed on computers, tablets, and smartphones.

There is a wide range of chat applications to suit one's needs, including Internet Relay Chat, Google Talk, Snapchat, Skype, Viber, Yahoo! Messenger, WhatsApp and not to forget Facebook Messenger, which is an integral part of Facebook.

Moreover, the society of the 21st century can easily access online social media, spaces, blogs, social networking sites, such as Facebook, Instagram, Twitter, Tumblr, Pinterest, YouTube, etc., without almost any limitations.

The internet is essential for accessibility, and its great positive aspect is that it is affordable for society, and what is more, it is free of charge in various institutions and cafés.

After a few clicks, we have access to a vast, wide global network where information is easy, fast, persistent and, depending on the social space, can reach millions of people directly through the information superhighway, which can easily attract the masses.

3. Is the information we provide on social media secure?

Social networking sites, therefore, provide a greater space for individual online communication and human interaction, but the question arises: with this huge growth, can being part of a community really provide security?

Internet users are in a much more vulnerable position than in real life, in many cases becoming more easily victimised by the commission of certain crimes online.

---

[2] Andreas M. Kaplan and Michael Haenlein, "Users of the world, unite! The challenges and opportunities of social media," *Business Horizons* 53 (2010): 59–68.

[3] Gabriella Szalóki, "Virtual togetherness, real success: online communities," *Scientific and technical information* 9 (2006): 409–421.

I would like to emphasise four main forms of abuse from among several ones committed on the online surfaces:
- Credit card fraud
- Sharing contents
- Identification stealing
- Location endangerers

3.1 Credit card fraud

The use of the credit cards has spread around the world since the early nineties.[4] According to Dávid Tóth's doctoral thesis, the Criminal law against the security of money and stamp circulation and its criminological aspect, ever since the early nineties, the credit card fraud has been evolving in the XXI century.[5] It is important to highlight the increasing frequency of credit card fraud and the daily flow of emails trying to extort money from victims in a digital environment[6] (you owe money to your mobile phone operator, please transfer a certain amount, or your personal data and money are stolen during a credit card transaction in a disguised online shopping environment).

3.2 Sharing contents

We are more at risk than we think on social networking sites, where people share information about themselves, their personality, their environment, their hobbies, their workplace, their family life, without any restrictions or special consideration.[7] The mass of information shared voluntarily, such as photos and multimedia content shared on social networking sites, is an excellent tool for abuse.[8]

---

[4] Dávid Tóth, "Credit card fraud in Hungary," in *XIV. Országos Grastyán Konferencia Előadásai*, ed. Gabriella Tuboly-Vincze (Pécs: PTE Grastyán Endre Szakkollégiuma, 2015), 86–96.

[5] Dávid Tóth, "A pénz és a bélyegforgalom biztonsága elleni bűncselekmények büntetőjogi és kriminológiai aspektusai" (PhD diss., Pécsi Tudományegyetem, 2018), 1–256.

[6] Géza Finszter and Ferenc Irk: "Gazdasági-társadalmi változások, a bűnözés új kihívásai. Szervezett bűnözés Közép-Kelet-Európában az Európai Unió peremén," in *Kriminológiai Tanulmányok 38*, ed. Ferenc Irk (Budapest: OKRI, 2001), 11–59.

[7] Ilona Görgényi, "Ötletek a készülő áldozatvédelmi törvényhez - az áldozat büntető eljárásjogi helyzete, de lege ferenda," in *Kriminológiai Közlemények*, ed. Eszter Sárik and Krisztina Marosi (Budapest: Magyar Kriminológiai Társaság, 2004), 105–131.

[8] József Vígh, "Honnan indult el és merre halad a kriminológia?," *Magyar Jog* 9 (1991): 519–523.

3.3 Identification stealing

Our identities can be stolen, a more revealing picture can be published and in a matter of minutes easily fall into the wrong hands, and the individual can be advertised on other online platforms without their knowledge or will.[9]

3.4 Location endangerers

In other cases, the constant uploading and location sharing of online content can make the individual's whereabouts perfectly traceable, making it an excellent target for people who, in the individual's absence, are planning to break in.[10]

"People and society need communities. For man, because community can give him security, meaning, purpose in his life, greater effectiveness in his intentions, and the possibility of a richer unfolding of his personality.

And for society as a whole, because without a rich network of communities it becomes atomized, falls apart into individuals, forms into a helpless mass, is unable to amplify the diversity of individual interests into socially effective group interests, to confront them with each other and thus ensure its own internal self-movement and development."[11]

4. The power of online community due to children and the adolescence

As time goes by, real society and social life is increasingly overshadowed by the surreal world of online society. The natural human need is to belong to a community. It is the community that gives the individual the security and support, whether in the real world or in an online community.

Rushing among life could result in aimlessness, emptiness loneliness.[12] The desire to belong to somebody or something makes people dependent, they can be influenced so that they are willing to do things that they would not do on their own. In pathological cases, the sense of reality can become so blurred that the individual cannot separate the real world from the virtual world. Social media is a cure to it because it gives connections and interactions to people and

---

[9] László Korinek, "A XXI. század kriminológiája," in *Tanulmányok az 1956. évi forradalom és szabadságharc 50. évfordulójára*, eds. István Kajtár, Antal Ádám and Ferenc Cseresnyés (Pécs: PTE Állam- és Jogtudományi Kar, 2006), 295–305.

[10] László Korinek, "Az áldozattan fontosabb összefüggései," in *Elkötelezettség és sokoldalúság: Tanulmánykötet Barakonyi Károly tiszteletére,* eds. Gyöngyi Bugár and Ferenc Farkas, (Pécs: Pécsi Tudományegyetem Közgazdaságtudományi Kar, 2009), 1871–93.

[11] Elemér Hankiss, *Társadalmi csapdák és diagnózisok*, ed. Mária Hegedős (Budapest: Magvető Könyvkiadó, 1983), 5–396.

[12] World Health Organization – National suicide prevention strategies 2018. 47–4

their lives but if it is used in the wrong way it can cause more harm than good, especially to children and adolescents.

This is the factor that all social media and platforms use as a tool. Minors and adolescents are particularly at risk, as they are more impressionable due to their age.[13] These individuals' desires and anxieties, fears, and desires to belong to a community are exploited by offenders. [14]

Due to the children and the adolescence age gap, they are much more interactive and can be motivated in online games and challenges. It is not only the age that is the main reason for aiming this generation but the younger generation grows up with technologies around them. They experience that the people around them use them for the everyday life. As a child or an adolescence, it is common to copy the habits or to try to look like and behave as their parents, showing this way that they are also mature just like them.

Usually a child who goes to the kindergarten knows how to reach its parents, other adults by using a siblings' phone, a tablet or a computer, moreover it knows how to turn these on, it searches for sites, videos, using applications and playing games. Young children turn to electronic gadgets in order to socialize and to play besides playing outside on the playground.

The perpetrators benefit from the fact that their victim base has become broader and wider, (not to mention that the biggest tech agencies are able to access the information that Apple, Microsoft, Facebook have in storage.[15]) as the rise of the internet has enabled them to connect with any person or persons anywhere in the world through social media platforms and chat applications, almost without restrictions, which is a real advantage for suicide propaganda groups.

5. Act C of 2012 of the Hungarian Penal Code deals with assisted suicide as a crime against life, limb, and health

Act C of 2012 of the current Penal Code deals with assisted suicide as a crime against life, limb and health. According to the Section 162 (1), any person who induces another person to commit suicide or assists in the commission of suicide, if the suicide is attempted or committed, shall be punishable for the offence by imprisonment for a term of one to five years.

(2) A person over the age of eighteen who persuades a person under the age of eighteen to commit suicide or aids or abets the commission of suicide, if the

---

[13] Zsolt Németh, "A gyermek- és fiatalkorúakkal kapcsolatos bűnmegelőzés gyakorlatának két évtizede Magyarországon," in *Tanulmányok Vigh József 70. születésnapjára*, ed. István Tauber (Budapest: ELTE Állam- és Jogtudományi Kar, 2000), 200–208.

[14] Mohammed Al-Biltagi and Essam Ali Sarhan, "Anxiety Disorder in Children," *Journal of Paediatric Care Insight* 1, no. 1 (2016): 18–28.

[15] Bányász Péter, " A közösségi média, mint a nyílt forrású információszerzés fontos területe," *Nemzetbiztonsági Szemle* MMXV/II (2015): 21–36.

suicide is attempted or committed, shall be punished by imprisonment for a term of two to eight years.[16]

The offence of assisting suicide is dual in law, i.e. "inducing another to commit suicide" and "assisting another to commit suicide". Inducement is defined as an incitement to commit suicide by the act of inciting, i.e. the act of wilfulness leading to suicide.

To establish the offence, the offender must provide the decisive motive, which must be of such a degree as to influence the passive subject of the offence to such an extent that the intention to kill is formed. As a qualifying circumstance, the law protects persons under the age of 18, i.e., the passive subject of the offence, minors, and children.

In criminal jurisprudence, a number of views have emerged as to what the offender's criteria is that must be met in order to establish complicity: a) it is sufficient that the act of the perpetrator must be both factual and - in addition to the latter two conditions, the offender must also be guilty of an offence - criminal. According to György Berkes, in some cases, even if the criminal liability of the parties can be established in some cases, the act committed is merely a misdemeanour.[17]

In my view, we cannot say that these facts are no longer relevant in the 21st century. Over time, economic and social conditions have changed, or are changing rapidly, however the law has not adapted to these conditions. It is no longer just a question of assisting a suicide, but rather that of assisted suicide. But what exactly is "assisted suicide"?

The meaning of the verb "to entrap" is to force a person into a harmful situation, to persuade him or her to do something or behave in a certain way, by constantly encouraging, urging, coercing, or blackmailing him or her. The perpetrator seeks or creates a hopeless situation for the passive subject, taking advantage of his or her youth and childhood, creates such a high degree of pressure and tension in the individual through psychological terror that he or she sees no other way but suicide.

6. Inciting to suicide

For the first time, the phenomenon of inciting to suicide was associated with an Argentine death on 25 July 2018. According to the Police, the death of the 12-year-old girl was caused by a task created by the Momo phenomenon. The victim had intended to broadcast the completion of the Momo challenge via social media, and the outcome of the completion led to suicide.

On 28 August 2018, the suicide of a juvenile in India was also linked to the Momo phenomenon. The 18-year-old victim was found hanged in a shed with the hangman's toy graffitied on the wall, an image of which the victim's

---

[16] Section 162 (1) Act of Act C of 2012 the Hungarian Criminal Penal Code.
[17] György Berkes "A büntetőjogi felelősség feltételei," *Büntetőjogi kodifikáció*, no. 3 (2002): 25–28.

granddaughter's brother had seen earlier in connection with Momo. On the wall he also left two words illuminati Devil's one eye.

The game spread mainly in South America, but also reached Arab countries, Germany, and Hungary. In Hungary, the game was linked to the suicide of a 15-year-old girl.[18] The anonymity of the internet can cause several problems in tracking down the perpetrator.

7. Conclusion

The suspicion, which is a transition between not knowing and knowing, is a kind of partial and provisional suspicion,[19] knowledge, assumption of the investigating authority, which is essential for the initiation of criminal cases, but in the case of crimes committed in community spaces it is very difficult to develop the psychological sense of reliability, credibility, relevance, which logically leads to the conclusion of the existence of the crime, the identity of the perpetrator.

On the one hand, the recorded information, communication and communication established in online social spaces can provide the investigating authorities with excellent, systematic and simple initial data to enable them to very easily form a well-founded suspicion of the offence.

However, due to the anonymity of the Internet, it is not so easy to establish reasonable suspicion, as the use of pseudo-profiles, various fake email addresses, in some cases registration or the use of multiple IP addresses, multiple network devices, can make it very difficult to establish not only reasonable suspicion, but also simple suspicion.[20]

An adult who is more suspicious, he / she is concerned about the consequences the strategy, the business factors behind the internet companies' aim for these online platforms, social media sites and the real reason why they have chosen the children and the adolescences to a focus point for usage. Even if these platforms contain main principles to protect the children and the adolescence against life, limb, and health crimes, the aim is not enough. The parents need approval and more control over the usage and the content what a child can see on these platforms. It would make sense if they received daily reports in shorts just like the "reels" feature about what their children have seen even if it is against the people's free will and authority and if these upgraded functions could save children from downgrades and the possibility of becoming a victim of an online abuse. Such daily reports would be worth for the community.

Signed in Budapest in November 2001 and proclaimed in Hungary in 2004, the Convention on Cybercrime had once again broadened the scope of the

---

[18] https://www.thesun.co.uk/news/6926762/momo-suicide-game-whatsapp-deaths-uk/.

[19] Csongor Herke, Büntető eljárásjog, *Egyetemi jegyzet* (Pécs: Pécsi Tudományegyetem Állam-és Jogtudományi Kar, 2018), 1–163.

[20]https://digitalfilipino.com/introduction-cybercrime-prevention-act-republic-act-10175/.

definitions of computer crime.[21] It categorised the types of the crimes which were connected to the information user technologies and malicious attacks. I think that malicious attacks have another type according to the suicide propaganda groups, which can be considered as a legally regulated and indeed defined concept, just as the legislator describes the interpretative provision of the Criminal Code on conspiracy to emphasise the importance of safety and to call the attention to what types of danger children and adolescence are in.

[21] On 24th of November 2001 Budapest, the European Council accepted the Convention of Cybercrime.