

SHOULD WE SET UP A LAW ON CYBERBULLYING?

In this article, the opinion is expressed on why setting up a law on cyberbullying would be useful to regulate the unwelcomed behavior of cyberbullying.

By Mr. David Lam Tai Wai, JP

“Law is a system of rules created and enforced through social or governmental institutions to regulate behaviour...” 1

For a period of time, the writer happened to be showing up quite frequently at the Hunghom cross harbour tunnel waiting for the next bus to Hong Kong Island. Hundreds of passengers including the writer would line up for the numerous buses that would take them across the harbour. In those days, just a few metres away, there would be garbage bins fitted with a container for smokers to put out cigarette butts. Some would take the opportunity to have the last few puffs of their cigarettes before getting on board the bus.

The writer and for sure many others as well, were annoyed by the second-hand smoke coming from these seemingly caffeine addicted individuals who really cared less the smoke would do any harm to others.

Later, some luxury for smokers was shaved off. The Smoking (Public Health) Ordinance describes the “no smoking” area at the cross harbour tunnel as: “Cross-Harbour Tunnel Bus Interchange, located on both sides of the toll plaza of the Cross-Harbour Tunnel, together with the adjoining staircases and part of the adjoining elevated walkways, as shown... on Plan... signed by the Secretary (for Food and Health) on 4 December 2015...” 2

As far as non-smokers were concerned, this piece of legislation was welcomed with open arms. A million thanks to those who advocate against smoking. With this law, the writer no longer had to inhale second-hand cigarette smoke, and queuing for a bus seemed to be more enjoyable, despite the pollution all the vehicles would create while lining up to pay their toll.

So, this illustrates how a law can regulate behaviour of individuals. If the majority in any society thinks that certain selfish behaviour should be minimized or prevented, any reasonable society would go about to change the law to regulate the unwelcomed behaviour.

Oxford Languages defines cyberbullying: “the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.” 3

Cyberbullying is known to have caused annoyance or even bigger trouble to those affected by the bullying act. Someone’s laptop or iPad can be a dangerous tool for sending a disturbing message that could do much harm to the victim; the negative effects of an act of cyberbullying can range from a sleepless night to suicide.

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As a result of the tragedy of a teenager Megan Meier having been victimized by cyberbullying, congresswoman Linda Sanchez from the United States introduced a bill in the 111th Congress on cyberbullying in 2009. The bill is concise, and tackles cyberbullying right on: *“Whoever transmits... any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior, shall be fined...or imprisoned not more than two years, or both.”* 4

The state of Wyoming has this law: *“No person shall engage in: (i) Harassment, intimidation or bullying; or (ii) Reprisal or retaliation against a victim, witness or person who reports information about an act of harassment, intimidation or bullying.”*5

The writer finds this law short and sweet because although the word cyberbullying is not mentioned in the law, the law can be interpreted in a way to include cyberbullying. Most worthy to read from subsection (ii) of the law is that those persons including bystanders who report the bullying incident will be protected.

All in all, when certain individuals do certain acts that may offend other members of the community, the creation of a law is to avoid those offensive acts to happen. Don't we all want to use our laptops or smartphones at ease without being interfered with by unwanted messages or harassment. To put it simply, no one wants to be bullied online.

Footnotes:

1. Wikipedia
2. elegislation.gov.hk/hk/cap371
3. Oxford Languages, 2020 Oxford University Press
4. H.R. 1966: Megan Meier Cyberbullying Prevention Act
5. law.justia.com, 2019 Wyoming Statutes, Title 21 – Education Section 21-4-313 – Prohibition Against Harassment, Intimidation or Bullying; Reporting to School Officials.