

THE LEGALITY OF CYBER SOCIALIZING AND THE BOOMING OF HI-TECH

CRIMES AGAINST WOMEN

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Abstract

Information and communication technology (ICT) is presently assisting billions of people worldwide by closing gaps and increasing human potential in all aspects of life. Cybercrime has increased in tandem with the advancement of information and communication networks. These illegal activities began in a range of locations. Online crimes pose a significant threat to people's well-being. The number of women who have been victims of online crimes, particularly in cyberspace, has considerably increased. One of the most common activities for modern, independent, educated, and self-sufficient women in the twenty-first century is using social networking websites to communicate with others (SNWs).

Long-distance interpersonal communication platforms enable users to meet new “virtual partners” and also “guarantee” to help users reconnect with previous friends and family members. Most of the customers who employ this novel socialisation strategy are women. Women who use SNWs to participate in cyber-society are better able to share their emotional needs, individual issues, culinary talents, and recommendations for child care and health care, including pregnancy and postpartum care, with companions who share their perspectives. These women interact with their virtual friends, who serve as their “emotional comfort zones”, by leaving notes on discussion or community forum walls or on their friends' profiles.

They talk about their needs, seek advice, and even talk about “mood changes” with them. Although social networking sites have enhanced user communication, they have also facilitated several cybercrimes against women hence, increased the necessity of laws governing cybercrimes. In this article, we look at how women are victimised on social networking sites and the factors that have contributed to the rise of this form of victimisation.

Keywords: Cyber Socializing, Women, Victimization, Social Networking Websites (SNWs).

Introduction

As a result of the advancement of communication technologies, people who previously lived on various continents feel a stronger feeling of community. The Internet is without a doubt one of the most significant technological developments in the annals of the communication industry. The proliferation of the internet has led to the formation of a global village. It has resulted in the creation of a borderless cyberspace, providing many opportunities for people to better their international interpersonal and professional relationships. The rise of globalisation has had a substantial impact on the social, economic, and economic facets of life. Significant shifts have occurred in these aspects of life. The advancement of cyberspace has benefited human civilization. People from all over the world can now interact with one another thanks to the Internet. Human nature is essentially defined by an insatiable curiosity about our surroundings. The desire to learn more about the inhabitants of this planet has increased the desire to travel a less travelled path. As a result, more individuals are aware of the online world. One of the many advantages of the internet for all socioeconomic categories, including women, is empowerment.¹ Due to the increase in online socialisation, there has been an increase in demand for websites that help users find dates, make new friends, and maintain relationships with current ones. There are hundreds of websites, each with millions of people, and new ones are launched every day. In the early 1970s, cyber socialization and the Internet co-emerged. Connecting with others around the world who share their hobbies for support and communication has become easier since then. Traditional online chat rooms cannot compete with the level of privacy provided by new social networking sites such as Facebook and Tumblr. Visitors to these websites can view both the publicly displayed user-profiles and the profiles of their contacts.

Parents and law enforcement are worried that sexual predators will use the information to approach vulnerable teenagers. Social networking websites (SNWs), which allowed for more open conversation, were challenging the prevalence of adult internet material as a source of sexual and non-sexual entertainment. Users of the SNWs could create their own “profiles” to “find new acquaintances” or “relocate long-lost friends” by providing information such as their

¹Boston Consulting Group & Retailers Association of India (2016), Decoding Digital @ Retail: Winning the Omnichannel Consumer.

names, residences, attended schools and universities, and likes and dislikes. Teens and women were drawn to these SNWs because they believed they would be less likely to become victims of an unidentified sexual predator or have their privacy invaded.

However, the majority of them remained unaware that their identity could be found, putting them at risk for identity theft, cyber-gender harassment, surveillance, and even domestic violence from a suspicious spouse or ex-spouse. The dominance of social networking sites in the world has reached an all-time high, surely leading to an increase in online harassment and gender discrimination.²

SNWs, or social networking websites, are a novel way to engage with others. Regardless of other differences, women in society are fully embracing their newfound freedom. It has made many chores easier for Indian women, such as online banking and shopping, electronic tax and ticket payment, and form filling. As a result, women can now fight for equality within their own culture. They now have a place in the global community as a result of their ability to convey their experiences to everyone. They can talk about their accomplishments as well as their challenges. This allows them to discuss the challenges and victories they have encountered in their everyday lives while also opening up new, important spaces that are linked by increased levels of knowledge. The advancement of the internet has increased the prevalence of cybercrime, endangering the lives of women of all genders and socioeconomic situations.³

On the one hand, the internet has made life more challenging for women, but it has also been a blessing. Because India is primarily a patriarchal and traditionalist country, women who experience harm, such as those who are the targets of online harassment, are frequently blamed for their bad luck. Women's weddings have occasionally been called off as a direct result of falling prey to online wrongdoing. ISPs that are primarily governed from a western cultural perspective do not provide adequate solutions to victimised Indian women, and they are given less legal protection than their western counterparts.

²A. Kumari, K. Sharma and M. Sharma, (2015), "Predictive Analysis of Cyber Crime against women in India and laws prohibiting them, International Journal of Innovations and Advancement in Computer Science, Vol.4, No.3.

³Dr. S. R. Myneni Crime & Criminology First Edition 2017 Published by Allahabad Law Agency.

Patterns Of Victimization Of Women In The SNWs

The perpetrator, who could be a single person or a group of people working together, will victimise SNW women in a variety of ways. The type of victimisation is influenced by the victim's sexual orientation, ideologies, marital status, employment, professional responsibilities, frequency of involvement in specific groups, a language she may use, prominence within the groups, and other factors. One such factor is the victim's sexual orientation. Beliefs, marital situation, occupation, and professional responsibilities are some other instances. I should emphasise that offenders can be either male or female. Similarly, depending on the conditions, the offences may be sexual or non-sexual. Male harassers typically target female victims for intimidation and harassment, which can be both sexual and non-sexual in character. Morphing, using an image for pornographic purposes, and cyberstalking are all examples of sexually motivated behaviour. The causes of abuse and pestering are not always sexual. Female offenders, on the other hand, prefer to choose their victims based on prejudice, hatred, or vengeance. This type of attack does not always have to be sexual. Based on the aforementioned criteria, the following classifications for offences against female victims in SNWs have been developed:

Cloning: It is possible to create cloned profiles also known as fake profiles of female victims by stealing the confidential information of female site users. Because of the way the original profile is presented, people are led to think that the copied profile is the original. The copied profile will then begin sending friend requests to the original member's friends. This gives the copied profile more power to breach other people's security and use the data from the original profile for evil. Female users frequently gripe about this on popular social networking websites (SNWs) such as Facebook, Tumblr, and My Space.

Cyber obscenity: Sexually suggestive poses are included in the victim's image's internet distribution. Furthermore, the harasser may make negative comments on her Facebook page. One can participate in sexually explicit behaviour online in another way by hacking a female member's profile. Following that, obscene messages are sent to the "friends" of the original profile's proprietor, as well as to a larger audience, using the profile name, information, and

morphed pictures.⁴

Hacking: Their accounts are hacked after specific targets are discovered. Using their confidential information in this way is unethical. The person harassing the profile's owner may even send unwanted offers to have sex at her home. Cyber harassment can manifest itself in a variety of ways, including sending unending messages to the profile's wall or personal email address, stopping by her wall frequently as a visitor and leaving messages there, persistently requesting friendship, joining groups where she is a member and posting messages that are in disagreement with her, and other similar actions.⁵

Virtual rape: One particularly heinous form of online victimisation includes virtual rape. The harasser either continually threatens the female target with threats such as “I'll rape you” or “I'll rip you to shreds,” or members of the community may “mob attack” the female target with such threats, inciting people who are not related to the victim to make sexual remarks about her. The perpetrator employs these two strategies. As a result, the profile owner is the target of numerous lewd remarks, erotic conversations, and so on.

Cyberbullying and name calling: The harasser may participate in widespread cyberbullying against the target on their wall as well as within the groups or communities to which they belong in the SNW. Despite the fact that this type of cybercrime does not discriminate based on gender, women are frequently targeted because of their sexual orientation, emotional breakups, or domestic violence. To express his rage in public, the woman's ex-husband or ex-lover frequently berates and harasses her.

Impersonation and cheating: Users of social networking sites have numerous options for creating false accounts and concealing their true age, gender, and other information. Furthermore, it is possible to organise various profiles for the same individual in SNWs by using a variety of unique email addresses for each profile. As a result of this advancement, troublemakers can now sexually abuse members while claiming to be female. By pressuring the victim into an emotional connection, the harasser forces her to reveal her deepest, most private

⁴S. Gupta, A. Singh and N. Kunwar, (2017), “Impact of Cybercrime on adolescents through Social Networking sites,” International journal of Law, Vol.3, No.6

⁵Cyber Crimes and the law, Legal India, legalnews and law resource portal (Feb 26,2017,03:21 PM), available at <http://www.legalindia.com/cyber-crimes-and-the-law/>.

secrets and even engage in sexually explicit discussions with him. If the victim is forced to encounter the perpetrator in person, the perpetrator will either extort or defraud the victim. Unfortunately, pantomime and unreliability in financial affairs do not discriminate against SNWs. The harasser may deceive the victim by showing fictitious credentials and making a false guarantee of money gain, either online or offline.⁶

Legal Provisions

Even though a complete administrative structure for regulations that oversee the digital realm, including such activities, has not yet been created, victims of digital brutality approach various lawful cures counted in various rules.

The Indian Penal Code 1860

Before 2013, there was no statute that addressed cyberbullying or crimes performed against women online in a direct manner. As a direct consequence of the inclusion of Section 354A⁷ of the Criminal Amendment Act of 2013, the Indian Penal Code, 1860 now contains Sections 354A to 354D.

- **Section 354A:**

Under Section 354A of the India Penal Code⁸, a male commits sexual harassment if he engages in any of the following behaviours: requesting or pleading for sexual favours; displaying pornography against the will of a woman; or making sexist remarks. Any of these crimes carries a potential sentence of three years in prison, a fine, or both. In the first two instances, the offender could face a fine, up to a year in jail, or both.

- **Section 354C:**

Section 354C⁹ defines voyeurism as the publication of an image of a lady doing something private without her permission. This definition includes both the act of shooting and disseminating photographs. The woman "would usually expect not to be seen, either by the offender or by anyone acting at the offender's behest," for the act to be deemed voyeurism. A

⁶Dhruvi M Kapadia ,Cyber Crimes Against Women And Laws In India , (Feb 26,2018) <https://www.livelaw.in/cyber-crimes-against-women-and-laws-in-india/>.

⁷Section 354A of The Indian Penal Code, 1860

⁸Section 354A of The Indian Penal Code, 1860

⁹Section 354C of The Indian Penal Code, 1860

person who violates this section faces a fine as well as a prison term of up to three years for a first offence and seven years for subsequent offences.

- **Section 354D:**

Section 354D's¹⁰ new regulations make internet harassment, in addition to traditional stalking, illegal. Stalking occurs when a man follows or approaches a woman despite her apparent disinterest in the interaction, or when he watches her online activity, Internet use, or electronic contact. The following are two scenarios in which a male may be stalking a woman: If a man is found guilty of pestering, he faces up to three years in prison in addition to a fine; if this is his second offence, he faces up to five years in prison in addition to a fine.

The Information Technology Act 2000

- **Section 66C:**

According to Section 66C of the Information Technology Act¹¹, identity theft is a crime. This rule would apply to computer intrusion situations. A person who dishonestly or fraudulently uses another person's electronic signature, password, or other distinctive identifying feature faces up to three years in prison and a fine of up to one Lakh Indian rupees under this rule.

- **Section 66E:**

Section 66E¹² addresses the issue that arises when a person's constitutionally guaranteed right to privacy is violated. Depending on the circumstances, a person could face up to three years in prison and/or a fine if they take, share, or send a photograph of another person's private area without their permission or in a manner that violates their privacy.

- **Section 67A:**

Publishing, sending, or assisting in the transmission of sexually explicit material is a misdemeanour punishable by up to five years in prison and a fine for the first offence and seven years in prison and a fine for the second.¹³

Indecent Representation of Women Bill 2012

Women will no longer be depicted in sexually explicit ways in publications, advertisements, or

¹⁰Section 354D of The Indian Penal Code, 1860

¹¹Section 66C of the Information Technology Act, 2000.

¹²Section 66E of the Information Technology Act

¹³Section 67A of the Information Technology Act

other forms of media as a result of this law. Should this action go through the regulatory cycle, the legal framework will be extended to include electronic and general media, as well as the dissemination of information online and the depiction of women online. In any case, as of July 20, 2021, this bill is no longer in force.¹⁴

Conclusion

Users can interact with old and new acquaintances, expand their networks, and socialise without physically attending traditional social gatherings. Nonetheless, there are risks in this company. The primary disadvantage of engaging in online social activities is the unpredictability of the “virtual friend” with whom we frequently interact in SNWs. On the other hand, many users see their time spent interacting online as an opportunity to limit their freedom of speech. This enables internet teasing, cyber eve teasing, cyber flaming, cyber hate speech, and cyber teasing possible. Women are unable to engage in risk-free online social interaction because of their sexual orientation. Online communities, like any other community, cannot be completely free of crime. There is cybercrime, and committing crimes using email accounts, social networking sites, online communities, and other online spaces is becoming more prevalent.

Social networking sites have enabled a wide range of online social pursuits. As a result, it should come as no surprise that social contact online carries the same risks as it does in person. Given the high-tech nature of the crimes, patterns may shift. Victimization is often motivated by emotional issues, and victims may or may not be conscious of their attackers. The harasser may also use other areas of the Internet to harm the victim while concealing their identity. Furthermore, laws that are new, insufficient, or in the process of being created contribute to the daily expansion of victimisation patterns. This is because these crimes are either not mentioned at all or have not yet been recognised.

The lack of gender-sensitive universal cyber laws, as well as a lack of safety knowledge among social networking website users, are the two major causes of the increase in female online victimisation among SNWs. One can express their ideologies, thoughts, and feelings about other people on the SNWs, which are regarded as a significant global platform for doing so. Everyone

¹⁴Indecent Representation of Women Bill 2012

who uses this site does so at their own risk and discretion. Regulating cyberspace is woefully under-regulated, giving those who engage in illegal activity online complete freedom. This is an excellent example of how lax legal enforcement, coupled with a lack of understanding of the rules and standards for online socialisation, can result in an increase in criminal activity. Individual behaviour can be limited by rules' capacity to establish boundaries. However, it is the individual's responsibility to use the laws in existence to make their living environment, including cyberspace, more secure and aesthetically pleasing.