

Hating in social networks as a threat in cyberspace and the right to privacy

ABSTRACT

Each and every person has own needs. One of them is the need of safety and security. Only feeling safe, we can have normal life and developed ourselves in proper way. Human needs may be satisfied by the observance and the respect to human rights among which there is a right to security. A human being is a part of contemporary world and this world today is composed of two parts – real and virtual. Therefore, human need for security should be satisfied in both realities. Unfortunately, there are different ways by which human safety and security can be endangered. One of them is a hate – the phenomenon which touched many people who are using the Internet. The subject of this studies is to present the Internet hate as one of the as the most common security risk which is faced by the Internet users. The purpose is to show how the hate can effect a human being and how can prevent the satisfying of basic human needs. We will also try to present the way of fighting again this threat both on formal and informal level.

KEYWORDS: hate, cyberspace, online aggression, human needs, human right, security need, right to safety and security

Introduction

Each and every person has own needs. One of them is the need of safety and security. Only feeling safe, we can have normal life and developed ourselves in proper way. Human needs may be satisfied by the observance

and the respect to human rights among which there is a right to security. A human being is a part of contemporary world and this world today is composed of two parts – real and virtual. Therefore, human need for security should be satisfied in both realities. Unfortunately, there are different ways by which human safety and security can be endangered. One of them is a hate – the phenomenon which touched many people who are using the Internet.

Paulo Coelho wrote, *“I’m going to hate those who have found their treasure because I never found mine”* (Coelho, 1993, p.39). This is a quote that largely answers the question why haters hate and why we meet with the phenomenon of hate in the world.

Hating phenomenon is present in our world everywhere – both in real life as well as in virtual reality. But even, it is present in virtual world, it touches people and makes them suffer not virtually but in real way. The hate develops with the development of technology and the Internet. Haters, i.e. people who spread hatred on the Internet, can be found on every website. Nowadays, even if something is done right, there will be someone who doesn’t like it. And then they will write a malicious comment. Such person or people will write it out of boredom or just jealousy. It can be stated that in the 21st century, the Internet and the hate became a big threat to human security in cyberspace.

The haters in the network thoughtlessly offend and destroy the life of another person. More and more often, the hate has fatal consequences. Children, teenagers and sometimes adults who are offended and ridiculed on the Internet are unable to deal with it. They are afraid to tell anyone about it and they reach for the worst solution. Suicide may be the only reasonable way. They see no other way and they take their lives. They take their most precious gift because they have become someone’s victim. They are mentally too weak to deal with it. Of course, we are talking here about the worst effect of an online hate but still unfortunately acceptable. How strong must be this hate if through insulting, offending or hurting, a person causes a situation in which the victim sees no other way than taking his or her own life.

The scientists, psychologists, media as well as the ordinary people very often ask the question if the haters have any human reflexes at all if he or she

unscrupulously leads another person to death. Sometimes, in such situations the haters try to explain themselves that it was a joke, that someone did not realize what his or comments would lead to, that somebody did not think that it would bring a person to take his or her life. But we can also face the situation where after the suicide, we can read such comments as: “good that he finally died” or “this rag finally died”. It is unbelievable bestiality to write such comments and feel unpunished. As A. Gromkowska-Melosik writes, in cyberspace “the individual becomes convinced that – by accessing unlimited sources of the Internet – he or she frees him or herself from the social limitations and the social control, thus gaining the power of self-creation” (Gromkowska-Melosik, 1999, p. 38.)

The subject of this studies is to present the Internet hate as one of the as the most common security risk which is faced by the Inte rnet users. The purpose is to show how the hate can effect a human being and how can prevent the satisfying of basic human needs. We will also try to present the way of fighting again this threat both on formal and informal level. In this paper, the description method will be use.

Security in cyberspace

Safety or security, in general understanding, it is a lack of a sense of threat and the feeling of confidence in peace. This is a need for stability, justice and exclusion of threats. This is one of the main human needs and everyone wants to feel safe and confident. Being safe gives people the freedom to live good life. For every person, being safe has a different meaning but the same value. This is one of the most important needs for human beings and satisfying it allows for proper mental, physical and emotional development of the society.

The world security has its background in Latin language and comes from Latin world “*securitas*”. It is composed of two words – “*sine*” which means “without” and “*cura*” which means “worry, fear, anxiety”. Based on this, we can say that etymologically, the security means a state without any worries, fears or anxieties.

The security is one of the most important human rights which are guaranteed by the provision of international and national regulations. Just to give a few examples of such documents, to first of all, we need name the Universal Declaration of Human Right, where in the article 3, we can read “Everyone has the right to life, liberty and security of person” (United Nations, 1948, art. 3). Also, there is a document given by the Council of Europe – the Convention for the Protection of Human Rights and Fundamental Freedoms, which repeat also the article from UN Declaration – “Everyone has the right to liberty and security of person” (Council of Europe, 1950, art. 5). In addition, we can point to the Constitution of the Republic of Poland, where it is written that “The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development” (Constitution of the Republic of Poland, 1997, art. 5).

When we go to the literature, there are different definitions of security. One of them is given by Witold Pokruszyński who states that *„security is a state and process of duration, survival and development in conditions ensuring the self-fulfillment of the entity”* (Pokruszyński, 2013, p. 19). The same author, in his different publication, continues the studies on the definition and meaning of safety and security and he says that it a state peace, certainty, freedom, identity, lack of real threats, fear or attack (Pokruszyński, 2012, p. 9).

Some kind of definition of security can be taken also from the study of psychologist – Abraham Maslow. He has not dealt with the matter of security but he was taking about human needs. In his theory of hierarchy of needs, he takes about different levels of human needs and he places security and safety on the second level right after the physiological needs. Maslow described the hierarchy of needs as his own psychological theory, in the article Theory of human motivation in the journal *Psychological Review* in 1943. Therefore, it is justified to say, that security is one of the most important human needs and this is necessary to satisfy it in order to be motivated (Maslow, 1976, p. 76).

Based on above mentioned definitions and description of the concept of safety and security, we can conclude that this is a state by which it is possible to satisfy one of the most important human needs. In the literature, there is a point of view given by Magdalena Sitek, that classical systematization of human rights, according to generation given by Karel Vasak cannot be accepted by all in current world. Therefore, the human rights should be defined and understood from the perspective of human needs. In short, we can say that by the observance of human rights we satisfy different human needs (see: Sitek, 2016, pp. 27–48).

If there are human needs related to the area of safety and security, it means that it is necessary to have certain human rights which would satisfy those needs. Therefore we have entire group of human rights related to the issue of security, both personal and group safety, from which the most basic and crucial is the right to security and liberty (see: Sitek, 2016, pp. 127–180). Today, human being lives both in real and virtual world. Because of this, the security and safety must be provided and ensured in real life as well as in the virtual life – in mean while a person is taking on different activities in the Internet.

The virtual reality, in which a human being is living and functioning, is often called – the cyberspace. This term was used for the first time in 1982 by the William Gibson, the author science-fiction novels, in his short story “Burning Chrome” and later in his 1984 novel *Neuromancer*. According to this author, the cyberspace is “*A consensual hallucination experienced daily by billions of legitimate operators, in every nation, by children being taught mathematical concepts... A graphic representation of data abstracted from the banks of every computer in the human system. Unthinkable complexity. Lines of light ranged in the nonspace of the mind, clusters and constellations of data. Like city lights, receding*” (Gibson, 2009, 59). This description comes from science-fiction writings but it was a beginning of discussion on this topic.

With the time passing and with the fact that the Internet has become more and more popular, there was a need to develop and work out the definition of cyberspace. The most known definition is the one developed by the US Department of Defense. According to them it is “a global domain within

the information environment consisting of the interdependent network of information technology infrastructures and resident data, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers” (Wasilewski, 2013, p.227). In this definition, the main focus is put on the technology and there is no much place for human being.

The description or the definition of the cyberspace can be also found in Polish language literature. One of them comes from the Government Program for the Protection of Cyberspace of the Republic of Poland for 2011-2016 and says that it is „digital space for processing and exchange of information created by IT systems and networks together with connections between them and relations with users” (MSWiA, 2010, p. 6). There is also the description of this concept given by Karol Dobrzeńiecki who stated that there are two elements which constituted the cyberspace. One of them is the technological substratum – the Internet infrastructure and the second is the social substratum – users of the Internet (Dobrzeńiecki, 2004, p. 21).

It can be said that cyberspace is such an area of life to which human being has transferred most of his or her activities from the former real world. Cyberspace is not only the possibility of virtually unlimited communication (see: Krassowski, 2018,). This is where modern people make purchases, get financial, medical or tutoring advice or where he or she makes payments for utilities or other everyday services. The world of politics is currently operating more and more in cyberspace, as exemplified by the 2008 presidential election won by Barack Obama in the United States (Sitek, 2018, p.179).

Thanks to the development of technology, the term “cyberspace” ceased to be limited to computer networks only. Technically, it covers a wide range of electronic devices, networks and the associated legal framework for the security of individuals in the cyberspace of physical infrastructure (Sitek, 2018, p.179). Cyberspace is also the only medium that allows to fully tracking the behavior of Internet users. By analyzing the activities done in the Internet, it is possible to learn about people’s interests, how a person receives various forms of communication, about tactics and time of using the network (Pleszkun-Olejniczak, Bachura, Worsowicz, 2010, p. 200).

The concept of cyberspace is still used today and is very popular. Nowadays, cyberspace is nothing but a space of open communication between computers and IT memories around the world. It is an illusion of the real world that facilitates the exchange, transmission and collection and sharing of information by means of computers, and facilitates interpersonal and human-computer relationships. It facilitates the functioning of many companies, concerns, or even the state itself. The Internet also allows people to make money. A popular way to earn is recording themed movies and sharing them on a popular dedicated website. The indicator of payment of a person earning in this way are video views. The more views, the more a person can earn. In addition to the earning form, the Internet can be used as the only contact with relatives who live at the other end of the world, which is a great help for both parties.

As a society, we cannot imagine our life without the Internet, despite the threats and dangers that are waiting for people in the cyberspace. Cyberspace and the virtual world, like everything, have two sides of the coin, the good and the bad, which is still not enough talked about. Most of people do not realize how much they can harm themselves in the Internet by using it improperly, or how people also use the resources of the Internet and how much harm they can do to others.

A very important aspect in the life of modern human being is the security in cyberspace. Also, as in real life, people want to feel safe, comfortable and confident while they are using the Internet. It is important that, for example, bank accounts remain as secure as Internet users, and are safe and not exposed to hacker attacks.

Online hacking is growing as fast as the Internet itself. Hackers can be divided into the good ones and the bad ones. The good ones look for software bugs and work completely legally. According to Marek Hołyński, "A hacker is passionate, who knows the system inside out and almost intuitively, often against logic, he or she can squeeze out maximum performance from it and deal with errors. The word comes from "hack" – the hook, tips, workaround in the program that restores its functionality" (Hołyński, 2000, p. 80).

However, there are also the negative hackers who are able to break ciphers, passwords and account data using technology and their own knowledge, and as a result steal what they care about, which is why they break in. The illegal hacking is punishable by law and is a very big threat to cyberspace security. The security in cyberspace is nowadays as important as security in real life.

Hate as an example of the aggression and violence in cyberspace

The aim of this studies is not a complex description of the phenomenon of the aggression in the Internet. The approach is to show that the Internet or the cyberspace is the place, the same like the real world, where a person can be attacked and his or her safety and security may be at risk. Thus, the human right to be safe is violated and, as a consequence, one of his greatest needs is not met. The general description of the phenomenon of aggression on the Internet will be made here, taking into account the specific form of Internet violence, which is a hate.

Nowadays, the Internet has been full of aggression or violence. Over time, the new concepts are introduced to the Internet and they are targeted at selected offenses and attacks of aggression. They mainly differ in the motive of the perpetrator. We can distinguish three main types of aggression in cyberspace, namely: the hate speech, the hate and the trolling. Each concept has characteristics which characterize it and stand out from the others. They are similar by one thing – there are aggression, offending, insulting human dignity, insults and humiliation. And all of those use the Internet, which is a tool in the hands of theoretically anonymous perpetrators. The perpetrators choose their victims and through the Internet strive to destroy the lives of their victims in the cruelest possible way. It seems that the haters are deprived of any human reflexes.

Jan Pyżalski, who wrote about electronic aggression among children and adolescents, in the typology of electronic aggression by type of victim distinguishes between:

- the electronic aggression against victims, where the victim is a weaker person than the perpetrator,
- the electronic aggression against celebrities (a celebrity as a person often appearing in mass media, causing public interest, regardless of his or profession),
- the electronic bias-aggression, where the victims are groups of people gathered around common values (for example, a specific nationality, political party voters),
- the electronic aggression against strangers,
- the electronic mobbing, in which the perpetrator and the victim are most often members of the same group (Pyżalski, 2001, p. 42).

Hate as a phenomenon has been present in human life since ever. But today, we face something which is called the Internet hating. This concept and the phenomenon is developing very rapidly and has been around since the creation of the Internet, it means from the moment people were allowed into cyberspace. Hate or hate speech is spread by society towards themselves. The most often use forms are: the aggressive and attacking comments and the hateful videos or photos. The Internet hate is a relatively new form of deviant behavior during public online discussions involving the use of abusive language, scornful evaluation of various phenomena, insulting both interlocutors and various other entities as well as expressing aggression and hatred towards them. This phenomenon is limited to the sphere of the Internet and it is expressed only in verbal form. It is always focused on other people or groups. This behavior violates both universally accepted informal social norms regarding politeness and the legal norms which protect human dignity (Juza, 2015, p. 1).

So, following the above mentioned description, it can be said that a hater is a person who uses hate in the Internet to other people. This type of hatred focuses largely on celebrities, actors, politicians and other famous people but it is not limited to them. The object of such aggression is usually a person unknown directly to the hater: a public person or quite accidentally encountered while surfing the web, often belonging to a group

of people gathered around certain values other than those professed by the hater, for example: associated with the particular denomination or religion, the political option, the sexual orientation, the nationality etc. Also, it may be a person from the neighborhood, someone from the same workplace or classmate from school (Zdunkiewicz-Jedynak, 2016, p. 42).

There is a mocking statement functioning between people that if somebody does not have haters then he or she probably has not achieved anything and they are nobody. There is also the saying that the haters are the greatest measure of somebody's success. Nowadays, the hate on the Internet is ubiquitous. There is no place where one person would be offended by others. In many cases, and this is quite a dangerous approach, the haters are justified their behavior based on another human right which is the freedom to express their own opinion or point of view. Of course, there are situations where some people confused the right to express own point of view but in most of the cases it is only "cheap" justification of own behavior because it seems to be easier and safer to state that it is only the expression of own opinion than to admit that someone is writing deliberately offensive comments. If someone faces the consequences, this is also a common explanation for placing aggressive entries.

It is also worth mentioning the reasons for using an online hate. The motivation could be very different. Some people use the Internet hate simply because they are bored and have too much time which they do not know how to use in a more useful way. Others actually write what they think – it means that for them it is a way of expressing their feelings or points of view. The next group of haters uses this kind of behavior to relax or to work out their stress. The last group of people uses the hate in cyberspace to take the revenge on other people. Taking about the reason of such behavior, it is necessary to say that there is no reason which could justify those situations. No one should mix or confuse the motivation with justification. The society should identify the motives of hate but under no circumstances can it be justified. Nobody has the right to hurt or ridicule in the Internet.

While observing and analyzing the phenomenon of hate in the cyberspace, we can come to the very sad conclusion that there is no cure for hate and probably hating will be an integral part of cyberspace. Despite the campaigns

or advertising spots encouraging people to stop online insulting and to stop using the online hate speech, the hatred on the Internet has been and will be present. Every single user of social networking sites or a person commenting on forums is exposed to hate in the Internet.

There is a false conviction that the Internet gives us the anonymity. Anonymously, it is very easy to offend other people. This is why, the hate in virtual world is used more often than in the real life. It is much more difficult, and some people are not able to do it, to stand up in front of the person and to tell him or her something what can be offended. Very often, those people while functioning in real world – for example at work or school, they behave in normal way. We are passing them on the hallways or sit with them at the same office. They maybe be shy, calm and speechless or even very nervous or stress during real meeting. But when such person returns home, he or she will feel confident, strong and unpunished. The sense of anonymity means that they feel safe and unpunished and the turn into a very dangerous haters. Fortunately, nowadays nobody is anonymous in the Internet. It is very easy to track all users thanks to the development of technology. This is a very big step in the fight against online crime and the an increasingly popular and effective tool on the battlefield against the online hate

The legal effects of hate in Poland

As it has already been said, one of the most important human needs is the need for security, which is met by respecting the human right to freedom and security. It has also been shown earlier that this right is guaranteed to everyone based on various regulations of the international or national law. It has also been shown that this right to safety and security belongs to a person both in the real life and in the virtual reality. It has also been shown that online hate is a phenomenon that destroys the sense of security and this means that one of the basic human rights is not respected. Therefore, since the right to security is guaranteed, there must be legal protection measures in this matter and all acts violating the order should be prosecuted and the perpetrators punished.

Expressing own opinion in the Internet, whether positive or negative, is virtually limitless. As a consequence, the Internet has become a place for venom and public lynching. This behavior was called the Internet or online hate. This is an extensive phenomenon and it has been very popular lately. The haters grow together with the development and growing of social networking. Haters feel anonymous and unpunished in cyberspace. This is a very wrong sense because hatred on the Internet is as punished as it is in real life. Under the Polish Penal Code, the haters can be prosecuted based on several articles:

- the article 212, § 1, regarding defamation: Whoever sues another person, group of people, institution, legal person or organizational unit without legal personality for such conduct or properties that may humiliate him or her in the public opinion or expose him or her to the loss of trust needed for a given position, profession or type of activity, is a subject to a fine or the penalty of restriction of liberty.
- the article 216 § 2, regarding an insult: “Whoever insults another person by means of mass communication is subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to a year”.
- the article 133, regarding insulting the Republic of Poland: “Whoever publicly insults the Nation or the Republic of Poland shall be subject to the penalty of deprivation of liberty for up to 3 years”.
- the article 257, regarding insulting a population group: Whoever publicly insults a population group or a particular person because of their national, ethnic, racial, religious affiliation or because of their non-denominational status or violates the physical integrity of another person, shall be subject to the penalty of deprivation of liberty for up to 3 years (Dz.U. 1997, nr 88 poz. 553)

The offenses such as the defamation and the insults described above are prosecuted based on private indictment. The indictment must be brought in person by the victim. The victim must have evidence such as screenshots or other record of offensive messages. It is also very important to get the

hater's details, which can be obtained, for example, by the police. It is also helpful to obtain the IP address of the perpetrator's computer, thanks to which, the certain services can easily check who used it. In the event of a positive consideration of the case by the Court, the hater is subject to a fine, restriction of liberty or imprisonment for up to 1 year.

Other way of preventing hating

There are some legal ways to fight against the Internet hate. But, they may be used when the harm is done. Even if the hater will be identified, the hating activities will be proved and the hater will be punished, it will not change much the situation of the victim. In such situation, the hate was done and a person's sense of safety and security destroyed. There is one more problem, whatever was put into the Internet, it stays there for a very long time. Even, according to new regulation of the European Union, there is something called the right to be forgotten in the Internet (more about this right: Manelero, 2013, pp. 229–235), the real possibilities here are very limited. It is possible to make the Internet service provider to remove the to remove unwanted content but first of all, it is not easy procedure and secondly, there could be always somebody who has already made copy or saved the material. It is very possible, that hate done against a person or offensive or insulting materials will comeback. Therefore, the attention and the activities should not only be focused on punishment but all efforts should be put the prevention.

The development of new technology gives different IT tools to fight against different dangers and threats in cyberspace (more about different IT tools used to counter threats in cyberspace: Sitek, 2016, pp. 233–248). But, it is important and crucial to conduct the educational activities which are aimed on raising awareness of threats, showing their negative effects and presenting ways of dealing with them. In short, the education for the security in cyberspace is necessary. This education can be done in formal way – in schools or other formal educational institution or in informal way during our normal ad everyday activities.

Due to the limit of this study, we are not able to describe different ways of formal education aimed on prevention of cyber-threat, with particular emphasis on hate. It is also difficult to show many different activities done in the area of informal education. We will only present one example – the activities done by victim of hate in the Internet which bring very positive consequences to hater and hopefully to other users of the Internet.

This is a case of Mr. Michał Karmowski a popular bodybuilder who was fighting against the Internet hate in his own way. He fell victim to an adolescent hater who set up a page on a social networking site and published offensive content directed at the bodybuilder and his family, which also had pedophile content. It took the victim 10 months to find his hater on his own. Karmowski decided not to file a claim for damages because he did not want to destroy the life of the young boy's family. The punishment that the hater received from the bodybuilder was 400 hours of work in a hospice where the hater will look after the elderly and take care for sick. They also published a warning on the social networking site – the video, where two of them – the hater and the victim are telling the story about the situation. They encourage other users of the Internet not to underestimate the situation when somebody is being to be offended and also they encourage others to fight against hate and not to allow public insults (see: Szymczewski, 2016).

The hate is to be fought and only in this way can we reduce the effects of spreading hatred as a society. People have the full right to fight for their good image as well as for appropriate penalties for those who break the law and do not comply with applicable laws. People cannot just bypass the hate. The responding to it is a great help in combating this threat. By reacting, we can save someone's life and also prove to the hater that there is no such thing as allowing humiliation and insulting a weaker person. It is worth helping and reacting, because it really costs nothing and can change a lot.

Conclusion

It can be stated that there is one human being who belong equally to two worlds – real and virtual. Such human being has different needs which should be satisfy. One of them is the need for safety and security. Due to the fact that a person performs his or her activities in real world as well as in the Internet, the need of safety applies to both realities. A man or a woman, in order to have a decent and proper life, must feel safe and secure and that is why it is necessary to have the human rights which will answer to those needs.

If we can say that need of safety and security is one of the most basic and fundamental needs of each and every person, it is also justified to state that the human rights to security and liberty are one of the most important. A human being should have the feeling of safety and also she or he should be free from any worries, fears or anxieties. Only then, a person can have a chance for full development in each area. If a particular person feels safe also the entire society has the same feeling of security.

In today's world, people may experience different types of dangers and threats. For example, somebody may attack a person on the street but also the attack can be launched in the Internet. The most often kind of danger which a person faced in cyberspace is the hate. Therefore, if there are certain means to protect the person's safety in real world, there must be also those which protect him or her in the Internet.

There are different provisions of international and national law which protect the human right for safety and security, both in real or virtual world. Those regulations can be much easier used in real life and there are many problems to implement them in the area of the cyberspace and the Internet. New technologies which give unlimited possibilities for bad people, should be also used against everybody who violates the safety and the security other people, including those who use hate against others. It also includes the use of all possible resources and means to stop the haters from their activities which may be very danger. The same as in real life, also in the cyberspace, it is necessary to identify the hater, to stop him or her and finally to punish them according to applicable law.

In order to achieve these goals, the activities and involvement of relevant services are necessary. The educational activities are also important. Teaching at school, social campaigns in the media and daily awareness in this topic will be very useful and will help reduce the hate in the Internet. Thanks to this, the human right to security will be more respected and one of the most important human needs – the need for security will be satisfied.

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