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A Socio-Legal Analysis of Cyberbullying and Online Harassment in Pakistan: Evaluating the Efficacy of Legal Protections and Societal Attitudes Toward Victims in the Digital Age

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ABSTRACT

The social, political and economic landscape of Pakistan has drastically transformed because of more access to internet and social media. Digital technologies have empowered individuals to communicate, to be activists, to earn money, but they have also been exploited to revenge, humiliate, harass, bully, blackmail, stalk and otherwise abuse people online. This is now a major socio-legal issue, primarily affecting women, children and the marginalized. The government of Pakistan has tried to mitigate these concerns mainly by introducing the PECA 2016, and PPC provisions. But there are also major concerns regarding the effectiveness of legal enforcement, institutional capacity, procedural protection and society's attitude towards victims. This article critically explores an issue of cyberbullying and online harassment in Pakistan with socio-legal approach. It examines constitutional rights of dignity, privacy, equality and freedom of expression and assesses the effectiveness of PECA, 2016 and the subsequent amendments. The article also asserts that although there is a vast body of law, cyberbullying has not been addressed sufficiently because of non-implementation, technology limitations, social conservatism and institutional inefficiency.

INTRODUCTION

Digital revolution has changed the nature of communication, socialization and public debate around the globe. The huge penetration of smartphones, low cost internet and social media in Pakistan has made digital participation a lot common among various strata of society. Social media platforms like Facebook, Instagram, TikTok, WhatsApp and YouTube have played a pivotal role in shaping a new way of socializing, political participation and conducting businesses. But in addition to these advantages, cyberspace is becoming increasingly a place of harassment, intimidation, abuse and exploitation. Internet bullying and harassment are very serious offences in the present era (Kemp, 2024). Cyber abuse is different from other types of harassment, it is anonymous and can spread quickly, remains accessible. It



is accessible to all users regardless of location. Digital content is long lasting, which can lead to long term psychological trauma and humiliation for victims. The number of complaints of cyber harassment in Pakistan has significantly increased in recent years. Women and children are disproportionately targeted in digital abuse campaigns, such as through threats, fake profiles, revenge pornography and coordinated trolling. The combination of patriarchal social dynamics and digital technology has created new and more potent forms of gendered online violence, especially targeting women who voice their views or question the norms of the traditional social order (Patchin & Hinduja, 2020).

Cybercrime has become a growing problem and Pakistan has taken a step to limit such offenses by passing the Prevention of Electronic Crimes Act 2016 as the main legislation for cybercrimes. PECA criminalizes cyberstalking, violation of dignity and modesty, electronic fraud and unauthorized access to information systems. Although these legislative initiatives have been made, there is still criticism about how some of the provisions are implemented and whether they are constitutional. The aim of this article is to assess the socio-legal aspects of cyberbullying and online harassment in Pakistan. It explores constitutional protection, legislation, enforcement and attitudes of society towards the victims (Amnesty International, 2021).

THEORETICAL FRAMEWORK

Cyberbullying is the intentional and frequent use of technology such as social networking, messaging apps, forums, and electronic communications or systems to harass, intimidate, threaten, humiliate, or cause psychological harm to another person. Access to the internet and social networking has grown tremendously, providing new avenues for communication and also new avenues for abuse, and creating online environment where people can be exposed to long term forms of psychological and reputational harm. There are many types of cyber harassment and the legal and social consequences are different for each (Patchin & Hinduja, 2020).

Cyberstalking is defined as repeated, unwanted monitoring, surveillance, threatening communication or unwanted interaction with another person via electronic means, and is likely to cause fear or emotional distress in the victim. Impersonation takes place when an individual or group makes and uses fake digital identities or social media profiles to manipulate, deceive, or defame targets. Doxing is the publication of private or identifying details like addresses, phone numbers, or personal information, without permission, to humiliate or endanger victims. Another type of cyber abuse that is growing in popularity is revenge pornography, which is the non-consensual sharing of nude photos or videos, often leading to serious damage of reputation and psychological trauma (UNODC, 2021). False statements meant to harm someone's reputation are considered online defamation, and unwelcome sexual communication, explicit messages, or other coercive online actions are defined as sexual harassment. Digital blackmail magnifies the impact of cyber abuse with the threat of exposing private information or intimate material, unless the victim meets certain demands. Moreover, trolling and hate speech are abusive and inflammatory online commentaries towards persons or communities, with a tendency to be based on gender, religion, ethnicity or political associations (Willard, 2007).

However, cyberbullying has many distinct features from traditional bullying and harassment because of the nature of digital communication technologies. Perhaps the most significant difference is the anonymity that is offered through cyberspace, which encourages the perpetrators to do so and makes it difficult to identify and prosecute the offenders. Online harassment can be different from what you are used to, one person can share information about you on social media platforms and to people for miles and miles of digital distance, within a small period of time (UNESCO, 2019). The emotional suffering caused by the uploading of harmful material online may last for the rest of their lives and add to the reputational damages. Additionally, cyber harassment often happens across different geographical and physical settings, potentially harassing victims in an endless stream on various online platforms. This can lead to a

feeling of helplessness, insecurity and unhappiness with no way to get out of the abusive situation. Socio-cultural background of Pakistan has a significant impact on the nature and impact of cyber harassment. In modern socio-legal scholarship, different theoretical perspectives have been used to comprehend cyberbullying and online harassment. Digital violence is a form of social control that silences and intimidates women in cyberspace, according to feminist scholars. On the other hand, social control theory states that online anonymity and the lack of instant social consequences of behavior allows people to reflect less on the restrictions of behavior, resulting in more aggressive or harmful behaviors. Routine activity theory posits that cyber victimization can be understood by focusing on increased opportunity to be online with limited protection and thus more likely to be targeted by offenders. Together, these theoretical frameworks illustrate that cyber harassment is not a singular committing of a crime, but is rather a phenomenon that needs to be examined in the context of larger social, cultural, and structural dynamics. Thus, a socio-legal perspective on cyber harassment demands that both statutory systems and legal remedies, as well as society norms, institutions, cultural practices and structural inequalities that affect victim experiences and access to justice, be examined. All these areas of intervention, legal reform, technological regulation, public awareness, education, and broader social transformation must be part of effective responses to cyberbullying, as a way to realign digital environments towards promoting digital safety, gender equality and respect for human dignity (UN Women, 2021).

THE PREVENTION OF ELECTRONIC CRIMES ACT, 2016

The Prevention of Electronic Crimes Act, 2016 is the main law on cybercrime and digital crime in Pakistan. PECA was brought in response to the growing use of the internet, social media and technology based communications and to cover new threats in cyberspace and provide a comprehensive framework for electronic crimes. Before the introduction of PECA, Pakistan did not have any specific and consolidated legislation to effectively tackle offences related to digital technologies. As cyberbullying, online harassment, cyberstalking, electronic fraud and identity theft, hacking, and digital blackmail become more commonplace, it became clear that laws had to be developed that were specifically to the realities of cyberspace. As a result, PECA makes numerous activities relating to electronic systems, information networks and digital communication technologies appear criminal, and at the same time, confers investigative and prosecution powers on state institutions on cyber offenses (National Response Centre for Cyber Crime, 2022).

The introduction of PECA was a milestone in Pakistan as it was the first law to treat cyberspace as a space that need legal regulation and state intervention. The Act introduces new definitions and penalties for unauthorized access to information systems, disruption of data, cyber terrorism, electronic forgery, and identity theft, offence against dignity and modesty and cyberstalking. Section 20 of PECA, which prohibits offence against dignity of natural person, is one of the significant provisions regarding online harassment. This section will criminalize intentional and public dissemination or transmission of information via electronic communication, which harms the reputation or privacy of a person. It is often used in online defamation, character assassination, false accusations and malicious information spread via social media or messaging services. Section 20 acknowledges that digital communication technologies can be used to cause damage to the reputation and psychological wellbeing of people. Defamation of a person via the Internet can have serious social and emotional impacts on the victim in a society that values personal honor and social reputation greatly in Pakistan (PECA, 2016).

There is an immense discussion regarding Section 20 amongst, human rights activists and legal experts, even yet it was envisioned to protect. There is also a lack of clarity in the provision itself as to the concepts of “harm” and “reputation” and “privacy” that are used, which has led to uncertainty about the extent of criminal responsibility. The wide scope of the section has led to fears of its potentially being used to stifle political criticism or differing views expressed on the internet. The provision confers undue discretionary powers on investigative agencies and could infringe constitutional freedoms of speech and expression,

according to human rights groups. For this reason, Section 20 is one of the most discussed in PECA with respect to the need to respect dignity and democratic freedoms (PECA, 2016, § 20). Section 21 of PECA is dedicated to offences against modesty and privacy related to modesty or intimate and sexually explicit material. This creates a criminal offence for making an image or video of intimate behaviour without the consent of the party. Section 21 is notable for its coverage of revenge pornography, sexual exploitation, digital blackmail and the sharing of sexually explicit content without consent using social media and electronic communication channels. Section 21 also provides enhanced protection for the child victim and harsher punishments for child victims. Child specific protection is a good example of this, as it reflects the awareness of the specific vulnerability of children in the digital environment (PECA, 2016, § 21). On the other hand, in reality, Section 21 has become one of the strongest pieces of legislation to safeguard women and girls from online harassment, particularly fake explicit content and sexualized blackmail. However, although there are legal sanctions and punishments, they are not adequately enforced because of the under reporting of offences, social stigma, slow response to investigations and limited digital forensic capacity. Reputational harms, victim blaming, and societal judgments are common reasons for victims to delay pursuing legal action (Digital Rights Foundation, 2022).

Another significant segment of PECA is Section 24 that outlaws online harassment and cyberstalking. Cyberstalking usually consists of repeated communication, surveillance, monitoring, tracking, coercive behavior or threatening interaction using electronic devices. As per section 24, online stalking is a persistent and intrusive behaviour and is recognized as being potentially harmful to the emotional and psychological wellbeing of victims without considering their age. The provision covers frequent use of social media or messaging apps to contact people, logging on to their online activities, using personal details to establish intimidation or threatening online behaviour that causes fear or harassment. The criminalization of cyberstalking in Section 24 is an important new piece of legislation, since existing stalking laws did not always have the resources to handle cyberstalking (Federal Investigation Agency, 2022). There are a number of ways that cyberstalking is different from physical stalking such as being anonymous, always able to reach the victim, and having the ability to operate on several different platforms at once. Cyberstalking often causes victims to suffer from anxiety, fear, depression and social isolation because of the continual nature of cyberstalking activity and the intimidation. While Section 24 offers legal protection against such behaviour, critics have said there are inconsistencies in its application and investigators are often not technologically savvy enough to effectively prosecute offenders (PECA, 2016, § 24).

The removal, blocking or restriction of access to content deemed unlawful or contrary to specified legal standards is one of the most controversial pieces of PECA, under Section 37. In this regard, the Pakistan Telecommunication Authority is empowered to prohibit the content which is considered harmful to the national security, public order, morality, religion or integrity of the state. The objective of Section 37 is to decrease or remove harmful or unlawful use of the internet but Section 37 has been criticized widely for the powers it gives to state agencies to act in that role without judicial oversight or protections. The provision has also raised concerns about transparency, accountability and due process, as content blocking decisions could be made without an independent judicial order or effective appeals process (PECA, 2016, § 37). For this reason, Section 37 is one of the most contentious parts of the PECA, especially in the context of Article 19 of the Constitution which provides for freedom of speech and expression, subject to reasonable restrictions. More amendments to PECA especially that in 2025, further complicated the discussion on regulation of cyber and digital censorship, and constitutional freedoms (Const. Pak. Ar. 19).

SOCIO-LEGAL PERSPECTIVE

A socio-legal approach recognizes the role of law in the social sphere and the fact that law does and does not work in certain circumstances, how law works and is effective is shaped by the social context in which it does so. Such dynamics have a major impact on victimization, access to justice, reporting behaviour,



and the public attitudes towards online abuse. Therefore, the legal context of cyberbullying must be viewed not only from the perspective of the legislation and judicial system, but in the social context in which cyberbullying exists. In Pakistan, cyber harassment has a predominant attitude of victim blaming, particularly in the case of women and girls. The views of the victim usually end up being the cause of the abuse, and the blame is passed from the perpetrator to the victim of the abuse. In many areas, society's members view the presence of women in the digital environment as misplace or socially inappropriate behavior, and not cyber harassment. These attitudes are indicative of strong patriarchal values which govern women presence and activities in the public and private spaces (UN Women, 2022).

This socio-legal situation of online harassment and cyber bullying in Pakistan consequently exposes that a lawful approach cannot be an inclusive solution to deal with cyberbullying without a broader socio-cultural transformation. This socio-legal situation of online harassment and cyber bullying in Pakistan consequently exposes that a lawful approach cannot be an inclusive solution to deal with cyberbullying without a broader socio-cultural transformation. Although legislation similar to the PECA, 2016 suggestions valued legal remedies, the effect of laws is limited by cultural stigma, patriarchal attitudes, lack of public awareness and institutional weaknesses. Retorting to online harassment requires a more vigorous legal framework together with social change, through improved public awareness, digital literacy, gender equality, respect for human dignity and institutional responsibility in digital spaces. There is therefore a need to combine this with the creation of educational, cultural, psychological and institutional initiatives to address the underlying social context in which online abuse occurs and can be facilitated (Qureshi, Abbasi & Shahzad, 2020).

CONCLUSION

Cyber harassment and cyber bullying are one of the most salient issues of our digital age in terms of safeguarding individual rights, apart from the credibility of the state legal system. While Pakistan has done its best in making legislation like PECA, 2016 to curb online abuse, the continued existence and growth of online abuse shows that existing solutions have not been proving to be effective. Law, which is of fundamental importance to setting up a base, is somewhat limited in scope and implementation. Unenforced, institutional and cultural barriers remain to expose the survivors and leave them frequently suppressed. The trends of online harassment show that women are overly victimized as they are harassed, blackmailed, threatened, sharing non-consent images and character attacked. These are not only suppression but also the reinforcement of traditional patriarchy that negatively impacts women's participation in the public, professional and political sectors. The prevalence of digital abuse has brought about an atmosphere of fear making people not participate freely on online platforms, thus restricting them in accessing opportunities in education, employment and expression (Baig & Jafary, 2025).

On the other hand, as the enforcement practices are concerned, one will find that institutions in charge of dealing with cybercrime are usually poorly resourced, undertrained and not gender sensitive. This has made the justice system inaccessible or useless to several females or marginalized who want justice. Social stigma and cultural values also play a crucial role as a disincentive for reporting as there is a fear of losing face and facing victim blaming by others, even in cases of actual abuse. Global best practices not only involve strong laws and technological infrastructure, but also involves gender sensitive policing strategies, as well as survivor support and digital literacy. Failure to ensure that the internal system works in line with such international standards demonstrates that there is a gap in relation to which there is an urgent need to bridge. The solutions proposed above tend towards a multi-pronged approach: ensuring the efficacy of laws, the institutional capacity, raising awareness and empowering victims by providing remedies that are easy to access (Baig & Jafary, 2025). It is also crucial to change social attitudes according to which harassment is a norm and women are not encouraged to defend their rights. Legal reforms will not be enough without considering these cultural barriers. With the ever growing technology, the role of the state in ensuring a safe and enabling environment to its people is becoming imperative. Digital space and space

in general can be made safe but not conducive to citizens' participation in Pakistan, unless changes are made in social norms, enforcement and reform is enforced consistently (Imam & Naz, 2024).

Recommendations

It is suggested that technology, AI based detection systems and comprehensive and strong legal changes are recommended. Effective law enforcement is essential for tackling cyberbullying crimes, with a particular need for enhancing digital forensic skills. Public awareness campaigns need to be more extensively carried out and focused on schools, parents and the wider community for a culture of digital safety and empathy. To improve international cooperation in the fight against Cybercrime, a joint action of the governments, the tech industry, and international organizations is needed to tackle the cross-border aspect of Cyberbullying and to implement international treaties, like the Budapest Convention.

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