

The dilemma and solution of criminal regulation of cyberbullying: a case study of the “Liu Xuezhou Case”

Shengxu Wang

School of Humanities and Social Development, Northwest A&F University, Xianyang, China

3494657225@qq.com

Abstract. Cyberbullying, as a new form of violence, has occurred frequently in cyberspace in recent years, severely affecting the normal lives of the victims and disrupting the order of cyberspace. The “Liu Xuezhou Case” is a typical incident of cyberbullying, where many netizens, without understanding the facts, engaged in verbal attacks, malicious speculations, and privacy exposure against Liu Xuezhou based solely on one-sided statements. Existing civil and administrative measures are insufficient in regulating cyberbullying, while criminal law, as the last line of defense in social governance, should play its proper role. This paper analyzes the concept, characteristics, and harm of cyberbullying, uses the “Liu Xuezhou Case” to examine the current situation and challenges of criminal regulation of cyberbullying, and proposes specific paths to improve criminal regulation. The goal is to provide useful references for effectively curbing the phenomenon of cyberbullying.

Keywords: cyberbullying, criminal regulation, Liu Xuezhou Case, defamation, insult

1. Introduction

With the rapid development of the internet, cyberspace has become an indispensable part of people’s lives. While the internet provides convenience, the issue of cyberbullying has become increasingly prominent. The existence of cyberbullying not only infringes on the legitimate rights and interests of citizens but also causes severe damage to social order and the online environment. The “Liu Xuezhou Case” has sparked widespread attention to cyberbullying from all sectors of society. How to effectively regulate cyberbullying from a legal perspective, especially from the standpoint of criminal law, has become an urgent issue to address. As the most severe legal sanction, criminal law can reasonably regulate cyberbullying, safeguarding citizens’ rights while maintaining the healthy and orderly development of cyberspace [1].

2. Overview of cyberbullying

2.1. Definition of cyberbullying

Cyberbullying refers to the act of using online platforms to verbally attack, maliciously defame, or expose the privacy of others through text, images, videos, or other means, resulting in psychological harm, reputational damage, and disruptions to the victim’s daily life. The perpetrators of cyberbullying are often anonymous internet users who take advantage of the internet’s concealment and rapid dissemination to post aggressive remarks at will. Compared to traditional forms of violence, cyberbullying transcends temporal and spatial limitations, has a wider reach, and exerts a more profound impact. For example, in the “Liu Xuezhou Case,” a large number of netizens insulted and defamed Liu Xuezhou on online platforms. These remarks spread rapidly, subjecting Liu Xuezhou to immense psychological pressure.

2.2. Characteristics of cyberbullying

Cyberbullying exhibits the following notable characteristics: First, anonymity and group behavior—in online environments, people can express their opinions using virtual identities, making the perpetrators largely anonymous. Additionally, in some cyberbullying incidents, large numbers of netizens engage in herd behavior, collectively launching attacks. Second, speed and scope of dissemination—information spreads extremely fast online; a single violent remark can reach a global audience within a short time,

leading to extensive influence. Third, serious consequences—cyberbullying can cause severe harm to the victim’s reputation and mental health, sometimes even making it impossible for them to continue their normal life. In the “Liu Xuezhou Case,” for instance, Liu Xuezhou ultimately chose to end his life due to the overwhelming pressure of cyberbullying [2].

2.3. The harm of cyberbullying

The harm caused by cyberbullying is multifaceted. For victims, it can lead to reputational damage, severe psychological trauma, and even extreme actions such as suicide. From a societal perspective, cyberbullying disrupts public order and moral standards, disturbs both online and offline social order, and diminishes social trust. Furthermore, it negatively impacts the healthy development of online culture, fostering a toxic and hostile internet environment [3].

3. Review and analysis of the “Liu Xuezhou Case”

3.1. Incident overview

Liu Xuezhou was a young man searching for his biological parents. During this process, inappropriate remarks made by his birth parents triggered a significant online controversy. Without fully understanding the facts, some netizens, relying solely on the one-sided statements of Liu’s biological parents, began to criticize and insult him. Some accused him of “seeking sympathy for attention,” while others maliciously exposed his personal information, including details about his education and daily life. These acts of cyberbullying inflicted severe psychological harm on Liu Xuezhou, ultimately leading him to take his own life by consuming medication at a seaside location in Sanya.

3.2. Manifestations of cyberbullying in the “Liu Xuezhou Case”

Cyberbullying in the “Liu Xuezhou Case” primarily manifested in the following ways: First, verbal abuse—a large number of netizens used derogatory language to insult Liu Xuezhou on various online platforms, attacking his character. Second, malicious defamation—false information was fabricated, accusing Liu Xuezhou of deliberately using his search for his parents as a publicity stunt to gain financial benefits. Third, privacy violations—his personal information was widely disseminated online, severely infringing on his right to privacy.

3.3. Causes of cyberbullying in the “Liu Xuezhou Case”

The causes of cyberbullying in the “Liu Xuezhou Case” are multifaceted. First, some netizens lacked critical thinking and discernment, blindly following public opinion and easily being misled by one-sided information. Second, inadequate regulation by online platforms failed to promptly review and address harmful content. Additionally, the irresponsible actions of Liu Xuezhou’s biological parents and other related individuals further fueled the escalation of cyberbullying.

4. The current status and challenges of criminal regulation on cyberbullying

4.1. Provisions on cyberbullying-related offenses in China’s Criminal Law

China’s Criminal Law includes several offenses related to cyberbullying, such as insult, defamation, and infringement of citizens’ personal information. Insult refers to publicly humiliating others through violence or other means in a manner deemed severe. Defamation involves deliberately fabricating and spreading false information that harms another person’s reputation and degrades their character, provided the act is sufficiently serious. The crime of infringing citizens’ personal information pertains to the illegal sale or provision of personal data in violation of national regulations, with severe cases constituting a criminal offense. In incidents of cyberbullying, if an individual engages in online insults or defamation with serious consequences, they may be held liable under the crimes of insult or defamation. Similarly, if they disclose another person’s personal information in a way that meets the threshold of severity, they may be charged with infringement of citizens’ personal information [4].

4.2. Challenges in applying existing criminal offenses to cyberbullying

In practice, applying existing criminal offenses to cyberbullying presents significant challenges. On the one hand, the legal standard for determining “serious circumstances” in cases of insult and defamation remains vague. In the online environment, there is no clear legal framework for assessing the severity of offensive remarks, their reach, or their actual impact on victims. On the other hand, cyberbullying often involves a large number of participants, many of whom act anonymously, making it difficult to identify and hold specific individuals criminally responsible. For instance, in the “Liu Xuezhou Case,” a vast number of netizens engaged

in cyberbullying, with most using anonymous identities, making it extremely challenging to track down and determine individual accountability [5, 6].

4.3. Dilemmas in criminal regulation of cyberbullying

The criminal regulation of cyberbullying faces multiple dilemmas. First, there is a conflict between the principle of restraint in criminal law and the need for stricter cyberbullying governance. The principle of restraint dictates that criminal law should intervene cautiously in social matters and only be applied when other legal measures prove ineffective. However, due to the severe consequences of cyberbullying, civil and administrative remedies alone are often insufficient, necessitating timely intervention by criminal law. Second, the virtual and transnational nature of cyberspace complicates jurisdiction and legal enforcement. Different countries and regions have varying legal frameworks, leading to conflicts and jurisdictional disputes when handling cross-border cyberbullying cases.

5. Exploring pathways to improve criminal regulation of cyberbullying

5.1. Defining the criteria for criminalizing cyberbullying-related offenses

To better regulate cyberbullying, the criteria for criminalizing related offenses should be clearly defined. For insult and defamation, the determination of “serious circumstances” should consider factors such as the extent of dissemination, the number of clicks and shares, and the degree of psychological harm inflicted on the victim. For instance, it could be stipulated that online insults or defamatory remarks that reach a certain number of views or lead to severe consequences such as depression or suicide should be classified as “serious circumstances.” Similarly, for the crime of infringing citizens’ personal information, specific criteria for “serious circumstances” should be established, considering factors such as the quantity of information sold or provided, the amount of profit gained, and the sensitivity of the disclosed information [7, 8, 9].

5.2. Improving criminal procedure for cyberbullying cases

Given the collective and anonymous nature of cyberbullying, the criminal procedure should be refined. On one hand, a rapid investigation mechanism for cyberbullying cases should be established, enhancing cooperation between cyberspace regulatory authorities and judicial bodies while utilizing technological means to track down anonymous perpetrators. On the other hand, the transition from private prosecution to public prosecution should be improved. If a victim is unable to gather evidence due to objective constraints, the procuratorial authorities should have the ability to initiate public prosecution to better protect the victim’s rights. For example, in the “Liu Xuezhou Case,” if the victim suffered severe harm from cyberbullying but was unable to collect evidence independently, prosecutorial agencies could intervene, conduct investigations, and file public charges.

5.3. Strengthening the criminal liability of online platforms

Online platforms bear an unavoidable responsibility in cyberbullying incidents. Their criminal liability should be reinforced by clearly defining their obligations and accountability mechanisms. If a platform is aware of cyberbullying activities but fails to take necessary actions—such as deleting harmful comments or blocking violating accounts—it should bear corresponding criminal liability. Additionally, platforms should establish comprehensive content review systems and enhance content supervision to mitigate cyberbullying at its source [10, 11].

5.4. Enhancing international cooperation to combat cross-border cyberbullying

With the globalization of the internet, cross-border cyberbullying incidents are becoming increasingly frequent. To effectively address such cases, China should strengthen international cooperation with other countries and regions. This can be achieved through signing international treaties and engaging in judicial assistance to resolve jurisdictional and legal conflicts in transnational cyberbullying cases, thereby jointly combating cyberbullying and maintaining the international order of cyberspace [12].

6. Conclusion

As an emerging social issue, cyberbullying poses serious threats to both individual rights and social order. The “Liu Xuezhou Case” serves as a stark warning, highlighting the severity of cyberbullying. In cases where civil and administrative measures prove ineffective in regulating cyberbullying, criminal law—as the last line of defense for maintaining social order—must play an active role. By clarifying criminalization criteria for cyberbullying-related offenses, improving criminal procedures, strengthening platform accountability, and enhancing international cooperation, a comprehensive legal framework for cyberbullying regulation

can be established. This will effectively curb cyberbullying, protect citizens' legitimate rights, and ensure the healthy and orderly development of cyberspace. In the evolving landscape of internet governance, continuous exploration and improvement of legal regulations on cyberbullying are essential to adapt to the ever-changing online environment [13].

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