
A Dignity-Based Approach to Children's Cybersecurity: A Criminal Analysis

Submitted 12/12/24, 1st revision 19/12/24, 2nd revision 18/01/25, accepted 15/02/25

Aneta Kamińska-Nawrot¹, Daria Bieńkowska², Janusz Falecki³

Abstract:

Purpose: With the development of social media, various forms of cyberbullying have emerged. One of them is parental trolling, which involves parents publishing photos online that ridicule, humiliate their children or insult their dignity. This is done at the expense of the subjectivity of the minor, most often unaware of the consequences of such publication and acting in trust of the parent, whose statutory task is to protect the child from violence.

Design/Methodology/Approach: In this article, we take note that, criminal law does not regulate and protect the principle of the child's welfare.

Findings: Today we are witnessing brutal attacks on child's privacy and dignity in the cybersphere. The contexts in which the problem in question is studied and described refer to the category of "dignity," thus turning us towards ethical sensitivity, morality and law. The arrangement of problems proposed here is one of many possible, nevertheless it expresses a certain methodological attitude and way of thinking about humans in general and the child in particular.

Practical Implications: The purpose of this article is to analyse selected legal instruments designed to protect the child from parental trolling and to combat this phenomenon by criminalizing it. This publication uses legal acts, literature and jurisprudence, with the aim of developing changes in criminal legislation towards effective protection of children from such pathological phenomena.

Originality/Value: The publication systematizes the most important issues of cybersecurity as the human security paradigm.

Keywords: Dignity based approach, criminal law, protection of dignity, international human rights standards, cybersecurity, parental trolling

JEL classification: K14, K40, K42,

Paper Type: Research article.

¹Pomeranian Center of Human Rights, Gdansk, Poland, ORCID:0000-0003-0270-2447, e-mail: stone27@op.pl;

²Pomeranian Center of Human Rights, Gdansk, Poland, ORCID:0000-0002-5659-4819, Scopus ID: 57207847788, e-mail: tittke@wp.pl;

³Pomorska Szkoła Wyższa, Starogard Gdański, Poland, e-mail: janusz.falecki@twojestudia.pl;

1. Introduction

The phenomenon of parental trolling has emerged with the development of social media. It constitutes a type of cyberbullying, which involves parents publishing online pictures that ridicule, humiliate their children or insult their dignity. These are extremely dangerous behaviours that fulfil the prerequisites of psychological violence and lead to the destruction or disruption of a positive, constructive self-image and, as a result, are the cause of disturbed and inadequate socio-psychological functioning in the future, as well as maladjustment to the demands of life (Jarosz, 1998, pp. 23-24). The welfare of the child is an overriding value that determines the shape of national and international legal solutions⁴.

The referenced provisions refer to safeguarding the welfare of the child and respecting their dignity as an overriding value. Since dignity is an abstract term with no uniform definition with regard to the right to respect for dignity, legal and constitutional standards of the rule of law should be sought. In view of this, the interpretation of this standard of respect for the dignity of the child should be construed in the light of constitutional principles, relating both to the principle of human dignity contained in Article 30 and the rich body of case law in this regard.

Article 30 of the Polish Constitution states that: "The inherent and inalienable dignity of man is the source of human and civil liberties and rights. It is inviolable, and its respect and protection is the duty of public authorities"⁵ The linguistic interpretation of the cited provision "is expressed in the legal obligation to respect and protect dignity. In light of the systemic interpretation, the article allows us to assume that the normative attribute of personal dignity will be both its inviolability, as well as its inherent and equal and source character.

"The source character, in turn, points to dignity in the axiological and normative sense as the basis of other rights and freedoms." (Bieńkowska and Kozłowski, *Correlates of medical responsibility: An ethical-legal analysis of the principle of respect for the dignity and intimacy of the patient*, in *Responsibility in Health Care*, ed. by Kruk, Wołoszyn-Cichoćka, Zdyb, Warszawa 2018, p. 188). The dignity thus understood sets the standards for building and developing interpersonal relations, i.e., treating the other person with due respect and empathy. At the same time, it is

⁴*Declaration of the Rights of the Child adopted by the General Assembly of the League of Nations in 1924, Declaration on the Rights of the Child adopted by the UN General Assembly on 20 November 1959, Convention on the Rights of the Child adopted by the UN General Assembly on 20 November 1989. OJ. 1991 No. 120, item 526 as amended, Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4.11.1950, subsequently amended by Protocols No. 3,5 and 8, and supplemented by Protocol No. 2, OJ of 1993 No. 61, item 284 as amended, Charter of Fundamental Rights OJ of 2012 C 326/391.*

⁵*Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997 No. 78, item 483 as amended).*

worth noting that the obligation to protect dignity under the Basic Law covers not only the individual subject (in this case, the parent, guardian), but also the institutions that uphold their rights (Bieńkowska and Kozłowski, *Correlates of medical responsibility: An ethical-legal analysis of the principle of respect for the dignity and intimacy of the patient, in Responsibility in Health Care*, edited by Kruk, Wołoszyn-Cichocka, Zdyb, Warszawa 2018, p. 188).

The attitude of respect and empathy is not the same as dignity, it is its direct manifestation. For dignity is an ontic value of every human being, hence through it and because of it, respect and empathy can be demanded (Bieńkowska, *Dignity as a criterion in the implementation and protection of human rights. Outline of the problematic (in:) New challenges and solutions in the universal system of human rights protection*, edited by Jaskiernia and Spryszak, Toruń 2018, pp. 131-142).

Helpful in the context of the issue of respect for the dignity of the child seems to be the position taken by the Supreme Court, stating that personal dignity “refers to that sphere of personality which is concretized in the sense of self-esteem as a human being and the expectation of respect from other people”⁶.

Turning to criminal law, it is pointed out that although this phenomenon threatens the welfare of the child, the provisions of the Criminal Code do not explicitly regulate parental trolling. However, it should be noted that in extreme cases the consequences of such behaviour can be particularly severe for a minor, and for this reason, the behaviour of parents who distribute photos and videos of their children that ridicule, humiliate or otherwise compromise them should be considered in terms of criminal acts.

Unfortunately, legislation does not directly protect the child from this kind of conduct by parents, so when analysing the laws that may apply to parental trolling, it seems that it is possible to choose from the range of offences set forth in Articles 191, 191a, 212, 216 and 207 of the Penal Code.

2. Recording and Disseminating the Image of a Naked Person

The first provision in question, Article 191a to the Criminal Code, was introduced by an amendment on 5 November 2009, which came into force on 8 June 2010. Before this, behaviour involving, among other things, recording the image of a naked person without his or her consent had not been penalized.

The only way to assert rights in connection with the violation of the victim's personal rights was through civil law. However, the magnitude of the phenomenon forced the legislature's notion of action in this regard and the behaviour was criminalized.

⁶*Supreme Court Judgment of 25.4.1989, ICR 143/89, OSP 1990, No. 9, item 330.*

As it stands now, the crime specified in Article 191a involves the perpetrator recording the image of a naked person or a person in the course of sexual activity. To do so, the perpetrator uses violence, unlawful threat or deceit against the person whose image he or she takes, or disseminates the image of a naked person or a person in the course of sexual activity without his or her consent. Prosecution of this crime requires the victim to file a request for prosecution.

At this point it should be noted that the legislation criminalizes only such behaviour that shows the image of a naked person, but does not include the perpetuation or dissemination of an image of a person that otherwise compromises them. In view of the subject under consideration, the behaviour involving the dissemination by the perpetrator of an image of a naked person without their consent will be analysed.

The concept of image was not defined by the legislature. In view of this state of affairs, the Supreme Court held that in the doctrine's definition of the concept, “ (...) the position prevails in which the perceptible, physical features of a person, forming his or her appearance and allowing a person to be identified among people as a physical image, portrait, recognizable likeness, comes to the fore”⁷.

Protection of the right to an image is also expressed in Article 81(1) of the Act of 4 February 1994 on Copyright and Related Rights (Journal of Laws No. 24, item 83, as amended). The provision makes the legality of disseminating an image conditional on the consent of the person to whom the image relates. Such consent is a statement of intent to use the image of the person making it. If the dissemination of the image concerns children under the age of 13, the consent of both parents is necessary.

In the case of children between the ages of 13 and 18, whose legal capacity is limited, for its validity the child's consent must be confirmed by parental consent. It should be emphasized that the dissemination of the child's image is among the child's important matters, and for this reason the consent of both parents is required under Article 97 of the Family Code.

In the absence of agreement on this issue, the decision is made by the court. It should be emphasized, however, that in the case of parental actions that contradict the principle of the child's welfare, it is irrelevant whether the consent to these actions was given by the 13-year-old child or the parents. The action remains unlawful in any case, so no consent can make it legal.

The feature of an image is the recognizability of a person, i.e. it is the presentation of an image in such a way that a person can be identified as a specific physical entity (Kosonoga, 2023, p. 1239). In turn, the term “nudity” should be understood as the

⁷Supreme Court judgment of 15 October 152009, I CSK 72/09, OSNC-ZD 2010, no. 1 item 29.

complete or partial deprivation of a person's clothing in such a way that the person is exposed, exposing the genitals, buttocks, and in the case of women, also the breasts (Mozgawa, 2015, p. 515). The crime of dissemination involves a situation where the perpetrator makes the image widely available, allowing a larger, unspecified number of people to view it.

For the essence of this crime, it is necessary that this is done without the consent of the person whose image is distributed (Hypś, 2021). In this regard, it should be recalled that in the case of minors under parental authority, the person with authority to give consent on behalf of the child is the parent.

The object of protection in a broad sense remains a person's freedom to dispose of their image in connection with the intimate sphere of their life. When indicating the object of the executive action, the legislation was limited only to specifying that it is a person. Therefore, it should be assumed that, in accordance with the will of the legislature, it can be the image of any person regardless of age.

However, the doctrine poses the question of recording the image of a naked child and their age to become the object of the executive action of the crime specified in Article 191a of the Criminal Code. According to M. Mozgawa, "(...) in view of the object of protection (no matter how we put it - whether as intimacy and privacy or as freedom of decision-making in the area of intimacy), in the case of a very young child, neither of these spheres has yet been developed, and therefore it is difficult to talk about its violation" (Mozgawa, 2015, p. 517).

However, it is difficult to agree with this position, given the fact that when the victim is a minor, their rights are exercised by their legal representative, i.e. a parent⁸. Therefore, it is with approval to refer to the argumentation of B. Filek, who, referring to the lack of establishment by the legislature of restrictions on the age of the victim, believes that a restrictive interpretation of the provision cannot be made in this regard (Filek, 2012, pp. 62-63). This position was shared by the Legionowo District Court in its judgment of 3 June 2016, II K 849/15, unpublished, and the Warsaw-Praga Regional Court in its judgment of 25 January 2016, VI Ka 1206/16, unpublished, issuing the first ruling in Poland on parental trolling.

Both the court of first and second instance found the father guilty of committing a crime under Article 191a §1 of the Penal Code, who posted an image of his naked 2-year-old child holding a beer bottle in one hand, and his own prepuce in the other. In the justification of the verdict, the court of second instance emphasized that the perpetrator disseminated the recorded image of the naked child without the mother's consent, and the photo was published on social media *naprofil public*, so that any user could have unlimited access to it and freely download and save it to disk. The District Court stressed that the provision of Article 191a of the Penal Code extends

⁸*Article 51 of the Code of Criminal Procedure.*

protection to the image of any human being, regardless of age, and noted that parents can publish the image of a naked child online, but they must decide on this issue jointly. At the same time, the court made a clear distinction between publishing a photo of a naked child in a closed circle of those closest to him and the situation of publishing it in public, deeming the latter form to be socially harmful to a significant degree.

In conclusion, it emphatically emphasized that “The recklessness in deciding for a young child to publish photos of this kind may have serious consequences for him both now and in the future”⁹.

The offence of disseminating the image of a naked person is an intentional crime. Its subject can be any person, and therefore also the parent of a minor child. Prosecution is carried out at the request of the victim, which, if the victim is a minor, can be filed by the statutory representative of the minor child. However, when one of the parents is the accused, the other parent cannot, acting as a statutory representative, exercise the rights of that minor as a victim in criminal proceedings¹⁰.

The dissemination of a child's image, which will result in the disclosure of the child's personal data, is also included in the provisions of the General Data Protection Regulation¹¹. Unfortunately, despite the content of Recital 38 of the RODO, which contains the rule of special protection of children's personal data, the regulations do not protect the privacy of children whose images and data have been shared on social networks by their own parents.

3. Insulting a Person

The offence of insult under Article 216 of the Penal Code is another criminal act attributable to a parent who distributes photos or videos of his or her child online. According to its wording, the perpetrator insults another person in his or her presence or even in his or her absence, but in public or with the intention that the insult should reach that person. The provision of § 2 indicates that the perpetrator, while insulting a person, uses the means of mass communication. Article 216 § 3 of the Penal Code regulates liability for insult if it was provoked by defiant behaviour of the victim, or if the victim responded by violating bodily integrity or by mutual insult. Prosecution of this crime is by private prosecution.

⁹*Warsaw-Praga Regional Court ruling of 25 January 2016, VI Ka 1206/16, unpublished.*

¹⁰*Article 98 § 2 point 2k.r.o.; Supreme Court resolution of 30 September 2010, I KZP 10/10, OSNKW 2010, no. 10, item 84; Supreme Court decision of 11 January 2011, V KK 125/10, OSN w SK 2011, no. 1, item 27; and Supreme Court decision of 30 September 2015, I KZP 8/15, OSNKW 2015, no. 12, item 100.*

¹¹*Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/ve of 27 April 2016. OJ.Urz.EU.L No. 119, p. 1 as amended.*

Insulting behaviour can occur in the form of action by uttering or writing offensive words or making insulting gestures.

The crime of insult is substantially similar to the crime of defamation (Article 212 of the Criminal Code). However, the literature indicates that in the case of defamation, the perpetrator makes an accusation to the victim, (also based on the truth), which may humiliate him or her in public opinion or expose him or her to loss of confidence necessary for a given position, profession or type of activity. In the case of insult, it is an insulting or ridiculing charge aimed solely at hurting the victim's personal feelings (Kunicka-Michalska, 2001, pp. 246-247).

The legislature has not specified the concept of "insult." Both in jurisprudence and doctrine, insult is understood as any behaviour of the perpetrator that demonstratively expresses contempt for another person, in particular, is intended to degrade their personal dignity and make them feel affected or offended (Supreme Court judgment of 6 February 2003, WA 77/02, not published; Supreme Court resolution of 5 June 2012, SNO 26/12, not published; Gardocki, 2008, p. 275).

According to Michalska-Kunicka, the good protected by law under Article 216 of the Criminal Code is human dignity, understood primarily as the intrinsic aspect of the honour due to it (Kunicka-Michalska, 2001, p. 308).

Human dignity is the subjective belief in one's own worth, the subjective sense of one's own worth, belonging to every human being and resulting from the fact of being a human being (Kulesza, 1984, pp. 165-169.) The provision of Article 216 of the Criminal Code upholds the right to honour and good name guaranteed by the content of Article 47 of the Polish Constitution (Sobczak, Dignity...2006, pp. 9 et seq.).

The crime of insult can be committed only intentionally and only by action. The perpetrator of this act can be any person who meets the conditions of the subject of the crime, and therefore also a parent. In turn, the victim can be any person regardless of whether he or she is capable of perceiving the insult (such as minors or mentally ill or mentally retarded persons).

Therefore, a child can be insulted even if he or she does not understand the words used against him or her and does not treat them as an insult. Thus, it is accurate to conclude that in such a situation, the accusation of insulting a child brought by parents or guardians replacing the child in the rights of the victim will be admissible and justified (Wojciechowski, 2010, p.1348; Kulesza,1984, pp.165-169).

A different position is presented by M. Surkont, who states that an objectively insulting act performed against an insane person in their presence does not constitute an insult performed in the absence of the occurrence of an effect (Surkont, 1978, p. 21). However, it is difficult to agree with this view. The crime of insult is not of an

effectual nature, so whether the aggrieved person feels insulted does not constitute the elements of this crime. The feeling of being wronged is relevant only in terms of the victim's decision to file a private complaint against the perpetrator of the insult (Hofmanski and Satko, 2002, pp. 46-47; Kulesza, 1984, p. 167; Sobczak, *Freedom...*, 2012, 143-174).

As noted above, in the case of parental trolling when one of the parents will be the accused, the child cannot be represented by the other parent, only by the guardian (Article 98 § 3 of the Family and Guardianship Code).

In the case of parental trolling, Article 216 §2 of the Criminal Code will apply. It constitutes a qualified type of this crime. The legislature has recognized that the behaviour of the perpetrator who insults a person using the means of mass communication deserves more severe criminal liability.

Means of mass communication can include all those means, the action of which amounts to mass transmission of various content, so both printed press, radio, television, books, posters, films and nowadays, above all, the Internet (Sobczak, *Defamation*, pp. 28-53, decision of the Supreme Court of 7 May 2008, III KK 234/07, OSNKW 2008, no. 9, item 69). The ratio legis of this type of crime is obvious, as the insult disseminated through these means, especially the Internet, has a worldwide reach and it is basically impossible to undo its effects.

4. Forcing a Person to Behave in a Certain Way

The behaviour of the parent(s) distributing photos or videos of the child, and previously forcing the child to take part in posing or in various types of "parental initiatives" to obtain these materials, can also be considered in terms of the crime of forcing the child to behave in a certain way under Article 191 of the Criminal Code if the perpetrator parent uses violence or unlawful threats to do so.

With a view to the subject under consideration and analysing the provision of Article 191 of the Criminal Code § 1 accordingly, the perpetrator uses violence or unlawful threats against a person in order to force them to perform a specific act, omit or endure. According to the prevailing view in doctrine and jurisprudence, violence should be understood as physical means (force), which is aimed at preventing the person from making or carrying out his or her decision of will or exerting pressure on his or her motivational processes in a direction desired by the perpetrator (Hanausek, 1966, p. 65; Supreme Court judgment of 6 September 1994, II KRN 158/94, "Prosecution and Law" 1995, No. 1, appendix "Jurisprudence").

The legislature used the concept of violence against the person in the provision under review. According to the Supreme Court, this narrows the concept to direct physical impact on a person, excluding indirect impact (so-called "indirect

violence”) by dealing with a thing¹². However, there are different positions, which are based on the thesis that all violence, regardless of the form of its use, is directed at influencing a person, especially when the ailment associated with the handling of the thing, is transferred to them directly and affects their will (Wysocki, 1999, p. 64). This position seems justified, since in this situation the thing becomes only a tool in achieving the goal of forcing a person to behave in a certain way.

The second way of forcing a person to behave in a certain way is the use of unlawful threats (Article 115 §12 of the Penal Code). It includes a criminal threat (Article 190 of the Penal Code), a threat to cause criminal or other proceedings in which an administrative monetary penalty may be imposed (except when it is intended to protect a right violated by a crime, a behaviour threatened by an administrative monetary penalty), and a threat to publicize information derogatory to the honour of the wronged person or his or her next of kin.

Analysing this provision, it seems that in the case of parental trolling, the child's parents, in order to obtain material in the form of photos and videos of the child, may try to influence the child with a criminal threat and also an attempt to publicize information derogatory to the honour of the minor or their next of kin, such as siblings.

The behaviour of the perpetrator of the crime specified in Article 191 of the Penal Code is aimed at forcing another person to perform a certain act, an omission or endure. It is therefore an intentional directional crime. According to Peiper, coercion in the context of Article 191 of the Penal Code is the violation by the perpetrator of the will of another person, subjecting them to the will of the perpetrator or their order(s).

Coercion means forcing the victim to perform a certain factual or legal act against their will. In contrast, coercion to refrain from or to endure is forcing the victim to behave passively, except that with coercion to endure, something happens or is supposed to happen that the victim does not want and would not endure if they were not under the coercion of the perpetrator (Peiper, 1936, p. 510).

The object of protection of the crimes specified in Articles 191 § 1 and 2 of the Penal Code is the freedom of human decision-making, understood as freedom from the unauthorized influence of other people on the freedom and integrity of the decision-making process (Filar, 2010, p. 794). The subject of the crime of coercion in all types of this act can be any person who meets the general conditions for criminal responsibility, and can also be a parent. Prosecution is carried out at the request of the victim, that is, in the case of parental trolling, the request can be made by a guardian appointed by the guardianship court (Article 99 § 1 of the Family and Guardianship Code).

¹²Supreme Court resolution of 10 December 1998, I KZP 22/98, OSP 1999, No. 5, item 93.

5. Bullying the Person

Looking for further criminal provisions that could be applied to parents who use paternal trolling, the question arises: can a child who is notoriously forced to pose, play roles invented by the parent, which in the opinion of the parent are funny and as a result ridicule and humiliate, become a victim of the crime of psychological abuse?

The offence under Article 207 of the Penal Code involves physical or mental abuse of a person closest to the offender (Article 115 §11 of the Penal Code) or another person in a permanent or transitory relationship of dependence on the offender. Under Article 207§2 of the Penal Code, a person who is vulnerable due to his or her age, mental or physical condition, and therefore also a minor child, is protected.

Bullying is a multi-factor crime, which may consist of the elements of various other criminal acts, such as dissemination of an image, forcing a certain behaviour or insult as mentioned above. Thus, if the perpetrator's behaviour is either repetitive or one-time, but intense and extended in time, then the act may exhaust the elements of the crime of abuse (Article 207 of the Criminal Code).

According to the Supreme Court, abuse means behaviour involving the intentional infliction of physical pain or mental suffering that is repetitive, but also one-time, but intense and extended over time¹³. The catalogue of these behaviours is open-ended. The legislature placed this provision in Chapter XXVI, which primarily protects the proper functioning of the family and the welfare of persons in need of care (e.g., Kalinowski, 1985, pp. 151-152; Ratajczak, 1980, p. 126).

The crime of abuse is one of the intentional common crimes, so the perpetrator can be anyone who may be subject to criminal liability. The legislature has also provided for qualified types. This applies to two situations, i.e. when the perpetrator mistreats their victim with special cruelty and when the consequence of the abuse is the victim's bargaining for their own life, the legislature has provided for more severe criminal liability.

To sum up this part of the argument, it seems that a minor child whose parents notoriously post their photos and videos online, which they previously obtain against the child's will, may also be a victim of the crime of psychological abuse.

6. Conclusions

The development of parental trolling is progressing and its scope seems to have no limits. Parents, in their pursuit of popularity in the media, do not consider the consequences their child may suffer, despite their statutory obligation to protect

¹³Supreme Court judgment of 8 February 1982, II KR 5/82, OSNPG 1982, No. 8, item 114; Supreme Court judgment of 24 October 2000, WA 37/00, unpublished.

them (Kamińska-Nawrot, 2024). The negative or ridiculing image of a child created by parents in the future can be used by their peers in the process of cyberbullying and, unfortunately, its consequences can be dramatic.

One should agree with C. Nowak that “Technological modernization therefore implies the modernization of legal and criminal norms” (Nowak, 2014), so *de lege ferenda* it seems advisable to expand the elements of Article 191a of the Criminal Code to include the image of a child depicted in photos or videos or other information and behaviour of the child that compromises them (not only by showing their nudity).

In addition, the introduction of a type qualified by the consequence of the victim's bargaining for their own life is advocated. The traumatic experience of the child resulting from the publicizing of their intimate or compromising image may lead them to make a desperate decision such as a suicide attempt, so this type of provision should be reflected in the legal qualification. Given the dynamics of the development of parental trolling, in order to stop this phenomenon it is necessary to take legislative action penalizing this type of behaviour as soon as possible.

References:

- Bieńkowska, D. 2018. Godność jako kryterium w realizacji i ochronie praw człowieka. Zarys problematyki. In: Nowe wyzwania i rozwiązania w powszechnym systemie ochrony praw człowieka, J. Jaskiernia, K. Spryszak (eds.), Toruń.
- Bieńkowska, D., Kozłowski, R. 2018. Korelaty odpowiedzialności lekarskiej. Analiza etyczno-prawna zasady poszanowania godności i intymności pacjenta. In: Odpowiedzialność w ochronie zdrowia, E. Kruk, A. Wołoszyn-Cichocka, M. Zdyb (eds.), Warszawa.
- Filar, M. 2010. Kodeks Karny. Komentarz, Warszawa.
- Filek, B. 2012. Wizerunek nagiej osoby jako znamię przestępstwa z art. 191a § 1 k.k., Prokuratura i Prawo, no. 7-8, 62-63, Warszawa.
- Gardocki, L. 2008, Prawo karne. Warszawa.
- Hanausek, T. 1966. Przemoc jako forma działania przestępnego. Zeszyty Naukowe Uniwersytetu Jagiellońskiego z. 24.
- Hofmański, P., Satko, J. 2002. Przestępstwa przeciwko czci i nietykalności cielesnej. Przegląd problematyki. Orzecznictwo (SN 1918-2000), Piśmiennictwo.
- Hypś, S. 2021. Komentarz do art. 191a k.k. In: A. Grześkowiak, K. Wiak (eds.), Kodeks karny. Komentarz, vol. 7, Legalis.
- Jarosz, E. 1998. Przemoc wobec dzieci: reakcje środowisk szkolnych, Katowice.
- Jędrysiak, P. 2018. Odpowiedzialność za naruszenie dóbr osobistych osób nieletnich z wykorzystaniem portali społecznościowych w ramach parental trollingu, Problemy Prawa Prywatnego Międzynarodowego, vol. 23, 31-41, Katowice.
- Kalinowski, J. 1985. Przestępstwo znęcania się (art. 184 k.k.) – przedmiot ochrony, Ruch Prawniczy, Ekonomiczny i Socjologiczny, z. 1, 151-152.
- Kamińska-Nawrot, A. 2024. Sharenting i parental trolling a dobro dziecka. In: Efektywność krajowych międzynarodowych systemów ochrony praw człowieka drugiej generacji, J. Jaskiernia, K. Spryszak (eds.), Toruń.

- Kosonoga, J. 2023. Kodeks karny. Komentarz, R. Stefański (ed.), Warszawa.
- Kulesza, W. 1984. Zniesławienie i zniewaga. Ochrona czci i godności osobistej człowieka w polskim prawie karnym – zagadnienia podstawowe), Warszawa.
- Kunicka-Michalska, B. 2001. Przepięstwa przeciwko wolności, wolności sumienia i wyznania, wolności seksualnej i obyczajności oraz czci i nietykalności cielesnej. Rozdziały XXIII, XXIV, XXV, XXVII Kodeksu karnego. Komentarz, 246-247. Warszawa.
- Mozgawa, M. 2015. Kodeks karny. Komentarz, Warszawa.
- Nowak, C. 2014. Wpływ procesów globalizacyjnych na polskie prawo karne. Warszawa.
- Pająk, M., Sztandera, F. 2019. Wybrane prawne aspekty zjawiska parental trollingu w sieci Internet. In: Problemy nauk prawnych, K. Pujer (ed.) Wrocław.
- Peiper, L. 1936. Kodeks karny. Komentarz, Kraków.
- Ratajczak, A. 1980. Przepięstwa przeciwko rodzinie, opiece i młodzieży w systemie polskiego prawa karnego, Wrocław.
- Surkont, M. 1978. Problem skutkowego charakteru zniesławienia i znieważenia. *Palestra* nr. 22/4(244), 15-23.
- Sobczak, J. 2008. Zniesławienie w Internecie. In: M. Sokołowski (ed.), *Oblicza Internetu. Opus Universale. Kulturowe, edukacyjne i technologiczne przestrzenie Internetu*, 28-53.
- Sobczak, J. 2012. Wolność wypowiedzi prasowej a zniewaga, *Środkowoeuropejskie Studia Polityczne*, (1), 143-174.
- Wojciechowski J. 2010. Komentarz do art. 216 k.k. In: A. Wąsek, R. Zawłocki, *Kodeks karny. Komentarz, Część szczególna*, v. 1. Warszawa.
- Wysocki, M. 1999. Przemoc wobec osoby w rozumieniu art. 191 k.k., *Prokuratura i Prawo*, no. 3, 60-65.

Legal Source Texts:

- Declaration of the Rights of the Child adopted by the General Assembly of the League of Nations in 1924.
- Declaration on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1959.
- Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989. OJ. 1991 No. 120, item 526 as amended.
- Charter of Fundamental Rights Official Journal of the EU C 326/391 of 2012.
- Regulation 2016/679 of the European Parliament and of the Council (EU) of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/we (General Data Protection Regulation) of 27 April 2016. (Official Journal of the EU.L No. 119, p. 1 as amended).
- Act of 25 February 1964 - Family and Guardianship Code (Journal of Laws of 1964, No. 9, item 59, as amended).
- Act of 23 April 1964 Civil Code (Dz.U. of 1964 No. 16, item 93 as amended).
- Act of 4 February 1994 on Copyright and Related Rights (Journal of Laws of 1994, No. 24, item 83 as amended).
- Act of 6 June 1997 Criminal Code (Dz.U. of 1997, No. 88, item 553 as amended).

Case Law:

- Judgment of the Supreme Military Court of 3 February 1938, KN 401/37 “Military Legal Review” 1938, no. 3.
- Judgment of the Supreme Court of 8 February 1982, II KR 5/82, OSNPG 1982, no. 8, item 114.
- Judgment of the Supreme Court of 6 September 1994, II KRN 158/94 “Prosecutor's Office and Law” 1995, no. 1, supplement “Jurisprudence”.
- Judgment of the Supreme Court of 24 October 2000, WA 37/00, unpublished.
- Judgment of the Supreme Court of 15 October 2009, I CSK 72/09, OSNC-ZD 2010, no. 1 item 29.
- Supreme Court decision of 7 May 2008, III KK 234/07, OSNKW 2008, no. 9, item 69.
- Order of the Supreme Court of 11 January 2011, V KK 125/10, OSNwSK2011, no. 1, item 27.
- Order of the Supreme Court of 30 September 2015, I KZP 8/15, OSNKW 2015, no. 12, item 100.
- Resolution of the Supreme Court of 10 December 1998, I KZP 22/98, OSP 1999, no. 5, item 93.
- Resolution of the Supreme Court of 30 September 2010, I KZP 10/10, OSNKW 2010, no. 10, item 84.
- Resolution of the Supreme Court of 5 June 2012, SNO 26/12, unpublished.
- Judgment of the Warsaw-Praga District Court of 25 January 2016, VI Ka 1206/16, unpublished.
- Judgment of the District Court in Legionowo dated 3 June 2016, II K 849/15, unpublished.