Cyberstalking:
The New Threat on the Internet

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INTRODUCTION

The phenomenon of stalking itself is as old as humankind itself. The past years and the expansion of digitalization have put the crime of stalking in a new light. A representative study from the USA, shows that one in four Americans has already been "harassed" online. (Duggan, 2017) If stalking in the traditional sense (also known as offline stalking or classic stalking) is described as obsessive harassment / threat over a longer period, it takes on a new criminal dimension as soon as connected communication takes place. New forms of crime such as cyberstalking, cyberbullying, and romance scams have now reached our everyday lives. The main objective of this article is to introduce a representative study on cyberstalking cases in Austria to the scientific community. In addition, it should provide a clearer picture of cyberstalking based on evidence-based international data.

BACKGROUND

There is no doubt that stalking is a common criminal offence that has taken on a new dimension with the expansion of the Internet. According to Pathe and Mullen (Pathe & Mullen, 1997), stalking is described as a set of behaviours in which the stalker continuously and violently penetrates the victim's privacy and harasses the victim through personal contacts or the use of communication media. (Pathe & Mullen, 1997) Cyberstalking is often viewed as a natural continuation of offline stalking given their conceptual and operational overlap. In classical stalking one speaks of persistent persecution. This includes persecution, ambush, trespassing, and the unintentional receipt of gifts, letters and telephone calls. The development of telecommunications has brought about a change in the way the media communicate, with the result that traditional communication methods have been replaced by Internet communication.

This led to the development of new stalking methods, which found their way into encyclopaedias under the neologism of "cyberstalking". Hoffmann defines cyberstalking as "the obsessive persecution or harassment of another person using the Internet, e-mail, an intranet or related electronic media". (Hoffmann, 2006, p 197) The US government defines cyberstalking as "the use of the Internet, email, or other electronic communications devices to stalk another person". (US Attorney General, 1999) In summary, 'cyberstalking' means stalking processes that occur with the help of new electronic communication devices, i.e. mobile phones, smartphones, laptops or other networked mobile devices. With these devices, chatting, sharing pictures and videos or transmitting voice recordings is made much easier

individually and in communities. The permanent availability of the service programs on these devices makes it possible to communicate at any time of the day or night, as well as anywhere else.

The most common definitions of cyberstalking can be found in legal literature. Therefore, this definitions are bound to the legislation of the respective country and can therefore hardly provide a complete overview of all facets of cyberstalking. For a pure legal assessment, it is not necessary to cover the social phenomenon cyberstalking in all its facets. Laws have the function of subsuming accurate facts of life under legal regulations and deducing legal consequences from them. We will not stick to country bound legal definitions of cyberstalking. We see it as a recent social phenomenon, which is bound to electronic communication. If we see cyberstalking primarily as abusive communicative behaviour, we can follow Forgó et al. (Forgo, 2010) and define the term cyberstalking (in narrower sense) not only as threats and coercion but also as actions, which, due to their continuity and duration, lead to an unreasonable impairment of lifestyle. In a broader sense, the term cyberstalking includes also attacks on computer systems and defamatory publications on websites, in online forums, or in social networks, but also unwelcome publication of photos. (Forgo, 2010)

These are typical classifications from classical stalking research. According to Goodno (Goodno, 2007), five factors differentiate cyberstalking from traditional stalking. First, the perpetrators who use cyberstalking as a method are much more efficient than classical delinquents are. Due to the characteristics of internet communication, the victim is immediately and more widespread harassed than in traditional stalking. Secondly, there is no physical presence required to engage in cyberstalking. Third, cyberstalkers usually remain anonymous. By combining second and third, it is therefore much easier to engage in cyberstalking. This makes it easier for cyberstalkers to assign the harassment / threat to third parties. (Goodno, 2007) Bocij (Bocij, 2006), on the other hand, assumes that cyberstalking can also lead to physical violence in a later episode. (Bocij, 2006) Whether a person perceives cyberstalking as a threat / harassment also depends on the personal sensitivity of the victim. Some people feel because of certain actions as victims some do not. If a certain behaviour is considered as cyberstalking from a legal point of view, the person who is the victim must not necessarily feel himself / herself as a stalking victim. (Huber, 2012) Therefore, cyberstalking as a social phenomenon can only be understood by applying the current social norm. The social convention under which information is communicated and shared is an important premise whether an action is regarded as cyberstalking or not. (Nissenbaum, 2004)

Who Are the Perpetrators?

Example: Jason is not happy in his job. All the suggestions he makes to his boss are ignored. Then he also receives a letter of termination. Angry and disappointed, he wants to take revenge on his boss. He spreads lies about his boss on various internet platforms such as LinkedIn and Facebook.

The scientific literature in the field of stalking and cyberstalking focuses very strongly on the psychological condition of the perpetrators. This is due to the fact that most of the studies were conducted in the clinical field, where mentally ill stalkers were examined or the data about the perpetrators were collected through victim interviews.(Mullen & Pathe, 2000) However, if we take a more detailed look at the term "perpetrator", it has to be said that we can only speak of a "perpetrator" in a legal sense when the person in question was sentenced by a court of law. Up to this point, we should call them suspects or strong suspects. The literature distinguishes five different types of perpetrators from classical stalking research: 1. The rejected stalker: often they are former partners of the victim. Violent acts are common in this type of stalker. In addition, personality disorders are often diagnosed. 2. The intimacy seeker: the typical cases of "erotomania" fall under this category. A typical example of this is that the stalker is often

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