

# CYBERBULLYING IN THE BRAZILIAN SCHOOL CONTEXT: FROM TENSION BETWEEN PARENTS AND THE SCHOOL TO COOPERATION

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## *Abstract*

This essay addresses cyberbullying in the school context to understand the limits and potential of parents and schools in educating children and adolescents who are capable of interacting with one another. To this end, the analysis will be structured around four main pillars: first, the concept of cyberbullying, its characteristics, and applicable national regulations are examined. Next, the limits and extent of parental authority, as well as the resulting civil liability of parents for their children's actions, are investigated. Subsequently, the issue of schools' duty of care through the lens of new concepts of civil liability is explored. Finally, an alternative path will be proposed to mitigate the tension between family and school by transitioning from a conflict model to a logic of cooperative solidarity in dealing with cyberbullying.

## *Keywords:*

Cyberbullying. Child and adolescent. Parental authority. Education. Civil liability.

## *Summary*

1. Introduction. 2. Cyberbullying: concept, characteristics and applicable rules. 3. Parental authority and parental civil liability. 4. Schools' duty of care and new concepts of civil liability. 5. Parents and schools' action towards cyberbullying: from tension to cooperation. 6. References.

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## 1. INTRODUCTION.

The increasingly intense presence of technology in the daily lives of children and adolescents has generated countless benefits, but also brought complex challenges—among them, cyberbullying, which stands out as an insidious form of violence that transcends the physical confines of schools. Faced with this phenomenon, a delicate tension emerges between parents' duty of vigilance and the role of educational institutions in the ethical, emotional, and social development of new generations.

In this context, the reflection proposed by Pope Francis in the Encyclical *Fratelli Tutti* (no. 114) sheds light on the need for shared responsibility in the education and protection of children and adolescents. The Pontiff affirms that solidarity, as a moral virtue and social practice, requires the engagement of multiple actors with educational and formative roles.

Therefore, when addressing cyberbullying in schools, it is crucial to recognize that parents and educational institutions share a common ethical mission: to educate individuals who are capable of interacting with one another—both physically and digitally—with respect, empathy, and responsibility. Understanding the limits and potential of each of these agents is essential to effectively and collaboratively addressing the problem.

This study, based on Francis's reflection, aims to outline the model of civil liability applicable to parents and educational institutions in the context of cyberbullying, in light of new concepts of civil liability, while also exploring alternative ways to address the phenomenon, considering its complexity and the multiplicity of agents involved.

To this end, the analysis will be structured around four main pillars: initially, we examine the concept of cyberbullying, its characteristics, and applicable national regulations. Next, we investigate the limits and extent of parental authority and the resulting civil liability of parents for their children's actions. Next, we explore the issue of schools' duty of care in light of new

concepts of civil liability. Finally, we propose an alternative approach to mitigate tension between families and schools by transitioning from a conflict model to a logic of solidarity-based cooperation in combating cyberbullying.

From an ethical perspective, the theoretical framework adopted is the philosophy of Francis, especially the Encyclical Fratelli Tutti and the document Antiqua et Nova. The theoretical framework of the Dogmatic Science of Law is embodied in Nelson Rosenthal's text on "The Polysemy of Civil Liability in the LGPD."

This is pure, qualitative, and exploratory research, carried out using the method of legislative, bibliographical, and judicial review.

## 2. CYBERBULLYING: CONCEPT, CHARACTERISTICS AND APPLICABLE RULES

A student with a disability was the victim of bullying and cyberbullying at a private school in Guarulhos, São Paulo, where she had been studying since 2013. The young woman, diagnosed with Moebius Syndrome—a rare neurological condition that causes physical, intellectual, and motor impairments—suffered over the years from successive instances of discrimination, exclusion, and humiliation by her peers. In 2016, the attacks intensified: a group of students used smartphone app filters to simulate facial deformities and mock the girl's appearance. Although the family reported the incidents to the school administration several times, no effective measures were taken to curb the attacks.

Faced with the institution's negligence, the family took legal action, and the case reached the 12th Private Law Chamber of the São Paulo Court of Justice, which upheld the lower court ruling. The school was ordered to pay compensation for moral damages and incurred a fine for bad-faith litigation. The reporting judge, Judge Alexandre David Malfatti, emphasized that the evidence demonstrated bullying and the school's complete inaction in the

face of the abuse. He also criticized the institution's attempt to minimize the attacks by claiming they were displays of 'affection', stating that this concept was 'completely misguided and unacceptable in a school environment'. The São Paulo Court of Justice, in a unanimous decision, reaffirmed the responsibility of educational institutions to prevent and suppress violence among students.<sup>3</sup>

Cases like the one reported, unfortunately, are becoming more and more frequent, incorporating the expressions bullying *and* cyberbullying into legal language.

The expression cyberbullying is the combination of two linguistic elements, cyber and bullying. Bullying refers to aggressive, humiliating, and offensive behavior. When such violence is perpetrated in a virtual (cyber) environment, it is defined as cyberbullying. In the words of Adriano Marteleto Godinho and Marcela Maia de Andrade Drumond, 'cyberbullying is, therefore, the virtualization of bullying; that is, the offending agent uses virtual tools to perpetrate threats or offenses against others'.<sup>4</sup>

Given the repercussions of these phenomena in Brazilian society, the legislator issued a rule specifically aimed at addressing them in all social environments, with a special focus on the school environment: Law No. 13,185 of November 6, 2015, in force 90 (ninety) days after the date of its official publication, which established the Program to Combat Systematic Intimidation (Bullying).

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<sup>3</sup> COURT OF JUSTICE OF THE STATE OF SÃO PAULO, School convicted for failing to curb bullying against student, São Paulo, June 29, 2023. Available at: <https://www.tjsp.jus.br/Noticias/Noticia?codigoNoticia=92151> (accessed April 19, 2025).

<sup>4</sup> GODINHO 2022, 196.

This law defines systematic intimidation (bullying) as any intentional and repetitive act of physical or psychological violence, without apparent motivation, carried out by an individual or group with the aim of intimidating or attacking another person, causing suffering, and reinforcing unequal power relations. It describes various forms of bullying, ranging from physical attacks and insults to social exclusion, prejudiced expressions, and mockery. It also includes cyberbullying, characterized by the use of digital technologies to expose, humiliate, or psychologically embarrass victims, and further classifies it into several categories.<sup>5</sup>

The legal classification of bullying—which extends to cyberbullying—uses the following criteria: verbal, moral, sexual, social, psychological, physical, material, and virtual. Each form involves specific behaviors, such as name-calling, slander, harassment, isolation, stalking, physical assault, damage to belongings, or dissemination of intimate information.

The central objectives of the Program to Combat Systematic Intimidation include: preventing and combating bullying and cyberbullying, training education professionals, promoting information campaigns, involving families and the media, offering assistance to victims and perpetrators, and fostering a culture of peace and empathy. A key aspect of the Law is its emphasis on accountability with an educational focus, avoiding, whenever possible, merely punitive sanctions against aggressors.

The Brazilian legal system has other legal norms that, directly or indirectly, apply to the practice of cyberbullying, particularly when it occurs in the

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<sup>5</sup> BRAZIL, Law No. 13,185, of November 6, 2015, Establishes the Program to Combat Systematic Intimidation (bullying), *Diário Oficial da União (Federal Gazette)*: seção 1, Brasília, DF, November 9, 2015. Available at: [http://www.planalto.gov.br/ccivil\\_03/ato2015-2018/2015/lei/l13185.htm](http://www.planalto.gov.br/ccivil_03/ato2015-2018/2015/lei/l13185.htm). (accessed April 16, 2025).

school context, making it possible to identify a set of regulations that impose duties on parents, educational institutions, and digital platforms.

The Child and Adolescent Statute (Law No. 8,069/1990) establishes the fundamental rights of children and adolescents, assigning to families, society, and the State the duty to protect them from any form of neglect, discrimination, exploitation, violence, cruelty, and oppression. The doctrine of comprehensive protection informs the applicable legal framework, including liability for physical, moral, and psychological harm resulting from practices such as bullying and cyberbullying.<sup>6</sup>

The Brazilian Internet Civil Rights Framework (Law No. 12,965/2014) establishes principles, guarantees, rights, and obligations for internet use in Brazil. Regarding civil liability, Article 19 states that internet application providers may only be held liable for content generated by third parties if, following a specific court order, they fail to take steps to make the identified infringing content unavailable.<sup>7</sup>

However, the Federal Supreme Court (STF) discusses, in terms of general repercussion, the unconstitutionality of article 19, in a joint judgment of

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<sup>6</sup> BRAZIL, Law No. 8,069, of July 13, 1990, Provides for the Statute of the Child and Adolescent and makes other provisions, *Diário Oficial da União*: seção 1, Brasília, DF, 16 July, 1990. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/18069.htm](http://www.planalto.gov.br/ccivil_03/leis/18069.htm) (accessed April 16, 2025).

<sup>7</sup> BRAZIL, Law No 12,965, of April 23, 2014, Establishes principles, guarantees, rights, and duties for Internet use in Brazil, *Diário Oficial da União*: seção 1, Brasília, DF, April 24, 2014. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/112965.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112965.htm) (accessed April 16, 2025).

Extraordinary Appeals No. 1,057,258/MG (Theme 533)<sup>8</sup> and 1,037,396/SP (Theme 987).<sup>9</sup>

In his vote, the rapporteur for RE 1.037.396/SP, Justice Dias Toffoli, stated that the provision grants excessive immunity to digital platforms, hindering liability for damages arising from offensive content. He also indicated that, preferably, liability must be grounded on Article 21 of the same law, which provides for the removal of content involving the violation of privacy through scenes of nudity or private sexual acts, even without the need for a court order, upon notification of the interested party.<sup>10</sup>

The rapporteur proposes as a thesis, a “Decalogue against digital violence and disinformation”, whose main aspects are: (i) the unconstitutionality of article 19 of Law No. 12.965/2014; (ii) the civil liability of platforms for damages (to honor, image, privacy, etc.) caused by third parties if, after notifying the offended party, they do not take action within a reasonable time; (iii) the strict liability of platforms, regardless of notification, when they recommend, promote, or moderate content, including with advertisers,

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<sup>8</sup> General Repercussion Theme No. 533 - Duty of website hosting companies to monitor published content and remove it when deemed offensive, without intervention by the judiciary, Extraordinary Appeal No. 1057258/MG.

<sup>9</sup> General Repercussion Theme No. 987 - Discussion on the constitutionality of Article 19 of Law No. 12,965/2014 (Civil Rights Framework for the Internet), which determines the need for a prior and specific court order for content removal in order to hold internet providers, websites, and social media application managers civilly liable for damages resulting from illegal acts committed by third parties, No. 1.037.396/SP.

<sup>10</sup> BRAZIL. FEDERAL SUPREME COURT, Brazilian Civil Rights Framework for the Internet: rapporteur votes for platform liability without prior notification: According to Justice Dias Toffoli, platforms have the technological capabilities to detect illegal content, December 05, 2024. Available at: <https://noticias.stf.jus.br/posts/noticias/marco-civil-da-internet-relator-vota-por-responsabilizacao-de-plataformas-sem-necessidade-de-notificacao-#:~:text=O%20ministro%20Dias%20Toffoli%2C%20do,redes%20sociais%20por%20danos%20decorrentes> (accessed April 19, 2025).

in fake, de-identified, or automated accounts, in copyright infringement, and in serious unlawful conduct (as listed in the decision); (iv) exceptions to the application of rules (ii) and (iii), in cases of e-mail services, platforms for private meetings (video/voice), and private messages protected by confidentiality; (v) the strict liability of marketplaces for advertisements of prohibited or irregular products, responding together with the advertiser; (vi) the responsible conduct of platforms, which must promote a safe and reliable digital environment; (vii) the associated duties of platforms; (viii) the active fight against illegalities; (ix) access to service channels, allowing users and non-users to monitor complaints; (x) the provision of a legal representative in Brazil with broad powers.<sup>11</sup>

If the rapporteur's vote is supported by the majority, the STF's decision will have a direct impact on the civil liability of platforms in cases of cyberbullying, requiring more diligent and responsive conduct on the part of technology companies, especially with regard to the protection of children and adolescents.

Above all infra-constitutional legislation and conferring validity upon it, Article 227 of the Constitution of the Republic states verbatim that:

It is the duty of the family, the society, and the State to ensure children, adolescents, and young people, with absolute priority, the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom, and family and community life.<sup>12</sup>

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<sup>11</sup> BRAZIL, Supreme Federal Court, Extraordinary Appeal No. 1,037,396/SP: rapporteur's vote, Minister Dias Toffoli, Brasília, DF, 2024. Available at: <https://noticias-stf-wp-prd.s3.sa-east-1.amazonaws.com/wp-content/uploads/wpallimport/uploads/2024/12/05210439/RE-1037396-VOTO-RELATOR.pdf>. (accessed April 19, 2025).

<sup>12</sup> BRAZIL, Constitution of the Federative Republic of Brazil, 1988, Brasília, DF: Presidency of the Republic, [2024]. Available at:

The legal rights protected by the Constitution are susceptible to violation by systematic intimidation: in other words, cybercrimes, characterized as cyberbullying, are acts that violate personal rights.

### 3. PARENTAL AUTHORITY AND PARENTAL CIVIL LIABILITY

Cyberbullying in schools represents one of the biggest dilemmas of information society. Children and adolescents have increasingly early and unrestricted access to the internet, often without adequate parental supervision. That makes it more complex to define responsibilities for legal rights violated in the digital environment.<sup>13</sup>

The 1988 Constitution of the Republic guarantees parents the freedom to educate their children, while also imposing, in Article 229, the duty to assist, raise, and educate them. This dual aspect—freedom and responsibility—is reinforced by infra-constitutional norms that impose limits and duties on parents, including sanctions for omission. An example of this is the criminal classification of the crimes of material and intellectual abandonment (Articles 244 and 246 of the Penal Code).

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[https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm) (accessed April 19, 2025). For the English version see: [https://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](https://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf)

<sup>13</sup> On civil and criminal penalties applicable to perpetrators and other persons involved in bullying and cyberbullying, LOBO, Milena Garcia de Souza; CORDEIRO, Taiana Levinne Carneiro, As consequências jurídicas do bullying e cyberbullying: responsabilidade civil nos espaços educacionais, *Revista Ibero-Americana de humanidades, Ciência e Educação*, São Paulo, v.10, n.11, Nov. 2024, 2858-2870. Available at: <https://doi.org/10.51891/rease.v10i11.16719> (accessed April 16, 2025).

The Child and Adolescent Statute (ECA), based on the doctrine of comprehensive protection, expands this understanding by recognizing that parental duties include not only material provision, but also emotional, affective, and ethical care.<sup>14</sup>

Recently, the Final Report of the Commission of Jurists responsible for revising the Civil Code has proposed the express inclusion, in Article 1634, of the duty of both parents to ‘monitor their children’s activities in the digital environment’, regardless of their marital status. This regulatory update, if approved, will mark a significant advance in parental accountability in response to the challenges of the digital age.<sup>15</sup>

This new parental legal duty is necessary for digital education:

Parents should guide their children and adolescents in understanding the importance of online safety to help them navigate the virtual environment in a protected and healthy manner. These are parental actions that prepare children for the technological world. Monitoring the use of social media profiles, WhatsApp, and online games are examples of what should be the focus of digital education, which ought to be adapted to the developmental stage of the child or teenager once the educational process presupposes a combination of

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<sup>14</sup> BRAZIL, Law No. 8,069, of July 13, 1990, Provides for the Statute of the Child and Adolescent and makes other provisions, *Diário Oficial da União*: seção 1, Brasília, DF, July 16, 1990. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/18069.htm](http://www.planalto.gov.br/ccivil_03/leis/18069.htm) (accessed April 16, 2025).

<sup>15</sup> BRAZIL, Commission of Jurists responsible for reviewing and updating the Civil Code, Final report on the work of the Commission of Jurists responsible for reviewing and updating the Civil Code, Brasília: Federal Senate, 2023. Available at: <https://www25.senado.leg.br/web/atividade/comissoes/-/comissao/15513> (accessed April 19, 2025).

autonomy and vulnerability in the online environment as well.<sup>16</sup>

The excerpt lucidly reproduced introduces yet another demand of the contemporary world. Indeed, the digital education of children poses new challenges for parents that impact the traditional view of the duties arising from parental authority in the face of the demands of the information society. However, fulfilling this duty faces many challenges. Among them are: a generational gap in technological skills; the rapid pace of technological transformation; and the emergence of new technological tools, which make parental supervision a complex and constant task.

### 3.1. Legal foundations of parental responsibility

Article 932, Section I, of the Civil Code establishes the strict liability of parents for acts committed by minor children under their authority or on their company. This liability is not conditional on fault, but derives from the legal bond and the presumption of influence on the development and behavior of the child or adolescent.<sup>17</sup>

Article 934 guarantees the right of recourse to anyone who compensates for damage caused by a third party, unless the perpetrator is a descendant of the third party, who is either absolutely or relatively incapacitated. In other words, in the case of parents, liability remains even if the child is the direct perpetrator of the wrongdoing, with no possibility of reimbursement.<sup>18</sup>

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<sup>16</sup> TEIXEIRA 2022, 31.

<sup>17</sup> BRAZIL, Law No. 10,406, of January 10, 2002, Establishes the Civil Code, Diário Oficial da União: seção 1, Brasília, DF, 11 January, 2002. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/2002/L10406.htm](http://www.planalto.gov.br/ccivil_03/leis/2002/L10406.htm) (accessed April 16, 2025).

<sup>18</sup> BRAZIL. Law No. 10,406, of January 10, 2002. Establishes the Civil Code. Diário Oficial da União: seção 1, Brasília, DF, 11 jan. 2002. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/2002/L10406.htm](http://www.planalto.gov.br/ccivil_03/leis/2002/L10406.htm) (accessed April 16, 2025).

Situations involving emancipated children,<sup>19</sup> on the other hand, deserve more attention. Situations involving emancipated children, on the other hand, deserve more attention. Generally, voluntary emancipation extinguishes parental authority, and with it, parents' civil liability as well. However, it's undeniable that voluntary emancipation is a means of evading legal obligations. In this particular circumstance, joint liability between parents and children may be defensible.

In cases of legal emancipation—marriage, holding public employment, graduation, among others, provided for in Article 5, sole paragraph, items II to V, of the Civil Code, parental liability is excluded. Ruling No. 660 of the Federal Justice Council corroborates this position by stating that ‘a minor under the age of 18 may be held jointly liable with their parents solely if they have been emancipated in accordance with Article 5, sole paragraph, item I’.<sup>20</sup>

Guardians' liability is also provided for in Article 932, II, of the Civil Code, following the same parameters applicable to parents. However, the guardian may exercise the right of recourse against the ward if they are liable for compensation arising from the ward's unlawful acts.<sup>21</sup>

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<sup>19</sup> On the possibility of exceptionally extending parental responsibility to the acquisition of full capacity by their children, OLIVEIRA et al 2024.

<sup>20</sup> BRAZIL. Federal Justice Council. Statement No. 660: The only circumstance in which a minor under the age of 18 may be jointly liable with his or her parents is if he or she has been emancipated under the terms of Article 5, sole paragraph, item I, of the new Civil Code. Brasília, DF. Available at: <https://www.cjf.jus.br/enunciados/enunciado/1793> (accessed April 21, 2025).

<sup>21</sup> BRAZIL. Law No. 10,406, of January 10, 2002. Establishes the Civil Code. Diário Oficial da União: seção 1, Brasília, DF, January 11, 2002. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/2002/L10406.htm](http://www.planalto.gov.br/ccivil_03/leis/2002/L10406.htm) (accessed April 16, 2025).

This regulatory framework reinforces the duty of care of parents or other guardians to prevent children and adolescents from becoming victims of cyberbullying or even from perpetrating it. The reflection that shifts the focus to young people who engage in systematic cyberbullying is particularly timely:

In any case, even if the perpetrators of cyberbullying are incapable and immature, to the point of not fully understanding the harmful effects of their behavior, one cannot ignore the fact that dialogue with their parents will possibly lead the minor to incorporate into their growth the notions of respect, tolerance, cooperation, dignity and coexistence with others [...] Children and adolescents, as people in development, are more prone to errors and misconduct; however, education, constant parental monitoring and dialogue are essential measures for minors to become aware of their consequences.<sup>22</sup>

Therefore, parents must adopt preventive measures against cyberbullying, such as maintaining regular communication with their children about responsible internet use, setting time and content limits for browsing, monitoring social media and messaging apps, and providing guidance on empathy, respect for differences, and the legal and emotional consequences of cybercrimes. Even so, controlling young people proves challenging, especially given the contemporary crisis of parental authority.<sup>23</sup>

#### 4. SCHOOLS' DUTY OF CARE AND NEW CONCEPTS OF CIVIL LIABILITY

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<sup>22</sup> GODINHO et al 2022, 198-199.

<sup>23</sup> On the impact of new technologies on the lives of children and adolescents: LIMA; SÁ 2019, 86-98.

One way to combat cyberbullying in schools, from a private law perspective, is through civil liability, traditionally understood within the classic framework of liability. In this concept, once the occurrence of an unlawful act is recognized, it becomes feasible to impose monetary compensation on the offender or those who, by legal imposition, had a duty of vigilance or care.<sup>24</sup>

When a judicial decision in the criminal or administrative sphere recognizes the practice of cyberbullying, this recognition tends to be considered uncontroversial in civil court.

Thus, the judge will not re-discuss the existence of the wrongdoing, but will focus on determining the compensatory consequences. This logic of reparation, centered on liability, prioritizes compensation for the victim, especially for non-pecuniary damages, even though, technically, civil liability is not limited to compensation.

However, it is legitimate to question whether monetary compensation alone would be enough to prevent antisocial behavior like cyberbullying. Would monetary compensation truly transform the institutional culture of schools?

Consider, for example, situations in which adolescents are victims of repeated cyberbullying by peers at the same school. Even after the perpetrators are held legally accountable—or even expelled—the victim's parents may have already decided to transfer their child to another institution in search of a safer environment. The question remains: Did the school learn from the incident? Did it adopt effective preventative measures?

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<sup>24</sup> About Cyberbullying and the civil liability of schools in Brazil: REZENDE et al 2020.

In Brazil, the Civil Code still largely enshrines the classical concept of civil liability. However, the enactment of the General Personal Data Protection Law (LGPD – Law No. 13,709/2018) introduced new dimensions of liability into the legal system, as highlighted by Nelson Rosenvald: responsibility, accountability, and answerability.<sup>25</sup>

Responsibility refers to voluntarily assumed responsibility of an ethical nature, independent of legal imposition. It is a forward-looking concept that views responsibility as an instrument of self-governance and the formation of coexistence.

In the case of educational institutions, this implies recognizing their role in building a safe, inclusive, and respectful digital culture.

This ethical stance should permeate pedagogical guidelines, teacher training, and school management. When this institutional awareness is present, confronting cyberbullying becomes a natural part of the commitment to the dignity of children and adolescents.

Unfortunately, reality shows that many schools still fail to respond to serious situations, even when the practices occur in familiar virtual environments accessible to the school community. The lack of this moral responsibility undermines the effectiveness of conflict prevention and resolution efforts.

Accountability broadens the scope of responsibility by incorporating governance parameters, continuous evaluation, and transparency. Beyond *ex post* reparation, it involves developing internal mechanisms to prevent damage. In the educational field, this means that public and private schools must be held accountable not only for concrete omissions but also for the absence of preventive policies.

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<sup>25</sup> On the subject, see: ROSENVALD 2020.

This governance logic imposes proactive obligations, like the adoption of digital ethics codes, ongoing teacher training, awareness campaigns, the creation of accessible reporting channels, and clear procedures for investigating and responding to incidents.

Even well-intentioned actions, such as psychological support to victims or conflict mediation, lose their effectiveness when isolated or disjointed. Combating cyberbullying requires a cooperative system in which schools work in coordination with families, government agencies, and civil society.

Answerability refers to the duty to justify and make institutional decisions understandable, especially in contexts of crisis or rights violations. Applied to the school environment, it means that the community—especially families and victims—has the right to obtain clarification on the procedures adopted, the measures taken, and the reasons for any omissions.<sup>26</sup>

When a school ignores or silences reports of cyberbullying under the pretext of preserving privacy or avoiding public exposure, it undermines its institutional duty of protection. Silence in such cases may constitute an ethical and legal violation, especially when requested by those who hold parental authority.

Thus, alongside traditional liability, recognizing the dimensions of responsibility, accountability, and answerability allows for the construction of a more ethical, preventive, and transformative civil liability model. This model is not limited to compensation, but seeks to promote structural

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<sup>26</sup> The LGPD provides for the right to explanation (answerability) only in the case of automated decisions. On the subject, see: LIMA; SÁ, 2020.

changes that prevent new violations and affirm a fairer and safer school culture—both in the digital and in-person environments.

## 5. PARENTS AND SCHOOLS' ACTION TOWARDS CYBERBULLYING : FROM TENSION TO COOPERATION

Early and continuous access to digital technologies presents new challenges for contemporary education. Parents, teachers, and school administrators face the complex mission of protecting children and adolescents from the impacts of cyberbullying, which is a phenomenon that affects academic performance, emotional health, and the development of victims, and even stigmatizes the offender.

From a legal perspective, the discussion usually focuses on identifying who is responsible: who should be held accountable for the damages caused? This question, while relevant, tends to generate partial answers, as liability—in its compensatory, preventive, and pedagogical functions—does not encompass the full complexity of the phenomenon.

In practice, situations in which parents and educational institutions adopt opposing positions are not uncommon: parents demand greater vigilance and disciplinary action, while schools claim that the events occurred outside their physical boundaries and, therefore, fall outside their jurisdiction. This dispute over jurisdiction, when not addressed with maturity and cooperation, can worsen the situation: it intensifies the victim's isolation, perpetuates the violence, and sometimes stigmatizes the aggressor, who is also a child or adolescent in the process of development.

In this context, Pope Francis's teachings in the Encyclical *Fratelli Tutti* offer a profoundly ethical and transformative perspective. Reflecting on solidarity as a moral virtue and social behavior, the Pope emphasizes the need for personal conversion that translates into community action. He calls on a multiplicity of subjects with educational and formative responsibilities—

among which the family and school stand out—to collaborate in building a more fraternal society.

According to Francis, families are the ‘first place where the values of love and fraternity, coexistence and sharing, attention and care for others are lived and transmitted’. Educators are entrusted with the noble task of comprehensive education, which involves not only cognitive aspects but also the moral, social, and spiritual dimensions of students.

Applying these principles to combating cyberbullying, a path forward is envisioned based on interinstitutional and intergenerational cooperation. This path requires everyone involved to abandon the reciprocal blame attitude and adopt a shared commitment to education for respectful coexistence in the physical and digital environment.

From a legal perspective, this logic of cooperation requires a rethinking of civil liability. It is not just about affirming the duty to compensate those responsible for the harm and the victim's right to reparation. It is necessary to go beyond the classical conception of liability and consider its contemporary dimensions—responsibility, accountability, and answerability—as normative tools that foster shared responsibility among parents, schools, and the community.

Therefore, a new institutional culture is essential, based on dialogue, active listening, transparency, and an ethical commitment to educating for respect. Transforming school and family relationships requires the adoption of cooperative and supportive practices capable of addressing cyberbullying not as an individual problem, but as a collective challenge that demands ongoing engagement, empathy, and coordinated action.

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