

Network Environment Governance: Multidimensional Co-governance of Cyber Violence

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Abstract

In the era of new media, network violence occurs frequently, which not only causes serious mental injury and practical damage to the parties concerned, but also seriously damages the network environment and disturbs the social order. The low threshold of network infringement, strong concealment, the profit-driven nature of network platform and the absence of law are the breeding ground of network violence. In order to realize the effective governance of network violence, it is necessary to form a multi-dimensional governance model with legal -- platform -- individuals, define the network violence model, define the conviction standard, clarify the platform responsibility, strengthen the individual network standard responsibility, and then realize the "combination" of network violence governance, reduce network violence and purify the network environment.

Keywords

Network Violence; Governance; Legal Regulation; Platform Responsibility.

1. Introduction

Under the background of the digital era, the network platform is developing rapidly, and the number of Internet users is increasing, so the subsequent network problems have to be paid attention to and governed. China Internet Network Information Center (CNNIC) released the 51st Statistical Report on Internet Development of China in Beijing. The report shows that by December 2022, the scale of China's Internet users reached 1.067 billion, an increase of 35.49 million compared with December 2021, and the Internet penetration rate reached 75.6%. In recent years, online violence incidents have become more and more fierce, "Hangzhou woman express delivery was rumor cheating case", "Liu Xuzhou was killed", "pink hair girl Zheng Linghua online violence", these victims are a long time of abuse, insult, causing mental harm, the network violence and suicide. During the two sessions, an online questionnaire on cognitive attitudes to online violence was conducted for 3,591 respondents nationwide. According to the survey, 60 percent of the respondents have experienced online violence, nearly 80 percent say that combating online violence is urgent, and nearly 70 percent support the introduction of the Anti-cyber Violence Law as soon as possible. Against network violence related laws should be on the agenda as soon as possible, and the governance of network violence should not belong to a responsible group, and should be "combination", realize multidimensional governance, this article will first clarify the connotation of network violence, on the basis of the current network violence reasons and difficulties, and in the rule of law within the framework of clear legal -- platform -- personal perspective and direction of multidimensional governance.

2. The Connotation Definition of Network Violence

Defining the connotation of cyber violence is the basis for the characterization and accountability of cyber violence cases. In view of the differences in the understanding and

cognition of cyber violence among different individuals and cultures, there are also different subtle differences in the definition of cyber violence. At present, some views define online violence as an individual or group consciously spreading offensive remarks through the Internet, so as to target a clear individual or group. The forms of infringement mainly include threat, harassment, insult and social isolation. Another view that "network violence" is not refers to the reality of the flesh, but refers to no reason or based on certain reason, by the individual or group in the Internet, on the Internet for other Internet users or the parties to slander, rumors, slander, harassment, insult, and cause bad influence or threaten a series of words and deeds. Or views such as "network violence" is in the network environment, the number of not specific behavior subject is not out of reasonable public concern and attention to related events, to concern with fault punishment, the forced persistent irrational abuse, insult, slander or violation of privacy behavior let each other feel serious psychological pressure, threat or substantial harm, make subjective escape, conflict but in the face of extreme and hidden infringement is usually unable to resist. These views more or less cover the characteristics of cyber violence, and have some understanding of the definition of cyber violence, but they cannot fully define the connotation of cyber violence. The first two views narrow down the types of cyber violence, while the third view limits the subject and motivation of cyber violence.

In the author's opinion, the basis of defining network violence is to clarify the types, objects and characteristics of network violence. Network violence existing types including network abuse, human flesh search, network abuse events can be rumors or facts, can be based on simple justice "moral trial", and also can be interests such as black powder or water insult abuse, human flesh search can be the basis of subsequent network abuse, also can be extended for the subsequent offline disorderly behavior, the several types can cause different degree of spiritual and substantial damage to the parties. In view of the fast speed and wide spread of the network environment, the network violence is mass, inflammatory, disorderly and oppressive. In the network environment, the truth of the event is hidden in the individual remarks cruising on the Internet. As "digital individuals", under the role of "information cocoon", individual thoughts are completely bound by the group, and the group thinks that they exercise justice, and wantonly abuse and insult the so-called enemy. When the network unknown truth of the individual was incite, think the superiority and sense of mission, to be the net violence with oppressive mental violence, make its form a "digital death", namely on the network was deprived of a modern society independent citizens, independent netizens should have all rights, reputation, privacy can be arbitrary infringement, human dignity can be wanton. Although cyber violence is different from traditional violence, it can also cause physical, sexual or psychological harm.

3. Explore the Causes of Network Violence

3.1. Legal Cause: Standard Regulation, Standard Hierarchy Connection is Insufficient

In the current legislation, the legislation on network violence including regulation of network space specialized legislation, involving the Internet laws such as the civil code of public security management punishment law, criminal law level has "criminal law" the standing committee of the National People's Congress on the maintenance of Internet security decision and 10 related judicial interpretation. In general, the overall framework of the existing legal governance of network violence in China can be summarized as a multi-party governance with the network and information department as the center, the network security department as the support and the network service providers as the auxiliary. However, it does not specify the governance rights and responsibilities of platform service providers, nor is the internal and external

cooperation between network regulatory departments and network service providers lacking, nor makes the punishment of network violence concrete, and the punishment has not touched the foundation of the governance of network violence. At present, it is necessary to clarify the legal responsibilities of different levels and strengthen the effective and joint response of different laws and regulations to deal with the network violence, so the governance of network violence is still on the way.

The current judicial relief channels for network violence include civil relief such as infringement of reputation right, privacy right, portrait right, commercial slander, requiring the infringer to stop the infringement, restore reputation, apologize, and compensate for the loss; (2) of Article 42 of Public Security Administration Punishment Law "openly insult others or fabricate facts to slander others" but not explicitly against the network violence: insult, defamation, causing trouble, damaging business reputation, commodity reputation, crime of infringing citizens' personal information, refusing to perform the obligation of information network security management.

The author searched the keyword "network violence" as the key word and retrieved a total of 56 judgment documents, including 51 civil documents. However, online violence did not become the cause alone, and most of them were disputes over the right to life and health, private lending disputes, network infringement disputes and divorce disputes. Among them, there were 19 cases of cyber violence directly leading to infringement and handling, including 7 cases of dispute over reputation rights, 5 cases of dispute over life and health rights, 3 cases of privacy disputes, 1 case of personal information protection dispute, and 3 cases of online infringement disputes. It can be seen that the treatment methods of network violence in practice are mainly civil, and lack of criminal law protection; there is insufficient norms in the level of legal regulation, lack of effective connection, weak punishment, and common relief, and lack of prevention mechanism.

3.2. Platform Causes: Profit-driven, Responsibility Division, Unclear Supervision

As the "gatekeeper" of the network environment, the platform shoulders more and more heavy management responsibilities. Relevant departments have issued some documents, such as the Regulations on the Management of Online Audio and Video Information Services and the Regulations on the Ecological Governance of Online Information Content, with more emphasis on the responsibilities and obligations of the network platform. However, the management responsibilities conveyed by these documents show the characteristics of generalization, emphasizing the principle obligations of the platform, and lacking of detailed support. The dual identity of the network platform as both athlete and referee also shows that the road of platform governance is serious and long. China's information protection is still in its initial stage, lack of comprehensive and standardized network information review system construction. At present, there are still some problems in the clear scope and type definition of "network harmful information" in China, such as abstract legislative terms, low level of normative documents, and deviation of focus. On network violence language recognition, given the network platform content mass, fuzzy, difficulty in identifying language scale, standard, clear insult abuse can be simple identification, but for abbreviations, letters, alternative words are identify difficult, and the identification of language violence should have professional level, need to balance the value of freedom of speech and social order scale, combined with the cause and effect to determine whether for verbal violence.

In addition, the reviewers have value differences, and different reviewers have different evaluation standards and construction, so there may be different people with different views. The profit-driven nature of the network platform also drives them to turn a deaf ear to some guiding remarks to attract traffic in the network hot events, until the heat of "let the bullets fly"

to a certain extent and cause the network heat. In addition, under the dual identity of the regulatory subject and the market subject, and under the promotion of the dual identity, once the status of the Internet platform as the regulatory subject is abused, its disadvantages in the regulatory rules, regulatory procedures and regulatory results will appear. Although the platform has norms such as "one-click protection" and permanent closure, such supervision is only a temporary measure, and there is no strict supervision procedures and regulatory plans to deal with cyber violence. Lack of network violence information and normal public opinion supervision, lack of unified warning and specific disposal case database; Internet platforms lack "co-governance rules" such as early warning and prevention mechanism, protecting the parties of network violence, strictly preventing the dissemination and spread of network violence information, and strictly handling punishment according to law. Therefore, the network platform has some problems, such as insufficient supervision and unclear division of responsibilities.

3.3. Personal Cause: Personal Cause: Low Cost of Infringement, Judging Others by Wrong Moral Standards

The network information transmission speed is fast, the Internet users have group effect, and the platform algorithm has cocoon effect, which will spread the same direction information, so the dissemination of events on the network produces the phenomenon of group criticism, reversal and reverse criticism. The development of digital media enables every citizen on the network to become the maker, disseminator and receiver of information. Due to the concealment and invisibility of the network, the threshold of network infringement is low and the cost of rumor is low, anyone can become the embodiment of justice and stand on the moral high ground to judge, blame and even curse the parties in the so-called truth. The Italian thinker Gioglio agben once put forward the concept of "naked life" and "exception state". In order to maintain his authority and dominant position, the sovereign may create "exception state" by using laws and sudden mechanism, and then make the public become the naked life deprived of rights under the "exception state". The same is true of the network environment. Usually, the fermentation of network events is a challenge to the people's simple values and human ethics. The main reason of group expression is the value judgment of group."Regardless of the facts, we should..." Individuals are easy to ignore the truth of the event itself only based on the value judgment, and their emotions are easy to be instigated, and such the instigated emotions are trapped in the group, which is difficult to control the emotional storm. Emotional mobilization is enough to transform a simple bystander into a excited and closely united collective actor. In the entangled network discourse and in the process of self-empowerment, the public will judge others arbitrarily based on the wrong moral standards. And gradually evolved into the facts on the network, and then develop into illegal facts.

4. Network Violence Governance Dilemma

4.1. The Absence of Special Legislation, Relief, Punishment is Insufficient

At present, the governance of network violence mostly relies on civil law and administrative law, and the relief for victims is mostly apology and compensation, and even may be detained, but these penalties are inevitably relatively moderate. More and more people who are abused suffer mental damage in the overwhelming network public opinion, and even end their lives by suicide. They need to consider whether they are still in the management category of civil law and administrative law. If the crime and punishment do not match, it will be difficult to achieve the governance purpose of network violence. It is necessary to introduce special legislation to stipulate the standards for filing, constitutive requirements, circumstances requirements and punishment standards for cyber violence.

At present, the punishment of cyber violence is mostly punished with the right of reputation and the crime of picking quarrels and provoking troubles, but these charges are not enough to cover online violence. The Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues of Applied Law in Handling Criminal Cases (hereinafter referred to as the Interpretation of Internet Debel) provides detailed provisions on the specific circumstances of fabricating false facts to slander the reputation of others. However, not all acts are false facts fabricated out of thin air, and most of the people who do not know the truth accuse and abuse others with "righteous and indignation" according to the false reports. As for the crime of infringing citizens' personal information, if the victim voluntarily publishes his personal information on social media and is "human flesh search" by others, and without causing material damage, such behavior can not be investigated for the crime of infringing citizens' personal information. Moreover, human flesh search may be involved by many people and public integration. This situation is difficult to assess the size of personal responsibility, so it is difficult to convicted the crime of infringing citizens' personal information. "Do not Sue ignore" litigation system is also part of the victims of poor relief. At present, the relief is limited, the victims can call the police and report to the platform, but due to the difficulty of the evidence, they often realize the serious circumstances of the private prosecution and harm the social legal interests, which limits many victims to seek relief. In China, the punishment of social legal interests and collective legal interests is far greater than the relief for individuals. Therefore, in the comparison between the network violence of pure private legal interests and the ideological speech cases involving social legal interests, the former is obviously weakened in the initiative of police power and the frequency of public prosecution of procuratorial organs.

4.2. Insufficient Supervision of Network Platforms and Unclear Responsibilities

At present, China's network governance documents stipulate the self-supervision obligations of network platforms, but the supervision procedures of each platform are currently facing a serious problem with the lack of transparency. In the process of making rules, there is a lack of consultation, voting and soliciting opinions. Taking the network platform as the regulatory subject, it will face the dilemma of self-discipline, and the identity of the regulatory subject may be abused. Self-regulation has spillover effects, and the externalities of regulatory results are obvious. The platform has obtained the "quasi-law enforcement power" in the network governance, but the current good and bad of the network platform are uneven, and some platforms have not established the violation review mechanism and supervision mechanism. Platforms usually adopt self-discipline conventions to regulate user behavior, but whether it means that such norms are reasonable. The platform needs governance costs, and the lack of prevention mechanism for cyber violence, usually does not act and implement the quasi-law enforcement power. In addition, the responsibility standards for network platforms are not clear. Article 1,195 of China's Civil Code stipulates that if a network platform knows or should know that the network user infringes on the civil rights and interests of other people by using its network services and fails to take necessary measures, it shall be jointly and severally liable with the network user. But it is not clear what the circumstances the necessary measures will be taken. In addition, the network platform as a "private subject", the main path of implementation platform information management is the basis of the use agreement signed with the user or user terms, the speech involving network violence and account main body to delete posts, prohibition, stop account, but how to make the process of information disclosure and reporting regulation is far from forming, caused the platform information processing illegal content is opaque. Therefore, it is necessary to realize the technical regulation, algorithm

disclosure and information disclosure of the network platform to guarantee the governance of network violence.

4.3. The Media Quality of Internet Users Needs to Be Improved

The Internet environment has a great degree of tolerance and has low cultural requirements for the people, so that ordinary people can have a huge right to express themselves and the right to speak. According to the latest CNNIC Internet survey report, 80.2 percent of Chinese netizens have a high school education or below. Netizens usually with their own simple values treat new new things on the Internet, the Internet often not to examine the event in line with the truth, but easy to be motivated, impulsive and emotional, blindly follow suit "leader", and thought that in the resistance of bad wind, thus form huge public opinion. Or some netizens will vent their dissatisfaction in life on the Internet, make extreme remarks, and release insults and abuse to others, thus forming network violence. On the one hand, the characteristics of the network affect the judgment of netizens, which is easy to produce the guiding mark of speech, which will form one-sided public opinion for a time. The uneven quality of netizens leads to the current network environment, which is easy to cause some antagonistic behaviors. On the other hand, the current evaluation of events takes the priority over the bottom line of law. Netizens examine everything according to their own moral and ethics, and put great malice on a series of unmoral and ethical things such as "money worship", "kitsch", "flaunting wealth" and "mistress", but ignore whether it is the truth. In the case of a woman in Hangzhou "and" the case of a mother falling from a building in Wuhan".

5. Multi-dimensional Regulation and Governance of Network Violence

5.1. Legal Norms: Improve the Legal Governance System and Strengthen the Criminal Law Response

5.1.1. Systematize the Legislation on Network Violence

Cyber violence should be a social event, in which different levels of legal norms participate. A single department law is insufficient to regulate and effectively govern, so it is necessary to establish a complete legal and order system to deal with it. Although China has established a relatively complete legal system to regulate cyber violence, the effective linkage between the laws of different departments has not been clarified, and the relevant rights and responsibilities are not clear. Therefore, it is necessary to clarify the direction and path of the current cyber violence governance. For network violence incidents that have not caused serious consequences and have not reached the standard of public security administrative punishment, the State Cyberspace Administration shall strengthen the supervision and law enforcement of the network platform to prevent more serious network violence; for the punishment level of public security administration, the public security administrative punishment shall be given according to Article 42 of the Law on Public Security Administration Punishment. Authorities should respond to social concerns and release accurate and authoritative information as soon as possible, which can not only avoid the network turmoil caused by the information blockade, but also form a certain degree of education and vigilance significance. For cases that have violated the criminal law, all departments should strengthen joint governance, define and divide according to the harm degree of cyber violence, so as to realize the effective connection between civil law, administration and criminal law, and build a legal standard system to deal with network violence.

5.1.2. Clarify the Criminal Standards of Criminal Online Violence

In view of the difficulty that some charges in the current criminal law cannot cover all cases of network violence, it is necessary to expand the interpretation of some charges. For human flesh behavior, acts that violate citizens 'personal information can be regulated. Article 7 of the

Criminal Law Amendment (VII) adds one of Article 253 of the Criminal Law, which stipulates the crime of selling and illegally providing citizens' personal information and the crime of illegally obtaining citizens' personal information. Article 17 of the Amendment (IX) of the Criminal Law in 2015 was adjusted and improved, integrating the two charges into a unified crime of infringing on citizens' personal information. Providing personal information to a specific person naturally belongs to the "provision" of personal information. However, human flesh behavior is to release personal information to unspecified people, which belongs to "one to many". Such behavior belongs to "provision" and can be expanded. The rights and interests protected by this crime lie not in the right to dispose of personal information, but in whether the personal legal interests are in an unprotected state in the process of spreading personal information. Whether providing personal information to specific people or most people, it will violate the privacy of others, which is within the scope of the protection of personal information. In addition, the dissemination of personal information on the network and the anonymity of the network eliminate privacy. Based on the legal principle of "lifting light light", it should be included in the scope of criminal regulation.

For network violence language qualitative, distinguish not speech by fabrication and speech is not fabricated, the network defamation crime interpretation of article 1, paragraph 1 of "fabricated damage the reputation of others" and "the information network involving the original information content to damage the reputation of others", spread on the information network.

5.2. Strengthen the Supervision of Online Platforms to Achieve Technological Empowerment

5.2.1. Strengthen Supervision of Online Platforms

We should build a multi-party coordinated prevention and control mechanism, improve the reporting mechanism of netizens on online rumors and online violence, and expand the supervision channels of netizens on online platforms. The managers of cyberspace should not be limited to online platforms and relevant departments. Therefore, the network platform should establish the corresponding supervision standards, and establish the corresponding punishment and accountability standards. Establish a comprehensive pre-monitoring and prevention mechanism for network platforms: a two-layer supervision mode of the platform managing users and the government managing the platform, form a supervision pattern of external supervision by the government and supervision by public opinion, and expand the supervision channels of netizens. The government should guide the platform to build a mature supervision mechanism. Form the integrated process of pre-detection and prevention, intervention mechanism, post-punishment and relief mechanism. In the process of pre-detection and prevention, the classification system combining "the content" and "the age of the audience" is constructed and improved, and corresponding indications are set up. Giving full play to the autonomous advantages of the platform and industry organizations, the platform independently grades the website, marks and grades, and sets up the identity authentication system, while the government plays the role of post-audit. Intervention disposal mechanism, the platform to take "forced popup", the network violence incident basic situation to login platform, forced to browse a certain number of time, long way to clarify, fully linkage government affairs platform, official website, multiple subject, news release, public tweets, positive public opinion governance and rumors clarification, stop the network violence enlargement. In terms of post-punishment and relief mechanism, the platform needs to judge whether the violators of Internet violence belong to the first type, instigation and following the trend, and to set punishment standards such as deleting speech, blocking titles, handing over to administrative law enforcement or judicial organs according to different situations. In addition, the strict responsibility system should be implemented, and the online platforms

should turn a blind eye to the online violence, and do not actively prevent or prevent the situation, and the strict accountability mechanism should be implemented. We will implement the real-name system for network users. The concealment of the network induces network violence to some extent. On the one hand, strengthening the real-name system can weaken the subjective intention of netizens to carry out network violence and fulfill more obligations of care; on the other hand, it can also guarantee the judicial relief of the network violence, so as to avoid the difficulty of determining the individuals who exert network violence. It is necessary to implement the background real-name system to strictly manage the netizens' personal information to avoid information leakage.

5.2.2. To Achieve Technology Empowerment, Strengthen Technical Detection and Disposal Technology

The governance of network violence is inseparable from technical means. For example, the technical identification of network violence mainly includes simple recognition, text recognition + dissuade intervention, irony intervention + folding intervention, involving emotional analysis, text view extraction, text similarity judgment and lexical analysis. In order to strengthen the technical detection and disposal technology and strengthen the prevention mechanism of network violence, at present, only some websites establish testing models, and most platforms still lack the technology of public opinion supervision. Therefore, it is necessary to strengthen technology research and development to realize the technical empowerment of network governance. In addition, the algorithm technology of the network platform should be gradually disclosed. The government should establish a committee of calculation and regulations to strictly supervise the algorithm of the network platform, reduce the information cocoon room, and improve the scientificity of the algorithm technology.

5.3. Strengthen the Moral and Ethical Quality Education among Netizens and The Media

5.3.1. Strengthen the Development of the Internet Culture System

Governance network violence, also network environment sea Yanhe qing need "inside and outside and repair", in addition to the external environment such as law, technology platform, more to improve the moral quality, external environment improvement repair is the guarantee of network environment governance, and strengthen the construction of network culture specification system, strengthen the Internet quality promotion is the only way. First, it is necessary to strengthen the construction of network culture, use the Internet to publicize the law, guide netizens to consciously abide by social conventions, and restrain their own network behavior with moral self-discipline. Do not believe rumors, do not spread rumors, do not participate in the network scold war, do not infringe on the legitimate rights and interests of others, make measured remarks, maintain a rational mind and independent analysis ability, do not do the speech in the network, and have the courage to fight against the illegal network behavior. The second is to establish the civil society convention. The answer part of the proposed ethics convention includes the principle of benevolence, the social responsibility of network citizens, the logical thinking ability, the basic norms of platform speech and the knowledge reserve of the areas of interest. The above five parts each account for 15%, 20%, 15%, 25% and 25% of the answer paper scores, and the total score and ranking are given according to the answer score. In this way, it can form a common recognized code of behavior and screen some water troops.

5.3.2. Strictly Standardize the Release of Media and Network Big V Information

The network environment needs rational thinking. Events without facts are prone to emotional overflow, and gradually develop into network violence that distorts fairness and justice and abuse lynching. The formation of cyber violence largely stems from influential media and

Internet big Vs. If the news they publish does not respect the facts and release information at will in order to follow the traffic, it will cause online violence. Therefore, it is necessary to strengthen these influential media responsibilities and restrain their behavior with greater responsibilities and requirements. When reporting and commenting on events, we should abandon the flow first, "cool text" and "with rhythm", strictly abide by the professional ethics in language expression, and make comprehensive, rational, calm and objective reports on the basis of a comprehensive understanding of the facts. The comments should be made based on both facts and benevolence, so as to form a digital citizen ethics with both social morality, human rights care, rational analysis, and peaceful and objective expression.

6. Conclusion

With the development of new media technology, the "public attribute" of cyberspace is becoming more and more obvious. The nature of network violence is bad, and the development is becoming more and more intense, so it is necessary to regulate it. The governance of network violence should be multi-dimensional, which should be clarified from the legal norms, network platforms and personal quality respectively. The legislation of cyber violence should be systematized, clarify the criteria of criminal cyber violence, strengthen the supervision of online platforms, realize technology empowerment, strengthen the moral and ethical quality education of Internet media, so as to effectively realize the diversified and long-term governance of cyber violence and maintain a civilized and healthy network environment.

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