

Remedies of Online Gendered Violence against Women in the Digital Context

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Abstract:

Online gendered violence (OGV) is a range of harmful behaviors committed through the use of technology as a means of enforcing gender norms that result in mainly sexual and psychological harm or suffering to women. Based on psychological studies, OGV can be classified into four distinct categories: digital sexual harassment, appearance-based violence, gender role-based violence, and anti-feminism violence. The impact of OGV on women is amplified by the systemic discrimination they face in society, making their experiences of online violence unique and especially harmful. This paper explores the legal recognition of OGV, the mechanisms for holding perpetrators accountable, and the potential relief paths available to victims. Through a detailed analysis of these issues, this study aims to provide a comprehensive understanding of how the legal system can be enhanced to more effectively respond to OGV. It argues that a multifaceted approach—one that includes legal reforms, algorithmic transparency, and stronger social support systems—is essential in mitigating the effects of OGV and ensuring justice for women in digital spaces.

Keywords: Online gendered violence; feminism; legal remedies.

1. Introduction

In recent years, with the rapid development of digital technology, the number of internet users has significantly increased. However, this surge in digital engagement has been accompanied by a troubling rise in online violence. Gender, as a critical social issue, often exacerbates the severity of online violence, with women being disproportionately targeted due to their gender. Although online violence occurs in both men and women, the impact of online violence on women is more serious due to the disadvantaged position of women in society. A 2024 psychology study revealed that 82.6% of the respondents had experienced online violence at least once in the past year. Notably, the victimization rate for women was almost twenty percentage points higher than that for men, with 88% of women compared to 68.6% of men reporting such experiences [1]. At the United Nations General Assembly's celebration of International Women's Day on March 8, 2023, General Assembly President Korosi reminded that women and girls are 27 times more likely than men to face online harassment or hate speech. Alarmingly, only a quarter of women report these incidents to the authorities, and nearly 90% limit their online activities as a result, exacerbating the digital divide. Studies also indicate that

the exclusion of women from the digital world has led to a loss of a trillion dollars in gross domestic product in low- and middle-income countries over the past decade.

Despite these severe consequences, 'digital harm', particularly those affecting adults, has often been overlooked. It is actually harms including various aspects of the 'embodied subject: the real, sensory, physical, psychical, exterior and interior lived experiences' [2]. Online gendered violence (OGV) has become a prevalent form of online violence, severely violating the rights of many women and even entire groups. On the one hand, women's right to honor is at serious risk, and their right to privacy is frequently violated through the theft and dissemination of personal information—acts that often stem from gendered online violence. On the other hand, verbal abuse and infringement of reputation will cause unavoidable mental damage to women. In addition, incidents of online violence are not conducive to the creation of a clear cyberspace or the development of a harmonious society, for example, such incidents are very likely to bring about emotional confrontation between the sexes.

In a word, OGV against women is "sever, myriad and cumulative" with physical and mental trauma to them [3]. It represents a modern form of violence against women that is widespread and international in scope, demanding

urgent legal and social interventions. Therefore, this article will first explain the current state of online gender violence, especially those against women, and then analyze the complex causes of this state of affairs. Based on the analysis of the causes, relevant legal remedies will be mainly focused, especially the definition of legal responsibility in such cases, will be proposed. Finally, the discussion will extend to other relevant interventions, including social support systems and technological solutions, to address and mitigate the impact of online gendered violence.

2. Status and Causes of Online Gendered Violence

2.1 Relevant Theory

Gendered violence refers to harm inflicted on individuals as a result of gender power imbalances [3]. According to the Article 1 of the Declaration on the Elimination of Violence against Women General Assembly resolution 48/104 of 20 December 1993, the term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women. Based on it, OGV can be described as various harmful behaviors conducted through technology as a means of enforcing gender norms, which mainly sexual and psychological harm or suffering to women [4].

OGV can be categorized into four primary types based on psychological studies: digital sexual harassment, physical appearance-based violence, gender role-based violence and anti-feminism violence. Digital sexual harassment refers to unwanted behavior of a sexual nature committed through technology means. Physical appearance-based violence means the insulting behaviors related to the victim’s appearance based on beauty gender stereotype. Gender role-based violence refers to any form of violence perpetrated against a person for performing behaviors that are considered assigned to another gender. Anti-feminism violence is what aims at individuals who express a feminist perspective or identity [1]. These four recognizable forms of OGV have evolved over time, reflecting the growing complexity of gendered violence in the digital era.

Existing theories reflect the fact that OGV is now a widespread and multifaceted problem. By applying relevant legal and psychological theories, it becomes possible to analyze the elements required to identify OGV and to assess the legal responsibilities associated with it.

2.2 Current Situation

As mentioned above, more than four fifths of the respondents in the recent psychological study have experienced

OGV at least once in the past year. The victimization rates for women were significantly higher than for men, with a gap of nearly twenty percentage points. Although there may be slight variations across different regions of the world, OGV is not constrained by geographical or cultural boundaries.

A notable case in China underscores the severity of this issue. In 2023, a young Chinese woman, known as the “pink-haired girl”, tragically took her own life due to depression linked to OGV. She had intended to surprise her ailing grandfather with her acceptance letter to graduate school but was subjected to relentless online harassment because of her unconventional pink hair. Comments on her first video included derogatory remarks such as “she looks like a mistress” and “the girl in the video is not an escort”, highlighting the viciousness of the online abuse she endured [5].

OGV is no longer a problem confined to a few countries or regions; it has become a global crisis affecting women in every corner of the world. The widespread adoption of digital technology has led to an increasing number of women becoming internet users, thus exposing them to the risks of OGV. As digital platforms become more integral to daily life, the opportunities for such violence to occur have multiplied, with women disproportionately bearing the brunt of these attacks.

2.3 Possible Causes

The causes of OGV are multifaceted, involving both general factors associated with online violence and specific gender-based dynamics.

One of the primary gender-based causes is the imbalance of power between genders in society. Violence against women is inextricably linked to violence between powerful and powerless [6]. Radical feminism advocates that women were dominated by men, which results in inequality. Women are defined from the perspective of male attention. The patriarchal society transforms the physiological gender facts into the social nature differences of masculinity and femininity. In this setting, logic and reason are considered masculine traits, while emotionality and sensibility are considered feminine [7]. Consequently, laws with logical and rational characteristics seem to have no room for women to play the same role as men. As a tool to rule and maintain social stability, law, to some extent, intensifies women who are already in a weak position due to physiological factors and social stereotypes. The inequality of social power arises from this, which is embodied in politics, economy and culture.

For example, in the field of international law, feminists contend that the division between public and private

spheres prevents women from effectively advocating for their rights. Women are often compelled to adhere to legal frameworks that inherently oppress them. In some cases, countries have made reservations to international treaties aimed at protecting women's rights, undermining the very purpose of these treaties. The international community's respect for state sovereignty often results in a lack of intervention when women's rights are violated, as seen in the African Charter on Human and People's Rights. Article 17 of this charter emphasizes the preservation of traditional values, which can perpetuate the oppression of women by failing to address harmful cultural practices. Consequently, the rights of women, particularly in Africa, are often ignored, reflecting their lack of social power on the global stage.

Another significant cause of OGV is the perpetuation of traditional gender stereotypes and biological constructs. In many cultures, women's appearance is given undue importance, and feminine traits are often devalued. This societal expectation makes women more susceptible to online insults and harassment based on their looks. For example, women are frequently targeted with derogatory comments about their physical appearance, while men may also face online abuse if they exhibit traits considered traditionally feminine. This form of violence, known as physical appearance-based violence, is a direct result of entrenched gender stereotypes. Additionally, in patriarchal societies, female roles are often defined by others and are typically not seen as positive. As a result, any behaviors associated with these predefined female roles are likely to be attacked online, leading to gender role-based violence. Furthermore, feminist expressions that challenge these traditional roles and seek to improve women's status are often met with hostility and ridicule, regardless of their validity, contributing to anti-feminism violence.

A third contributing factor is the inadequacy of existing legal frameworks. OGV has not been given the attention it deserves in both international and domestic law. The very definition of the OGV against women in law is not clear, leading to gaps in legal protection. As the internet becomes more ingrained in daily life, the prevalence of OGV is likely to increase. Like domestic violence, OGV disproportionately affects women, making them a group that requires special legal protections to ensure fairness and justice. However, the virtual world's influence often extends into the real world, exacerbating the vulnerability of women's reputations, particularly concerning sexual matters.

Given the significant role of law as a normative tool, it is essential to address these shortcomings in the legal system. The following sections will focus on how legal

frameworks can be developed and applied to regulate and mitigate online gendered violence effectively.

3. Accountability for Online Gendered Violence

3.1 Legal Definition of the Conduct

The legal definition of OGV involves understanding both the nature of the conduct and its impact, particularly in relation to how public opinion shapes and reinforces this violence. Public opinion plays a significant role in determining whether certain behaviors constitute online violence, especially against women. Like historical witch hunts, OGV often reflects systemic social oppression rather than isolated incidents. The influence of public opinion can be gauged through metrics such as the number of internet views, the extent of online discussion, and the nature of comments made. OGV manifests in four primary forms—digital sexual harassment, physical appearance-based violence, gender role-based violence, and anti-feminism violence—each of which interacts differently with public discourse.

When legally defining OGV, it is crucial to consider the specific harm inflicted on women. This harm can be analyzed using sociological theories, which help distinguish OGV from other forms of online violence. For example, anti-feminism violence is particularly challenging to address because it closely borders on issues of free speech. Protecting feminist speech that does not involve personal attacks is essential, even when such speech conflicts with the interests of certain groups. Feminist discourse aims to promote fairness and justice for women, who constitute half of the global population, and should not be suppressed. Online platforms that censor feminist speech or allow users to engage in violence against feminists should face legal consequences.

However, the identification of OGV within the legal system remains ambiguous. Defining online violence is inherently complex, particularly when it comes to distinguishing it from legitimate freedom of expression. Women's issues, given their sensitivity in patriarchal societies, often complicate this identification process. Men may not empathize with the challenges women face, leading to a lack of sensitivity in identifying OGV. While it is essential to combat OGV, this should not come at the cost of curtailing freedom of speech. A nuanced approach is required to balance these concerns, ensuring that the law can provide timely relief to victims without infringing on fundamental rights.

Freedom of speech, while a protected right, is conditional. It is grounded in the responsibility to use speech construc-

tively and truthfully. When individuals misuse this right to incite hatred, spread falsehoods, or defame others, they forfeit their entitlement to this freedom. Individuals only possess moral rights when they also assume corresponding moral obligations. If someone's actions cause harm to another's reputation or mental well-being, they must be held accountable. [8]. In order to protect political, economic or moral damage from great loss, clear and imminent dangers that will cause or are intended to cause some actual harm should be constitutionally limited [9]. Therefore, heightened sensitivity in identifying OGV is justified to ensure substantive fairness, given the ongoing prejudice and systemic discrimination against women in society. Nonetheless, this sensitivity must be balanced. Over-sensitivity could lead to the undue restriction of free speech. This balance should still consider the role of public opinion in shaping what constitutes OGV. For example, digital sexual harassment is less controversial as OGV. However, physical appearance-based violence and gender role-based violence may not be recognized as OGV if they do not generate significant public controversy. Regarding anti-feminism violence, while individuals are free to disagree with feminist theories, extreme antisocial rhetoric must be controlled without extinguishing free speech. Legal intervention is warranted when such rhetoric targets specific women or groups and leads to serious gender antagonism or social unrest.

3.2 Responsible Parties

The question of accountability is central to addressing OGV. The current lack of clarity on the level of accountability has made online violence more rampant [10]. The current ambiguity in assigning responsibility has contributed to the increasing prevalence of online violence. This lack of clarity complicates the process for victims, particularly women, who seek protection and compensation. Given the unique gender dynamics involved in OGV, it is essential to consider both the perpetrators of online violence and the online platforms that facilitate such behavior as key responsible parties.

Perpetrators of OGV are typically individuals who engage in harmful behavior through online platforms, using words, pictures, or other forms of digital content. The collective nature of online violence, often involving large groups of people, makes it challenging to hold any single individual accountable [11]. However, this does not diminish the need for taking action against these perpetrators. Without accountability, these individuals may continue to commit acts of online violence with impunity. As primary duty-bearers, perpetrators should be held legally accountable under national anti-sexual harassment laws or

cyber-related legislation.

The process of holding perpetrators accountable involves identifying and locating them, which can be challenging, especially when they operate under anonymity or false identities. Once identified, perpetrators should face criminal, civil and administrative liability. In terms of criminal liability, perpetrators may face fines, community service or imprisonment for actions that constitute criminal acts such as online harassment, threats or defamation. In terms of civil liability, the victim may seek damages from the abuser for emotional distress or loss of reputation caused by his or her behavior through civil litigation. In addition, abusers may also be subject to administrative liability, such as being banned from using certain online platforms or being forced to attend corrective education.

At the same time, online platforms, particularly social media and other digital service providers, also bear significant responsibility in cases of OGV. The closed nature of many online platforms, such as Facebook, makes it difficult for external regulators to oversee their operations [12]. These platforms control vast amounts of user information and operate according to their own internal rules, making them directly responsible for the content they host and the environments they create.

As intermediaries in content distribution, online platforms have a legal obligation to take reasonable measures to prevent and address online violence. This includes providing effective reporting mechanisms, censoring harmful content, and taking action against abusers, such as banning or blocking them when necessary. The §25-3 of Digital Service Act in the EU provides a framework for holding platforms accountable, particularly when they fail to regulate harmful content effectively [13]. When platforms allow inappropriate content to spread or fail to take timely action to remove harmful content, they may be found jointly and severally liable under laws such as the E-Commerce Law.

If a platform fails to deal with or remove harmful content in a timely manner, resulting in damage to the rights and interests of victims, it may be subject to supplementary civil liability, joint and several civil liability, administrative penalties, or even criminal liability. The severity of the platform's liability depends on the extent of its negligence and the harm caused. For example, if a platform knowingly allows harmful content to remain accessible or fails to implement necessary preventive measures, it could face significant legal repercussions.

3.3 Case Study

The pink-haired girl's cyber-violence incident mentioned above is a classic case in point. Because of her distinctive

pink hair and appearance, the girl was subjected to verbal abuse. Because of her gender, the graduate school acceptance letter she received did not match her abilities in the eyes of some and was falsified. Because she appeared in front of the camera at the same time as her grandfather in his hospital bed, she was rumored to be an escort or a mistress, reflecting the great malice of some people towards women and their roles.

In this case, the primary perpetrators—those who spread rumors and engaged in verbal abuse—should be held civilly liable for the damage they caused. The girl's reputation was seriously harmed, and the emotional distress she endured ultimately led to tragic consequences. Civil liability would involve holding these individuals accountable for the defamation and psychological harm they inflicted, potentially resulting in damages awarded to the victim's family. Beyond civil liability, the widespread nature of the incident and the significant public discussion it generated raise questions about the broader social impact of such cases. The intense online discourse surrounding the event, fueled by the platform's algorithms, jeopardized the atmosphere of cyberspace and contributed to a broader deterioration of social order. Given the severity of the situation, administrative penalties should also be considered for those involved in spreading harmful content. These penalties could include fines, restrictions on internet usage, or mandatory participation in educational programs aimed at preventing future incidents of online violence.

The role of the online platform, Weibo, in this incident is particularly critical. While Weibo did have mechanisms in place, such as the ability to close comment sections, it failed to take timely and effective action against the ongoing rumor-mongering and defamatory remarks. These harmful comments repeatedly surfaced on the platform's trending lists, amplifying their impact and prolonging the girl's suffering. Weibo's failure to act decisively, despite being aware of the situation, highlights the platform's responsibility in the continuation of the infringing behavior. The platform had a duty to intervene, given the clear harm being done and the violation of its own community standards. By allowing the harmful content to persist, Weibo not only contributed to the girl's distress but also facilitated the spread of OGV, for which it should bear civil liability. Inadequate supervision and delayed response measures by the platform exacerbated the situation, making it complicit in the harm caused. As such, Weibo should be held accountable for its role in the incident, potentially facing civil penalties for failing to protect users from harassment and defamation. This case underscores the need for stronger regulatory frameworks that hold platforms accountable for their role in enabling and amplifying on-

line violence, especially when they fail to take appropriate action in a timely manner.

4. Paths to Redress for Online Gendered Violence

OGV against women is a cutting-edge problem that may occur because of the traditional gender power imbalance of society and the imperfection in law. As a widespread social problem intertwined with both law and technology, addressing OGV requires a multi-faceted approach that includes legal remedies, technological interventions, and social support systems.

4.1 Legal Remedies

Addressing OGV requires a comprehensive and proactive legal framework that not only responds to incidents but also works to prevent them. The current legal systems often lack the necessary clarity and specificity to effectively protect victims and ensure justice, which underscores the need for concrete legal reforms.

One of the most critical steps in strengthening the legal response to OGV is the development of specific legislation that directly targets this form of violence. While existing laws on cybercrime and harassment provide some level of protection, they frequently fail to fully encompass the unique aspects of gendered violence in the online space. Therefore, a dedicated OGV law should be enacted, with clear definitions that capture the various forms this violence can take—such as digital sexual harassment, physical appearance-based violence, and anti-feminism violence. This law should establish specific legal obligations for both individuals and online platforms, setting out clear standards for behavior and accountability.

To effectively deter OGV and ensure justice for victims, it is also essential to clarify and strengthen the liabilities associated with such acts. In terms of civil liability, the law should offer victims straightforward avenues for seeking compensation for the harm caused by OGV, including damages for emotional distress, reputational damage, and other related harms. The process for filing civil suits should be streamlined, with safeguards in place to protect the privacy of victims throughout the legal proceedings. On the criminal side, the legal framework must impose stricter penalties for perpetrators of OGV. Offenses such as online harassment, threats, and defamation should carry serious legal consequences, including imprisonment and fines. Additionally, the law should include provisions for prosecuting individuals who attempt to evade accountability through anonymity or false identities. Administrative liability is also crucial, as online platforms must be held accountable for their role in facilitating OGV. This

includes imposing fines on platforms that fail to remove harmful content in a timely manner and enforcing penalties on those that do not implement adequate safeguards to prevent the dissemination of such content. Regulatory bodies should have the authority to enforce these standards and ensure that platforms comply with content moderation requirements.

Furthermore, the establishment of a dedicated regulatory body is essential for the effective enforcement of laws related to OGV. This body would be tasked with monitoring online platforms to ensure adherence to legal standards for content moderation and taking action when platforms fall short. The regulatory body should also have the power to audit platform algorithms, review content moderation policies, and mandate necessary changes to protect users. In addition, it should create a system for reporting and tracking OGV incidents, thereby providing transparency and accountability. This system would allow victims to report incidents directly, ensuring their complaints are handled promptly and effectively.

4.2 Technological Solutions

in both the perpetuation and potential resolution of OGV. One of the most pressing technological issues is the problem of algorithmic sexism, where the biases inherent in society are not only reflected but also amplified by digital systems. Algorithms, which govern much of online content distribution and interaction, often operate according to the “law of trend amplification” [14]. This means that existing societal discriminations, including those against women, are magnified on digital platforms, exacerbating the “digital gender gap” and making women more vulnerable to online violence [15].

To counteract these issues, it is crucial to reform the algorithms that power online platforms. These algorithms should not perpetuate gender biases by, for example, using women as tools to attract male users, which can lead to incidents of digital sexual harassment that might not have occurred otherwise. Instead, algorithms should be designed to promote fairness and equality, ensuring that content is distributed and moderated in a way that does not disproportionately target or harm women.

One approach is to develop algorithms that are specifically programmed to detect and mitigate instances of OGV. These algorithms could flag content that is likely to be harmful or discriminatory, allowing it to be reviewed and, if necessary, removed before it causes significant harm. Such systems must be carefully designed to balance the need for free speech with the imperative to protect individuals from abuse. By integrating machine learning with human oversight, platforms can create more effective and

nanced content moderation systems that are sensitive to the complexities of gendered interactions online.

Additionally, transparency in algorithmic processes is vital. Platforms should be required to disclose how their algorithms function, particularly in how they handle content related to gender and violence. This transparency allows for public scrutiny and provides an opportunity for corrective measures when biases are identified. Regulatory bodies could play a role in auditing these algorithms to ensure they meet standards of fairness and do not contribute to the amplification of harmful gender norms.

4.3 Social Support Systems

While legal and technological solutions are essential, social support systems play a fundamental role in addressing OGV. The influence of social norms, public opinion, and community engagement cannot be underestimated in the fight against online violence. A critical aspect of this is setting higher standards for social morality and public opinion, particularly regarding the behavior of influential figures such as internet celebrities [9].

Internet celebrities have great advantages in shaping public discourse due to their vast reach and influence. When they spread unverified rumors or engage in harmful behavior, the effects can be far-reaching, normalizing abusive behavior and contributing to the culture of online violence. It is therefore essential to establish stricter ethical guidelines and public accountability for these individuals. Encouraging responsible behavior among internet celebrities can help foster a more positive online environment and reduce the instances of OGV.

Besides, there is a need for specialized third-party non-governmental organizations (NGOs) to play a role in the oversight and regulation of online spaces. While online platforms are often driven by profit motives, which can lead to inadequate self-regulation, and government bodies may lack the empathy or understanding necessary to effectively address gender issues, NGOs offer a more balanced approach. These organizations are typically less influenced by market forces or political considerations, allowing them to advocate for victims’ rights and push for fairer content moderation practices. NGOs can serve as watchdogs, monitoring online platforms for instances of OGV and advocating for victims. They can also provide support services, such as legal assistance, counseling, and public awareness campaigns, to help victims recover and to educate the broader public about the dangers of online violence. Furthermore, NGOs can collaborate with platforms and regulators to develop best practices for preventing OGV and ensuring that victims receive the support they need.

5. Conclusion

All in all, OGV is a pressing and increasingly prevalent issue that reflects the broader societal patterns of gender discrimination and inequality. This form of violence, which disproportionately affects women, is exacerbated by the dynamics of the digital world, where anonymity and the rapid spread of information can intensify the impact of harmful behaviors. The unique nature of OGV, with its roots in both historical gender power imbalances and the evolving landscape of technology, requires a comprehensive and multifaceted approach to address it effectively.

Combating OGV requires a robust legal framework to define, identify, and hold perpetrators accountable, while also evolving to balance the protection of freedom of speech with the prevention of online violence. Alongside legal measures, reforming algorithms to reduce biases and implementing transparent technological practices are crucial for mitigating risks. Furthermore, strong social support systems, including raising public awareness, promoting responsible behavior among influential figures, and empowering NGOs, are essential components of a comprehensive strategy to address and prevent OGV.

In conclusion, by implementing specific legal reforms, advancing technological safeguards, and strengthening social support systems, we can work towards a future where online spaces are safer and more inclusive for everyone. The fight against OGV is not just about protecting women from harm—it is about ensuring that digital environments reflect the values of justice, equality, and human dignity.

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