

V TORNEO DE DEBATE EDUCATIVO DE ANDALUCÍA 2025-2026

EXPLANATORY LETTER FOR THE QUESTION FOR THE REGIONAL TOURNAMENT

SHOULD DIGITAL PLATFORMS ASSUME DIRECT LEGAL RESPONSIBILITY FOR CYBERBULLYING PERPETRATED BY THEIR USERS?

The Andalusian Educational Debate Tournament presents this topic for its Regional Phase, justified by the enormous development of the internet and social media, which have profoundly transformed how we relate and communicate. Their vast capacity for connection has also generated new social and legal problems, including the phenomenon of cyberbullying. This has become a growing concern for educational institutions and governments, given the potentially serious psychological consequences for victims, especially adolescents and young adults. Furthermore, the potential reach of the internet—where content can be disseminated rapidly and remain accessible for extended periods—can intensify the impact of this type of behaviour.

Traditionally, these digital companies have been considered mere technical intermediaries hosting user-generated content, thus not imposing an absolute obligation on the platforms to monitor all published content. But now that their use has become widespread, should they assume greater legal responsibility? What social, ethical, and legal basis would such corporate responsibility have, compared to the personal responsibility of individuals who use these social networks to intimidate and harm their victims? Should platforms have an active obligation to pursue and remove all harmful and malicious messages; to block and expel their authors; to bring private matters to justice...?

This scenario presents us with a fundamental dilemma regarding the role and limits of technology in our society. On the one hand, we must consider whether the sophisticated development of algorithms—capable today of accurately predicting our consumption patterns—should imply an equivalent responsibility in detecting harassment.

On the other hand, the debate arises concerning proportionality and control. Could platforms implement real-time monitoring systems that are effective against harassment without violating the right to privacy or limiting the agility of digital communication? The answer to these questions will determine whether the path to a safe digital environment lies in greater demands for corporate responsibility, or in strengthening education and justice that emphasizes individual user responsibility.

The dramatic cases reported by the media urgently raise this debate in which several fundamental principles collide: the protection of victims, the corporate responsibility of large technology platforms, freedom of expression and the open model of the internet.

