

Preventive Criminal Policy against Electronic Violence via Sexting based on the Emotional Expressions of Colombian Adolescents



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Camilo Andrés Vargas-Machado, Marta Fernández-Daza, Greys Castro-Melo, Aldair Bueno Atencio (authors).



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The study analyzes the relationship between sexting, the role of the family, the use of ICTs, and emotional expression in Colombian adolescents. The research, which was based on a sample of 242 adolescents from Santa Marta, found

that 45.9% of the participants practice sexting, and that most of them browse the internet without time restrictions. A relevant finding is the lack of parental supervision in the use of social media and mobile phones, which makes young people more vulnerable. In addition, the study found that as sexting increases, positive emotions decrease, giving way to shame and guilt. Family communication and parental control are key to preventing the risks associated with this practice.

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Sexting as a Behaviour

Since the beginning of the 21st century, technological development has transformed human interaction through cyberspace, creating a virtual environment in which rights and obligations can be recognised. The internet not only facilitates communication and the exchange of data but has also given rise to new problems and crimes. Such development, which began in 1983 with the interconnection of networks through the protocol that replaced the network control programme (Glosarios, 2022) has resulted in both positive and negative applications, evidenced by the misuse of information and communication technologies (ICTs) for illicit activities (Abad, Juan, Muriel, & Arango, 2011).

In this context, the problematic practice of sexting has emerged. The term, which derives from combining the words 'sex' and 'texting', refers to the sending of files (text, image, video or

audio files) with sexual content through digital technologies. López and Müller (2019) report that this practice can involve body exhibition in an erotic or pornographic way, and although it is linked to modern social mores, it has significant legal connotations for both senders and receivers.

The Colombian National Police define ‘sexting’ as the propagation of sexually explicit content produced by the sender using ICTs (PON-AL, 2022). This content can lead to blackmail, extortion or coercion, where third parties threaten to disseminate sexting material. Law 1928 (Congreso República Col, 2018), which ratifies the Budapest Convention on Cybercrime, regulates these offences and explains in detail the typology of crimes that are related to the production, storage (CE, 2001), dissemination or acquisition of child pornography. Ruling C-224 of the Constitutional Court supports this regulation (2019), unifying the legal concepts that protect minors in the digital realm (Yepez-Tito; Ferragut, & Blanca, 2020).

It is key to differentiate between crimes committed through cyberspace and those that directly affect databases or digital environments. In Colombia, the Criminal Code information

and data are protected as legal assets, and crimes committed against these are considered cybercrimes. According to Fernández and Martínez, cybersecurity is concerned with protecting information from unauthorised access, safeguarding its integrity and confidentiality (2020). Thus, cybercrimes are unlawful actions that violate fundamental rights, such as the right to privacy, using ICTs as the main means (Congreso República Col, 2018).

This set of technical tools is used to protect personal and legal data in cyberspace, ensuring its correct use and preventing improper handling. Sexting is a current issue related to the misuse of ICTs, which is addressed in Law 1928 (2018). In Colombia, legal assets such as information and privacy are protected through Law 1928 (2018) and the implementation of the Budapest Convention (CE, 2001). It is essential to strengthen cybersecurity to prevent cybercrime and ensure data protection in the digital environment.

According to Fernández and Martínez (2020), cybercrime has the following six key characteristics, and it must be identified and prevented through cybersecurity mechanisms:

- **Cybercrime is transactional.**

Cybercrime shows a separation of time and space, as materials can be produced in one place and accessed in another.

- **Cybercrime has permanence.**

Cybercrime is repetitive, although it takes time for an offence to become automatic.

- **Cybercrime is harmful.**

Cybercrime causes high and extensive damage to the protected legal assets of information and data.

- **Cybercrime is difficult to investigate and prove.**

Cybercrime persistently takes place in circumstances related to the use of ICTs, where it is difficult to verify and determine it.

- **High levels of cybercrime are unrecorded.**

Given that it involves and is carried out through ICTs, cybercrime shows a high number of unknown and often unidentified offenders and crimes.

- **Cybercrime is dangerous.**

Considering the five characteristics above, we can conclude that cybercrime has high levels of frequency, risk and diversity, which is magnified precisely by ICTs.

Colombian Law 1273 incorporated cyber-crime into the Criminal Code (Congreso Colombia, 2009), protecting information and data through Title VII-Bis. The law defines cyber-crime as ICT-related criminal behaviour, including virtual fraud; commission of such crimes is facilitated by technological means. However, the relation of other crimes committed in cyberspace, such as child pornography, with sexting is unclear (Congreso República Col, 2018).

In Mexico, the Olimpia Law was passed in 2019 (Gobierno Federal México, 2019), following the non-consensual dissemination of an intimate video of Olimpia Coral. This law criminalises digital violence, defined as the display or dissemination of intimate sexual content without consent, through ICTs, causing psychological, economic or moral damage. This definition includes multi-offensive elements that affect both individuals and their household.

In Spain, Organic Law 1 of 2015 added Number 7 to Article 197 of the Criminal Code (Congreso Diputados España, 2015), according to which the unauthorised dissemination of intimate images obtained with prior consent when such action undermines privacy is punished with

imprisonment of 3 to 12 months. According to Olairu and Aránguez, sexting involves sexual content files (audio, image or video) obtained and disseminated without authorisation, in violation of personal rights (2021).

Sexting in Colombia lacks a specific legal definition, although its structure shares characteristics with the criminal offence of child pornography (Acevedo, 2021). According to the Colombian Criminal Code, this classification protects freedom, integrity and sexual education, differentiating it from cybercrime, focusing on the protection of information and data, given that the language that regulates the offence, such as the terms ‘transmitting’, ‘recording’, ‘exhibiting’ or storing, matches the elements inherent to sexting (Posada, 2017).

Villacampa states that sexting is common among adolescents aged 14–18 years and involves sending intimate images or videos that are considered pornographic in 65% of cases (Villacampa, 2017). However, active participation, such as forwarding or disseminating material, is less common. This phenomenon reflects an issue that combines the use of ICTs and emotional and legal risks.

The challenge of Colombian law is to criminalise sexting, understanding that it is not only a matter of data protection, as it also affects more sensitive legal assets, such as sexual integrity. Family plays a key role, as studies show that adolescents turn to their family as a source of support in negative situations related to sexting.

Although sexting shares characteristics with crimes such as child pornography and digital violence, it still lacks a clear legal classification in Colombia. Regulatory experience on the matter, such as the Mexican Olimpia Law and Spanish legislation, provides examples of how to address this issue. There is a need to strengthen regulation and the preventive role of family to mitigate the risks associated with the misuse of ICTs (Verdejo, 2015).

Materials and Methods

This is a quantitative study, incorporating a descriptive, correlational, cross-sectional approach and a non-probabilistic sample, whose selection was made based on feasibility. The sample consisted of 242 adolescents from the city of Santa Marta, Department of Magdalena, Republic of Colombia. The adolescents were aged between 12 and 18 years old, with a mean of 14.96 years ($SD = 1,561$). In addition, 163 were female and 79 were male. During the period of instrument application, these adolescents were students at public or private schools. To collect socio-demographic data and data related to the role of family and the use of ICTs, an exploratory survey was designed to assess the practice of sexting, using some questions from the Sexting Behaviour Scale (*Escala de Conductas sobre Sexting* [ECS], in Spanish) of Chacón-López et al. (Chacón-López, Romero, Aragón, & Caurcel, 2016).

Therefore, in view of the health emergency caused by the COVID-19 pandemic and declared by the Colombian government (Presidencia de Colombia, 2021), the instruments were applied with the support of the survey management software, Google Forms, together with the written informed consent provided by the adolescents. Following the signing of these documents, the directors of the educational institutions collected the data, and the instruments were completed electronically. In addition, the ethical principles of the Deontological and Bioethical Code for Psychologists in Colombia (Congreso Colombia, 2006) and the Disciplinary Code for Lawyers (Congreso Col, 2007) were taken into account in this study, with the application of these criteria to the data that were collected over a period of 19 months, from September 2020 to May 2022. These data were analysed using the IBM SPSS Statistics Software for Windows, Version 25 (IBM Corp). This was followed by a descriptive statistical analysis and the use of the Pearson's method to determine correlations between variables (Mayorga, 2004).

1. Sexting, the Role of Family and the Use of ICTs

Another variable of interest in this study is the role of family and the use of ICTs in the practice of sexting. Young people may not accurately gauge the consequences of sending images of their physical appearance through social and digital media platforms, partly because they have not been adequately informed about appropriate conduct by their families or educational institutions (Fajardo, Ma, Gordillo, & Regalado, 2013).

In many households, adolescents are considered more tech-savvy than their parents, so the parents ignore the monitoring tools that they should exercise over their children and especially the information they should provide them (Verdejo, 2015). In this regard, easy access to mobile media among adolescents has been reported as a risk factor for this practice, as noted by several authors, such as Dir (2012); Fajardo, Gordillo and Regalado (2013); Ghorashi (2019); Houck et al. (2014); Verdejo (2015) and Villegas (2019), who have concluded that poorly monitored and poorly informed access to mobile communication and data devices is the main cause of inappropriate sexting. In addition,

according to the American Psychiatric Association, parents who purchase mobile phones for their children must be prepared to teach them about the possibility of receiving images with sexual content and to take action to deal with this type of situation (Ghorashi, 2019).

Studies show that students are aware of the emotional and social consequences of their actions, also considering the negative impact on their family. They are aware of the disappointment that it would cause to their families if they send provocative or insinuating images of themselves via text messages or Facebook, Tuenti or other social media, as well as the emotional consequences and implications of disseminating such information (Fajardo, Ma, Gordillo, & Regalado, 2013).

In a study conducted on a sample of Italian female adolescents, it was found that engaging in sexting was related to poor family communication (Bianchi et al., 2019). Other studies have identified a correlation between single-parent families and the increased prevalence of sexting. Similarly, it was found that in blended and shared-custody families, where parental relationships are perceived as poor or complicated, adolescents tend to engage in self-sexing

and peer sexting (Turzák, Kurincová, Hollá, & Zelená, 2020).

In Latin America, studies conducted on the Ecuadorian population show that restrictive parental monitoring practices do not reduce the practice of sexting (Yepez-Tito, Ferragut, & Blanca, 2020). However, the need for parental involvement in intervention measures against this phenomenon (Ojeda & Del Rey, 2022) provides constructive support (Hunter et al., 2021).

In line with a study carried out in Peru, the importance of parental involvement in the prevention of sexting is highlighted, with an emphasis on the communication at home of the rules in relation to sex and sexuality (West et al., 2014). In this sense, in Colombia, there are platforms, such as En TIC Confío, that raise awareness on the risks of the internet, providing information to families, children, young people and schools concerning the use of ICTs to avoid becoming victims of sexting (Pinto & Díaz, 2015)

2. Sexting, Emotional Expression and Use of ICTs

Sexting involves touching the feelings and emotions of the individuals practising it, as it

has been related to difficulties in emotional management (Chacón-López, Romero, Aragón, & Caurcel, 2016), mainly in adolescents who have low self-esteem or who are at behavioural and emotional risk. This behaviour can lead to psychological distress, emotional changes, insecurity and family conflicts, particularly with parents. Adolescents find in ICTs (using mobile phones, instant messaging, social media and the internet, generally) a space to express opinions and emotions; however, such communication impinges on rights such as privacy in some cases. In addition, the age at which adolescents begin sexting is around 12 years old, which is the age of puberty and sexual awakening.

A study in Spain on 489 adolescents aged 14–18 years analysed the prevalence of sexting, the profiles of those who engage in it and its emotional effects (Verdejo, 2015). The results showed a low level of emotional impact perceived by adolescents, suggesting that the solution should focus on education rather than on punishment. Alonso and Romero (2021) add that low levels of responsibility lead to problematic internet use (PIU), which reduces positive emotions.

Another Spanish study examined the emotional impact of sexting on secondary school students aged 11–18 years and concluded that, in the short term, sexting does not have a significant negative impact (Del Rey, Ojeda, Casas, Mora-Merchan, & Elipe, 2019), although girls experience greater distress and depression in cases of secondary sexting (sending or receiving messages). Ševčíková also associates sexting with emotional difficulties (2016).

In Colombia, studies on the legal, psychological and emotional implications of sexting are scarce (Presidencia de Colombia, 2021). Therefore, the main goal of this research is to analyse the relationship between sexting, the role of family, the use of ICTs and emotional expressions of Colombian adolescents (Mayorga, 2004).

Results

As shown in Table 1, most participants were female (163, 67.4%) and most were aged 14–18 years old (58, 24.0%). Further, the majority of the participants belonged to socioeconomic strata 1 and 2, 114 (47.1%) and 79 (32.6%), respectively. Moreover, a higher percentage of the sample was in the eleventh grade (28.93%) and studied at a public institution (83.5%). More than half of the participants' families were made up of a mother, a father and siblings (52.9%). In addition, a high percentage of mothers (69.4%) and fathers (66.5%) were not professionally employed; 35.5% of these were married. Most mothers did not work outside the home (59.9%) while most fathers did (77.3%). Most of the adolescents had two siblings (34.7%), and 35.1% were the youngest in the family. See Table 1 for details on these data.

Table 1
Socio-demographic Characteristics of the Participants

Detail	Description	#	%
School Level	Sixth Grade	1	0.4
	Seventh Grade	12	5.0
	Eighth Grade	51	21.1
	Ninth Grade	57	23.6
	Tenth Grade	51	21.1
	Eleventh Grade	70	28.93
Age	12	9	3.7
	13	36	14.9
	14	58	24.0
	15	57	23.6
	16	31	12.8
	17	37	15.3
	18	14	5.8
Sex	Female	163	67.4
	Male	79	32.6
Type of School	Private	40	16.5
	Public	202	83.5
Stratum	Zero	1	0.4
	One	114	47.1
	Two	79	32.6
	Three	34	14.0
	Four	10	4.1
	Five	3	1.2
	Six	1	0.4

Detail	Description	#	%
Who you live with	Grandparents	7	2.9
	Mother	27	11.2
	Mother and siblings	15	6.2
	Foster mother and father	8	3.3
	Biological mother and father, siblings	128	52.9
	Mother/grandparents/uncle/aunt	14	5.8
	Other	37	15.3
	Father and siblings	4	1.7
	Father	2	0.8
	Non-professional	168	69.4
Mother's occupation	Professional	45	18.6
	I don't have a mother	29	12.0
Father's occupation	Non-professional	161	66.5
	Professional	39	16.1
	I don't have a father.	42	17.4
Parents' marital status	I don't have parents.	3	1.2
	Married	86	35.5
	Divorced	9	3.7
	Separated	79	32.6
	Single	6	2.5
	Informal union	52	21.5
	Widow(er)	7	2.9
	Other	1	0.4
Mother works outside the home	No	145	59.9
	Yes	97	40.1
Father works outside the home	No	55	22.7
	Yes	187	77.3

Detail	Description	#	%
Number of siblings	None	7	2.9
	1	54	22.3
	2	84	34.7
	3	42	17.4
	4	22	9.1
	5	15	6.2
	6 or more	18	7.4
	None	7	2.9
Sibling position	Elder	67	27.7
	Middle	83	34.3
	Younger	85	35.1

Source: Prepared by the authors based on the results obtained in the exploratory survey.

As shown in Table 1, 75.2% of the adolescents' parents or other family members do not monitor their access to social media (Facebook, YouTube, WhatsApp, Instagram, Facebook, TikTok).

Thus, 93.4% of mothers/fathers or other relatives do not monitor participants' access to websites, and 71.1% do not monitor their use of mobile phones. In addition, 60.3% of mothers/fathers have control over the access and use of mobile phones, computers or social media. Most adolescents reported having a good or very good relationship with their family. They may go online at any time. More than a quarter of the adolescents

say that sexting makes them feel positive emotions; most of them feel safe. However, they do feel ashamed. A few adolescents feel cranky or irritable when they stop sexting, as shown in Table 2.

Table 2
Sexting, Role of Family, Use of ICTs and Emotional Expression

Question Asked	Answer	#	%
Does your mother/father or other family member monitor your access to social media (WhatsApp, Facebook, Instagram, etc.)?	No	182	75.2
	Yes	60	24.8
Does your mother/father or other family member monitor your access to the websites you visit?	No	226	93.4
	Yes	16	6.6
Does your mother/father or other family member monitor your use of your mobile phone?	No	172	71.1
	Yes	70	28.9
Does your mother/father or other family member have control over your access to and use of your mobile phone, computer or social media?	No	96	39.7
	Yes	146	60.3
You consider your relationship with your family to be	Good	96	39.7
	Bad	1	0.4
	Very good	102	42.1
	Very bad	3	1.2
	Regular	40	16.5

Question Asked	Answer	#	%
When do you go online?	At any time	220	90.9
	When I am alone during the day	13	5.4
	When I am alone at night	9	3.7
Sexting makes me feel positive emotions.	No	38	15.7
	Yes	73	30.2
	I do not practice sexting.	131	54.1
Sexting makes me feel safe.	No	100	41.3
	Yes	11	4.5
	I do not practice sexting.	131	54.1
Sexting makes me feel ashamed.	No	28	11.6
	Yes	83	34.3
	I do not practice sexting.	131	54.1
When you stop sexting you get cranky	No	102	42.1
	Yes	9	3.7
	I do not practice sexting.	131	54.1
When you stop sexting you become irritable	No	105	43.4
	Yes	6	2.5
	I do not practice sexting.	131	54.1

Source: Prepared by the authors based on the results obtained in the exploratory survey.

As shown in Table 2, 45.9% of the adolescents

reported that they engage in sexting. The type of sexting behaviour most frequently reported was the publication of insinuating or provocative images on Facebook, Tuenti or other social media (68.6%), followed by receiving provocative or insinuating images via mobile phone messages (68.6%). In the sample, 41.7% mentioned they exchange provocative images or messages with 1 or 2 people (via mobile phone or the internet). Then, 44.2% of the adolescents sometimes engage in sexting with their girlfriend/boyfriend, 33.1% of the sample group thinks that sexting enables intimate encounters and 33.5% considers that sexting helps them find partners, as shown in Table 3.

Table 3
Prevalence of Sexting Behaviour

Question	Mean	Standard Deviation
Do you practice sexting?	1.46	0.499
How often have you received provocative or insinuating images via mobile phone messages?	0.60	0.523
How often have you responded to messages with provocative or insinuating images received on your mobile phone?	0.56	0.603
How often have you posted insinuating or provocative images on Facebook, Tuenti or other social media?	0.81	0.528

Question	Mean	Standard Deviation
With how many people have you exchanged provocative images or messages (via mobile phone or the internet)?	0.52	0.658
I practice sexting regularly with my girlfriend/boyfriend.	0.48	0.533
Sexting enables intimate encounters.	2.41	0.708
Sexting helps me find partners.	2.21	0.915

Source: Prepared by the authors based on the results obtained in the exploratory survey-

In Table 3, on the relationship among sexting behaviours, the role of family, the use of ICTs and emotional expression, significant differences were found in the practice of sexting, the monitoring of social media, mobile phone use, internet use, the identity of those with whom the adolescent lives, whether the mother/father works outside the home, the type of relationship between the adolescent and the rest of the family and the time of use of ICTs (day/night). In contrast, notably, some relationships were negative, for example, the type of sexting behaviour reported; whether it is the receiving or responding person or disseminating provocative or insinuating images via text messages or on Facebook, Twitter or other social media.

Table 4 shows the relationship between sexting behaviour, the role of family, the use of ICTs and emotional expression.

Table 4
Relationship Between Sexting Behaviour, Role of the Family, Use of ICTs and Emotional Expression

Condition	Practices Sexting
Mother works outside the home full time	0.009
Father works outside the home full time	0.064
Relationship with your family	0.101
Mother/father or another family member monitors your access to social media	-0.048
Mother/father or other family member monitors your access to the websites you visit	0.022
Mother/father or another family member monitors your use of your mobile phone	-0.112
Mother/father or another family member has control over your access to and use of your mobile phone, computer or social media	-.135*
When do you usually go online?	0.092
Sexting makes me feel positive emotions	-.901**
Sexting makes me feel safe	-.978**
Sexting makes me feel ashamed	-.905**
When you stop sexting you get cranky	-.982**
When you stop sexting you become irritable	-.988**

** . The correlation is significant at the 0.01 level (two-tailed).

* . The correlation is significant at the 0.05 level (two-tailed).

Source: Prepared by the authors based on the results obtained in the exploratory survey.

Table 4 shows that all significant correlations between sexting behaviour, the role of family, the use of ICTs and emotional expression were negative. Moreover, the strongest correlations corresponded to the practice of sexting and the expression of both positive and negative emotions. In all cases, this correlation was very strong. Sexting was also found to significantly correlate with parental or family control over access to and use of mobile phones, computers or social media; however, this correlation was negative and very weak.

Discussion

The study analyses the relationship between the practice of sexting, the role of family, the use of ICTs and emotional expression in Colombian adolescents. It was found that 45.9% of the sample practices sexting, and 90.9% goes online without time restrictions, which is consistent with Froment's (2002) statement on the lack of time limits in the use of ICTs. Despite their benefits, these technologies also enable illicit practices, such as cybercrime, where sexting is considered a form of electronic violence (Verdejo, 2015).

A relevant finding is the lack of parental monitoring in the use of social media, mobile phones and computers, leaving adolescents more vulnerable to sexting (López, Sánchez, & Mirete, 2020; Gairín & Mercader, 2018). In view of the risk mentioned in the study, this seems paradoxical. However, it is highlighted that a good family relationship serves as a protective factor,

reducing risky behaviours (Turzák, Kurincová, Hollá, & Zelená, 2020). In contrast, poor or complicated parental relationships increase the practice of sexting.

In terms of emotional expression, 73 adolescents reported that sexting generates positive emotions, such as confidence, but also shame. The persistence of the behaviour is associated with the pleasure experienced, while stopping to do it may lead to irritability and crankiness. As shown by Duerager and Livingstone (2012), Mesch (2009) and Qingwen et al. (2017), stricter parental control significantly reduces sexting. These studies share their conclusion that limiting access to the internet and establishing clear rules promote self-regulation and reduce risks. Moreover, Villanueva and Serrano (2019) conclude that restricting nighttime online hours reduces exposure to sexting and sextortion.

It was evidenced that when adolescents stop sexting, they experience shame, irritability and crankiness, thus reflecting an awareness of the consequences. Adolescents turn to their friends for support, fearing their parents' reaction when they discover their involvement in these behaviours. This finding is in line with those of stud-

ies that point out the emotional, family and social impact of these practices (Leung & Lee, 2011).

On the other hand, the study reveals that as sexting increases, positive emotions decrease owing to feelings of shame and guilt, as per studies on PIU and its emotional impact (Fajardo, Ma, Gordillo, & Regalado, 2013).

It was identified that the age adolescents start sexting is around 12 years old (Terreros, 2016). Early detection is essential to mitigate emotional, psychological and physical consequences, strengthening the personality and responsible use of ICTs. This is in line with Bianchi, who states that family communication and age are predictors of sexting linked to emotional regulation (Bianchi et al, 2019).

The study shows that sexting is categorically related to lack of parental monitoring, excessive use of ICTs and the search for emotional regulation. The emotions experienced by adolescents, both positive and negative, influence the permanence of this behaviour. Early intervention, parental control and effective family communication are key to prevent the risks associated with sexting.

1. Recommendations

Sexting is a practice that has emerged with technology and electronic communications development, which entails legal challenges such as those addressed by Law 679 (Congreso Col, 2001), Law 1293 (Congreso Colombia, 2009) and Law 1801 (Congreso Col, 2016), ratified by the Constitutional Court (2013; 2019). In addition, it presents social challenges related to privacy, intimacy and safety, especially for minors (UNESCO, 2018). This activity consists of the exchange of sexually explicit messages, images or videos via electronic devices, a phenomenon that has intensified during the COVID-19 pandemic owing to the widespread use of social media and instant messaging (Martín & Palafox, 2011). Sexting can be consensual between adults, but it involves emotional and legal risks, especially for adolescents, who may be unprepared to manage negative consequences, such as shame, guilt, anxiety or stress. Thus, it is a priority to establish educational and control mechanisms to protect young people who are at risk of becoming victims and to persuade those who may tend to commit crimes.

For this reason, 12 preventive strategies to mitigate the negative effects of sexting are pro-

posed based on the results of the study, focusing on education, monitoring and emotional support, as per Colombian laws and regulations:

Promoting the Implementation of the Budapest Convention

Educating adolescents on the appropriate use of ICTs, making them aware of the risks and protection mechanisms against cybercrime

Monitoring and controlling the use of ICTs

Parents and educators should monitor the frequency and content accessed by young people, pursuant to the Colombian Criminal Code (Congreso Colombia, 2000).

Fostering socio-emotional skills

Developing self-regulation, empathy and assertiveness in adolescents, following the principles of the Deontological and Bioethical Code for Psychologists (Congreso Colombia, 2006) and the Colombian Disciplinary Code for Lawyers (Congreso Col, 2007)

Monitoring social media interaction

The presence of adults during social media use helps protect data and prevent cyberbullying.

Verifying virtual friends

Adolescents must report their online contacts under Law 1928 (2018) to prevent digital crimes.

Parental monitoring

Placing electronic devices in shared spaces facilitates controlled and secure access to ICTs (UNICEF, 2019).

Open family communication

Developing smooth communication between parents and children fosters trust and facilitates education on the emotional and legal risks (Caricote, 2008).

Educating on the risks of ICTs

Parents and educators should educate adolescents on the legal and emotional dangers of sexting, pursuant with the Colombian Criminal Code.

Explaining the consequences of sharing intimate images

Reporting the loss of control of shared images and any potential emotional and legal consequences (Herrera, 2020)

Monitoring the emotional state of adolescents

Addressing emotional changes and promoting healthy relationships can prevent issues arising

ing from the use of ICTs (Enzo & Veiga, 2018).

Maintaining communication and active involvement

Collaboration between parents and educators allows to identify academic or social changes related to digital interaction (Gabarda, Orellana, & Pérez, 2017).

Promoting safe and responsible training in the use of ICTs

The state should implement digital education tools to promote the safe and responsible use of technologies, as per the Convention on Cyber-crime.

Ultimately, these strategies seek to prevent the risks linked to sexting through education, parental monitoring and development of socio-emotional skills, protecting adolescents and promoting a safe and responsible digital environment.

Conclusions

Based on the foregoing, the following five conclusions were drawn. These include two conclusions from the field of law, two from the field of psychology and a conclusion that brings everything together, intended for the formulation of a criminal policy.

First, by means of Ruling C-244 on constitutionality control (2019), Law 1928 (2018), approving the Budapest Convention on Cybercrime (2001), was declared constitutional, allowing for the creation of a framework in Colombia to foster a safe digital environment for all citizens, including adolescents. However, it also evidenced the need for increased cooperation between the States parties to the Convention, which will eventually lead to a common criminal policy against cybercrime, considering the six characteristics of cybercrime previously mentioned (transactional; permanent; harmful; difficult to identify and

prove; high number of unrecorded crimes; dangerous). Thus, Law 1928 (2018), which ratifies the Budapest Convention, will make it possible to prevent the commission of actions or activities against protected legal assets such as privacy and, within this sphere, the integrity, confidentiality and availability of data, including protection against propagation made by means of ICTs. Therefore, Ruling C-244 (2019) allows the Colombian state and its citizens to address the issues related to globalisation and data exchange, considering the accelerated development of technology, which will only continue to grow. In view of the above, the Budapest Convention (2001) is introduced as a primary international tool, based on two principles: equal treatment and cooperation between states and parties. The aim of this tool is to safeguard the protected legal asset of privacy and guide the authorities in their fight against cybercrime, which is becoming increasingly transnational. Although the Convention does not affect Colombia's independence and sovereignty in criminal law, it does require commitments for its execution.

Second, the set of rules mentioned in this article will allow the Colombian state and its

agents to optimise international collaboration, which in turn will help improve the procedures for investigating and prosecuting cybercriminals, given that, looking at the six characteristics described above, this type of offender is usually linked to international criminal networks, which profit from the type of files obtained through sexting. It should be noted that the main risk of sexting is that the sender of a file via ICTs can immediately get out of control. Although it is still insufficient, given that technology continues to evolve, it is important to fill the existing legal gap in Colombia.

Third, in addition to the current legal rules and related case law, it is key to identify and localise cases of sexting, especially in young adolescents, from the age of 12 years, as this will reduce the negative psychological, physical and emotional consequences. However, as previously mentioned, the findings of this research showed that sexting also produces positive emotions.

Fourth, psychological research studies have found that to reduce and avoid the negative consequences of sexting, it is essential to strengthen three aspects: personality traits of adolescents, parental control over access to and use of ICTs

and communication between parents and adolescents. The first aspect involves the development of self-confidence and the promotion of appropriate emotional self-regulation in adolescents. The second aspect requires segregating the information and files that are shared through ICTs. The third aspect involves the promotion of good family communication, which reinforces emotional regulation and allows for parental monitoring, teaching, guidance and counselling on the access to and use of ICTs. A good parent-child relationship is a protective factor, which, according to the evidence found, reduces the practice of sexting in adolescents and makes it possible to identify negative situations where corrective action can be taken.

Fifth, this article describes the negative impacts that sexting, as a form of electronic violence, can have on the people involved, especially in the case of minors, non-consensual sexting or unauthorised exchange, in Colombia and in the countries that have ratified the Budapest Convention (CE, 2001). While sexting can be consensual and private, when it becomes a form of abuse, harassment, blackmail or humiliation, it clearly becomes electronic violence

with specific legal effects that must be punished by criminal law and emotional effects that must be addressed through behavioural psychology. For this reason, considering Van-Dijk's theory in Colombia, the current criminal policy in this specific matter should focus on non-consensual sexting and on girls and adolescent women, who, as mentioned in the Constitutional Court ruling, are those who may be especially affected (Van-Dijk, 1990). Thus, criminal policy should focus on preventing victimising events, Protect the rights of people who may become victims and prevent crimes committed by those who may become perpetrators (Sentencia T-007, 2020).

Therefore, according to the National System of School Coexistence and Training for Human Rights (Congreso Colombia, 2013), the Colombian Code for Children and Adolescents (Congreso Colombia, 2006) and the Law on Computer Crimes (Congreso Colombia, 2009), the general goal of criminal policies focused on electronic violence through sexting should be to stop the negative effects on girls and female adolescents, preventing and reducing the risks associated with sexting, promoting awareness,

education and digital responsibility among girls and adolescents, as well as the protection of their rights, early intervention and inter-institutional collaboration. For this reason, the criteria and guidelines of such a criminal policy should focus on implementing prevention and education programmes aimed at girls and adolescents, their parents and educators. These programmes should apply a comprehensive approach to sexting, its risks, its legal and psychosocial consequences, as well as the protection and safety measures in the use of digital technologies.

However, a program developed for the implementation of a criminal policy to prevent children and adolescents from being victims of electronic violence through sexting must include the following six measurement indicators for an annual period: early intervention before the victimizing event, protection of fundamental rights, inter-institutional collaboration, training in applicable legislation and sanctions, awareness campaigns, and research and data collection.

A criminal policy shall guarantee the respect for and protection of the rights of minors and adolescents involved in sexting, including privacy, dignity, confidentiality, access to justice

and the right to rehabilitation, considering their age and vulnerability. Additionally, criminal policy should foster collaboration and coordination between different entities and relevant stakeholders, such as educational institutions, law enforcement authorities, rights protection agencies, health professionals and civil society organisations. This collaboration will allow for a comprehensive and efficient approach to the issue, which requires a clear and updated legislation that criminalises non-consensual sexting and proposes appropriate punishment according to the severity of the conduct. These sanctions should also consider the rehabilitation and social reintegration of juvenile offenders. Therefore, criminal policies should include awareness-raising campaigns aimed at the educational community, parents, adolescents and society, in general. These campaigns should emphasise the risks of sexting, promote digital responsibility, encourage family dialogue and open communication on the issue.

Above all, criminal policy should encourage the research and collection of updated data on the prevalence, causes and consequences of sexting in the cities where the programme is im-

plemented, as this data will help assess the effectiveness of the measures and guide future emergencies.

The implementation of an effective criminal policy to address sexting among young adolescents requires a comprehensive and collaborative approach, as it is essential to ensure the protection of their rights by promoting digital awareness and education on the associated risks. At the same time, it is necessary to publicise and promote the rules that penalise non-consensual sexting, with proportional sanctions, considering rehabilitation. Inter-institutional collaboration and awareness-raising campaigns are key to deal with this issue, and the gathering of updated data will help assess the effectiveness of the measures and guide future action. A successful criminal policy based on current reality must prioritise prevention.

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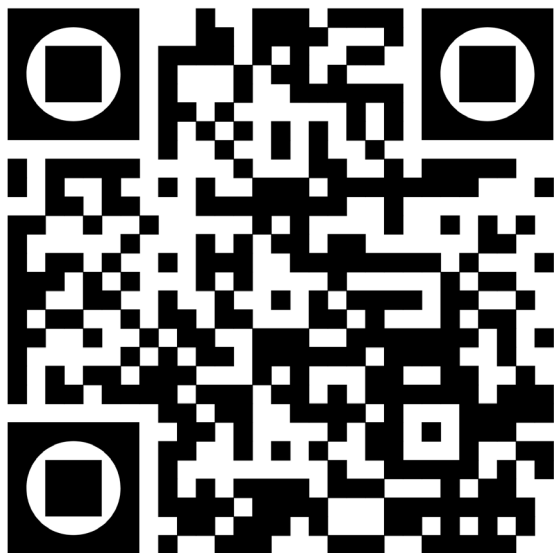
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The study analyzes the relationship between sexting, the role of the family, the use of ICTs, and emotional expression in Colombian adolescents. The research, which was based on a sample of 242 adolescents from Santa Marta, found that 45.9% of the participants practice sexting, and that most of them browse the internet without time restrictions. A relevant finding is the lack of parental supervision in the use of social media and mobile phones, which makes young people more vulnerable. In addition, the study found that as sexting increases, positive emotions decrease, giving way to shame and guilt. Family communication and parental control are key to preventing the risks associated with this practice.

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