

Punishment Analysis of Cyber Pornography in the Iranian Criminal Justice System

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Abstract

Today, pornographies are one of the fundamental challenges in cyberspace that have caused a serious threat to the security of that space. In the aftermath of this threat, the legislator has criminalized and punished pornography in cyberspace. Accordingly, it seems necessary to analyze the punishments the legislator has considered for this phenomenon. The responses the legislator makes to a variety of pornographers are according to the government-official model. Now, regarding the government's responses in the form of punishments such as imprisonment, flogging and execution, it is important to evaluate its punishment. The present paper analyzes the computer pornography punishment by analytic-descriptive method and emphasizing on the Iranian criminal justice system.

Keywords: cyber pornography, punishment, government responses, criminal law

1. Introduction

According to the religious and social criteria of the Iranian-Islamic society, the legislator has criminalized computer pornography, banned all of its instances and forms, and considered government responses to its perpetrators in the form of punishment (Eskandar Zadeh Shanjani, 2013, p. 89). In the aftermath of criminalization and punishment of computer pornography, these questions come to mind whether the legislator has followed a uniform approach to punishment in different laws. When a behavior is criminalized in criminal law, there will be also a subsequent punishment by the legislator. Now, is computer pornography punishment consistent with the principles and objectives of punishments? What are the responses adopted to computer pornography? The present paper is intended to answer these questions and if these questions are reasonably answered, many of the challenges and dilemmas of "computer pornography in the Iranian legal system" will be resolved. The structure of this paper is formulated in five general chapters. The first chapter analyzes the punishment of ordinary pornographers; the second, third, and fourth chapters respectively criticize and measure the punishment of professional and organized pornographers and the corrupt on the earth.

2. Chapter One: Punishment of Ordinary Pornographers

According to article 14 of the Cybercrime Law, the following punishments have been predicted for behaviors related to vulgar or pornographic content. The following cases are based on the subject of pornography crime that is criminalized based on the vulgar or pornographic contents, as well as how many people they are sent to or whether they are sent to less than ten or more than ten people:

The first case: for conditional blamable behaviors (production, storage and maintenance) and definitive blamable behaviors (propagation, distribution and trading) whose content is pornographic, the delinquent is condemned to from ninety-one days up to two years or a fine of five million Rials to forty million Rials or both punishments. In other words, in this case the delinquent of the pornography crime is sentenced to "level six punishment".

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