

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".

Pornography And The Criminal Justice System

L Cohen



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Table of Contents **Pornography And The Criminal Justice System**

1. Understanding the eBook **Pornography And The Criminal Justice System**
 - The Rise of Digital Reading **Pornography And The Criminal Justice System**
 - Advantages of eBooks Over Traditional Books
2. Identifying **Pornography And The Criminal Justice System**
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an **Pornography And The Criminal Justice System**
 - User-Friendly Interface
4. Exploring eBook Recommendations from **Pornography And The Criminal Justice System**
 - Personalized Recommendations
 - **Pornography And The Criminal Justice System** User Reviews and Ratings
 - **Pornography And The Criminal Justice System** and Bestseller Lists

5. Accessing Pornography And The Criminal Justice System Free and Paid eBooks
 - Pornography And The Criminal Justice System Public Domain eBooks
 - Pornography And The Criminal Justice System eBook Subscription Services
 - Pornography And The Criminal Justice System Budget-Friendly Options
6. Navigating Pornography And The Criminal Justice System eBook Formats
 - ePub, PDF, MOBI, and More
 - Pornography And The Criminal Justice System Compatibility with Devices
 - Pornography And The Criminal Justice System Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Pornography And The Criminal Justice System
 - Highlighting and Note-Taking Pornography And The Criminal Justice System
 - Interactive Elements Pornography And The Criminal Justice System
8. Staying Engaged with Pornography And The Criminal Justice System
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Pornography And The Criminal Justice System
9. Balancing eBooks and Physical Books Pornography And The Criminal Justice System
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Pornography And The Criminal Justice System
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Pornography And The Criminal Justice System
 - Setting Reading Goals Pornography And The Criminal Justice System
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Pornography And The Criminal Justice System
 - Fact-Checking eBook Content of Pornography And The Criminal Justice System
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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