

ppi 201502ZU4645

Esta publicación científica en formato digital es continuidad de la revista impresa  
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185 Depósito legal pp  
197402ZU34

# CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"  
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia  
Maracaibo, Venezuela



Vol.41

Nº 76

Enero

Marzo

2023

# Determining punishment in light of victim characteristics and actions, with an emphasis on gender: comparative view of the laws of England

DOI: <https://doi.org/10.46398/cuestpol.4176.50>

*Mahya Hatmi* \*  
*Behzad Razavifard* \*\*  
*Anahita Seifi* \*\*\*

## Abstract

The legislative principles to which a judge must pay attention in determining the Ta'ziri (discretionary) penalty are included in the four clauses that have been proposed in Article 18 of the Islamic Penal Code. These four clauses are: a) the perpetrator's motive and psychological state; b) the ways of committing the crime; c) the perpetrator's actions after committing the crime, and; d) the personal background. In such a view, the victim has no place and, therefore, no effect of his intervention is seen. The victim status, by emphasis on gender, is the objective that the present work intends to examine with a descriptive-analytical method. For this research purpose in a comparative look, the laws of Iran and England have been studied. It is concluded that, what can be extracted from the criminal laws of Iran and England is that, in the field of substantive laws, the legislators of these countries, while accepting the vulnerability of women in crimes in general, have tried to criminalize some behaviors and actions that cannot be considered as assaults, in the general conditions of protecting them.

**Keywords:** Ta'ziri sentencing; victim; gender; women; purchased law.

---

\* Department of Law, Ardabil Branch, Islamic Azad University, Ardabil, Iran. ORCID ID: <https://orcid.org/0009-0009-9719-039>

\*\* Associate Professor of International Criminal Rights, Department of Criminal Law and Criminology, Faculty of law and political sciences Allameh Tabataba'i University, Teheran, Iran. ORCID ID: <https://orcid.org/0000-0002-3171-8440>

\*\*\* Assistant Professor of international Rights, Department of women's studies, Faculty of social Sciences, Allameh Tabataba'i University, Teheran, Iran. ORCID ID: <https://orcid.org/0000-0002-1180-8334>

## Determinación del castigo a la luz de las características y acciones de la víctima, con énfasis en el género: visión comparada de las leyes de Inglaterra

### Resumen

Los principios legislativos a los que un juez debe prestar atención para determinar la pena Ta'ziri (discrecional) se incluyen en las cuatro cláusulas que se han propuesto en el artículo 18 del Código Penal Islámico. Estas cuatro cláusulas son: a) el móvil del autor y su estado psíquico; b) las formas de comisión del delito; c) Las actuaciones del autor después de cometer el delito, y; d) Los antecedentes personales. En tal visión, la víctima no tiene lugar y, por lo tanto, no se ve ningún efecto de su intervención. El estado de víctima, por énfasis en el género, es el objetivo que el presente trabajo pretende examinar con un método descriptivo-analítico. Para este propósito de investigación en una mirada comparada, se han estudiado las leyes de Irán e Inglaterra. Se concluye que, lo que se puede extraer de las leyes penales de Irán e Inglaterra es que, en el campo de las leyes sustantivas, los legisladores de estos países, si bien aceptan la vulnerabilidad de las mujeres en los delitos en general, han intentado tipificar como delito algunas conductas y actuaciones que no pueden ser consideradas como agresiones, en las condiciones generales de protección de las mismas.

**Palabras clave:** determinación de la pena Ta'ziri; víctima; género; mujer; derecho comprado.

### Introduction

Punishment in itself has harassment, suffering and torment, and in terms of severity, it is described as severe, but its harassment has different degrees. When the punishment is less annoyance, it is considered mild. In other words, less punishment will equal less annoyance. Proportion between crime and punishment means that the punishment is reasonable based on the criteria that justify the increase or decrease of the severity of the punishment annoyance.

Undoubtedly, determining the punishment for the perpetrator in the light of the contribution of the crime's victim in the formation of the criminal phenomenon as well as his special characteristics, is one of the issues that has always been and is always the concern of the legislators and can be considered an important factor for determining the appropriate punishments and reducing them, and to ignore it means to relinquish the existing facts.

The type of relationship between the crime victim and the criminal, guilt, physical and psychological, religious and religious beliefs, gender, race characteristics, the amount of crime victim's property and other factors are among the factors that are considered in the criminal laws of Iran and other countries in mitigation, conversion of sentence and exemption from perpetrator punishment is considered a fundamental factor, And in some cases, they play a unique role in making to proportionate and fair the crime and punishment.

In the initial part of the paper, the factor of the victim's gender in the determination of discretionary punishment will be discussed with an emphasis on mitigation, conversion and exemption from punishment. Of course, all members of the society are not equally exposed to the risk of crime. The occurrence of a crime comes from the intersection of three interconnected elements, a motivated criminal, a suitable victim, and the absence of an obstacle to its occurrence (Farrell and Philip, 1995).

The characteristics of the victim, which from the point of view of a criminal has the least cost of crime, will be a fundamental and important factor to encourage and prefer him to commit criminal acts and even repeat them. Features and attractions such as easy access, lack of risk or low risk, controllability, impossibility of prosecution or inability of victim to announce the prosecution of the criminal and similar factors play a fundamental role in the choice of the crime victim to commit a crime.

The crime victim, due to the fact that he endures the crime occurrence and loses situations and resources in most cases, undoubtedly needs support. But some of its species deserve special protections, due to their more vulnerable characteristics, especially in criminal and non-criminal aspects (Mohammadi et al., 1394).

Vulnerability of this type of victims means that the crime occurrence and its effects and consequences are far more than others. In other words, the crime and its consequences will cause more damage to them.

Since in all this paper, it is emphasized that the victim plays an essential role in determining the punishment, if we want to consider the severity of crime as the basic basis of punishment and consider the severity of crime including the degree of blameworthiness and harm caused to a victim, then we will assume that the amount of punishment will depend on these two elements. In other words, if the severity of crime is greater, punishment will be greater and vice versa.

If vulnerable people become victims of crime, the level of blameworthiness of a criminal and damage caused to them will be higher than non-vulnerable ones. It is natural that if the countries have prepared and adjusted their criminal policy in terms of substance and form in determining punishment based on the severity of crime, the punishment of criminals of this type of

victims will be designed more than others. In the second part of the research, the factor of victim's gender in determination of discretionary punishment will be discussed with an emphasis on intensifying punishment.

### **1. The gender of victim and the causes of mitigation, conversion and exemption from punishment**

Regardless of the difference in the creation of men and women and their physical organs, which there is no difference of opinion, but what is always disputed throughout history is the difference in personality, the difference with the equality of their individual and social rights. From ancient times until now, extreme attitudes towards women can be found among different groups of people in the society (Hosseini, 1388).

Examining the history of the evolution of women's status in society shows that women's rights, like other legal rules and regulations, have always been in line with the general expectations of society (Hekmatnia, 1400). And if he is considered a source of evil and ruin and inferior in nature, his rights and privileges will be far less than men.

In ancient times, women were owned and traded as commodities in the hands of men (Ahmedvand and Zivari Mirzai, 1400). By looking at the oldest legal writing, known as Hammurabi's law, which is fairer than other regulations of its time, shows that that a husband could use women and children as a pledge of debt, and in determining the punishment, they have never had equal rights with men. In ancient Rome, the legal status of women was not better than in other places, and women were under the authority of the head of family (Sanei, 1382).

Her legal relationship was only determined with the male children, and women had no legal status. Social developments, the economic and public expectations that have arisen over the centuries have caused the difference in rights between men and women to decrease gradually. Today, in Western countries, including England, there are rarely regulations that the woman gender determines their individual and social effective rights than the opposite sex.

In the criminal regulations of England, the gender factor does not play a role in determining the type and reducing the punishment of criminal, as it exists in the criminal laws of Iran. Nevertheless, some researches in this country show that women have less punishment than men because they have less criminal history and more informal mechanisms govern them and they receive less prison sentences.

Women are less likely to be prosecuted (46.5% vs. 90% for men) and women have a higher chance of being released on pledge than men (50%

vs. zero), their psychological defenses and then use of their reduced responsibility, is more than men (Wilzynski, 2007).

In ancient Iran, public views and expectations from women were such that they were given an honorable position. Although in urban communities, their rights and privileges were less than men and they were practically under the influence and domination of men (Sanei, 1382).

The position of women in Arabs before Islam was more serious than in other parts of the world. They were deprived of individual and social rights and were in the ranks of animals. In the shadow of this thought is that Mothers have the rule of vessels that are created only for sperm (Sobhani Tabrizi, 2019).

The history of women and girls among the Arabs is a strange story that the Quran mentions it as one of the ugliest human behaviors, and thinks it is far from humanity. Whenever they were told about the birth of a girl, they blamed God and became black with sadness and anger and hide themselves from the bad news and pressure of public opinion. They used to think that they should bear the humiliation of keeping it or bury it alive in the soil (Shiri Vernamkhashti, 2017).

The religion of Islam appeared in such a land and with its popularity as an idea and brought about a profound change in the affairs of the individual and social life of the society. Islam declared that all members of the Islamic society, both male and female, from any race and country, have equal rights and only their degree of superiority is divine piety.

It is for this reason that the Quran (book of Muslims), in various commands, states general rulings for Muslims regardless of their gender, and does not distinguish between men and women in determining punishments, and considers everyone to have a single ruling.

The expansion of the religion of Islam to other lands, including Iran, has had a profound effect on the regulations governing their personal and social conditions. Among these laws are provisions on how to determine punishment, especially in the case of a woman who is a criminal or a victim of a crime. Despite lack of specifying the existence of this difference in the most important source of Islamic rulings, i.e., the Qur'an, on the one hand, and emphasizing equality in determining the punishment of individuals, in the other hand, Islamic scholars have expressed a difference of opinion regarding the difference in the punishment of men and women.

Iran's legislator has made a distinction in some punishments in cases where the victim and the criminal are not of the same gender. In other words, the gender of the victim and the criminal becomes relevant in determining the punishment and plays a fundamental role in determining the punishment.

According to legal regulations, if a man intentionally kills a woman, the murderer will not be avenged, unless the parents of the victim pay half of the murderer's ransom, or in the case of unintentional murder and fault, the woman's blood money will be half of the man's blood money.

Or if a man (against a woman) is sentenced to retaliation, until the blood money of the incomplete member does not reach a third or more than a third of the full blood money, they will be equal to each other, and the woman can only to retaliate when half of the blood money of that member is equal, must to pay it to man.

In addition to the mentioned cases, it is possible to mention cases where punishments are reduced and delayed due to the woman's gender, in Article 182 of the Islamic Penal Law Bill, while the punishment of lashing and exile is specified for a pimp man, and so for women, only the lash punishment is mentioned. The punishment for homosexuality between women (Masahaqa) in the mentioned law is the only punishment of lashing, while the punishment for the same act (lawat) between men is death by execution.

In the formal laws, there is the attention to the special biological-physiological considerations of women, which indicates a friendly policy towards them. That corporal punishment should not be applied during pregnancy and childbirth (Article 91 of the Civil Code) and the implementation of the cover limit for a pregnant or lactating woman is delayed in case of fear of harm to the pregnancy or the infant (Article 92 of the same law), as well as the provisions related to the implementation of the punishment of retaliation for the woman (Article 262 of the same law) and Article 3 of the letter on how to implement the punishments of death, stoning, crucifixion, amputation or organs disability of the judiciary approved in 1370, all indicate the amicable view of the legislator in determining and implementing punishment in Iran towards women.

Regardless of the justifications that have been stated for such regulations, it seems that firstly, there is no explicit text in the provisions of the Qur'an regarding the discrimination of punishment between men and women, and it cannot be inferred from the verses of the Qur'an that women are inferior in terms of the amount and type of punishment (Mehrpour, 1384). Secondly, the provisions related to retaliation and blood money is one of the signing rules of Islam and it was issued according to the economic, social and cultural conditions of the society of that day. Therefore, it cannot be said that the non-change of this type of rulings is the same as the rulings and punishments mentioned in the Qur'an.

Thirdly, the rulings related to the difference between men and women's blood money have been stated based on traditions and hadiths that have conflicting traditions and hadiths against them, which have more strength and confirmation in terms of foundations and documentation (Shiri, 2017).

Fourthly, the lack of consensus of the Islamic sects in this regard and even the Imamiyah religion, on the approval of the difference in punishment between men and women, and finally, considering the social and cultural life conditions of the society and despite the existence of some of these types of provisions, the legislator has not considered them as immutable provisions. It is necessary for the legislator to revise this part of the regulations and to solve this difference according to the realities of the current society and the evolution in the social, economic and cultural life of women.

## **2. The gender of the victim and the aggravating factors of punishment**

A woman (due to her gender), as well as her age, is one of the other problems that, under the influence of biological-physiological considerations, can be a suitable target for criminals to commit a crime. The vulnerability of this type of victim is intensified when oldness of age accompanies them and it is thought that they have wealth or valuable property (Kazhempour and Farjiha, 2018).

Violence against women is a fact that is more prominent than other types of violence in criminology and victimology discussions (Rayejian asli, 2018). Cultural considerations and the social situation of every society and the physical condition of women, has caused countries to adopt stricter measures regarding crimes that are victims based on gender (being a woman). These three axes are: the lack of influence of gender in supporting them, taking a different approach in supporting them and depriving them of the same support than men (Mehra, 2004).

Looking at the criminal laws of Iran shows that although in most of the crimes committed against women, there is no difference between them and men and they adopt the first approach and, in some cases, they take the second approach, but in other cases, they are also in the criminalization stage. And in determining the punishment, criminal protection of this type of vulnerable victims has arisen in a more severe way (compared to men) (Azimzadeh, 2014).

Intensification of punishment for insulting and harassing women in public places compared to men, protection of pregnant women against physical violence, punishment for desertion, obligation to register marriages and divorces in order to prevent men from abusing women (for example, not paying alimony to them) and punishing people who cheat in marriage with them, destroying a girl's virginity, criminal protection against stealing and prohibiting the marriage of women before puberty and punishing those who are responsible for it and committing adultery with reluctance and violence and determining the death penalty for the reluctance (the subject

of Article 82 AH). M. A. 1370) is the main effort that the Iranian legislature has taken for criminal protection and adopting a more severe differential approach in determining the punishment compared to similar cases for female victims.

Another title of crimes against persons that women are its subject, is the crime of human trafficking. One of the most important and widespread types of human trafficking is the women and children trafficking. Prostitution and buying and selling of women are not a new social phenomenon of slavery, but it has existed in human societies for a long time.

Business women in Europe are engaged in this work under the title the White Slavery, a so wide networks and gangs such as “Triad, Yakuza and Mafia” are active in this case, use women in what is called the so-called business or sex industry in Europe or in the Far East countries including Philippines, South Korea and Thailand employ them as slaves.

In this industry, women are priced like commodities and are abused as means of pleasure (Attazadeh, 2013). Many of them leave their country with the promise of work or marriage and then become captives of corruption centers.

According to the report of the International Center Immigration in Eastern and Central European countries, about 250,000 to 300,000 women and girls were victims of prostitution gangs every year. This is despite the fact that in many of these countries, there was no punishment for traffickers and the probability of their arrest and punishment was very low.

According to the report of experts group of the Council of Europe estimated the annual income from this trade to 13 billion dollars. Women in these gangs are sometimes bought and sold up to 18 times. According to this report, women in Moldova were bought for 150 dollars and then after entering Italy, they are sold to dealers at a rate of 5 thousand dollars.

The legislator of Iran has dealt favorably with various angles of misbehavior and abuse of women. The existence of the trust of these victims and the lack of information about their fate, living in a place where they are known as immigrants, cultural conflict and living in a context that they are alien to it, and the fact that most of these victims lack the identity and residency documents and lack of access to official and unofficial authorities. For legal protection, there are many cases that increase the vulnerability of this type of victims (Azimian, 2018).

The law combating against human trafficking approved in 2013 imposes heavy punishments, including death, on the perpetrators of criminal acts that cause the exploitation and abuse of women, and by expanding the titles of criminals such as intention of abusing them or starting to carry out this type of criminal acts, both in the level of criminalization and in the amount of their punishment, has dealt with more extent and severity.

Another issue that is important and fundamental to mention in crimes against women is actions and behaviors that occur against women in the family environment. In the family, due to various cultural, religious, linguistic, financial differences or any other reasons, some victims of family violence are more vulnerable than others and are abused in some cases. Iran's legislator has paid attention to this issue in some cases and by criminalizing those who use a child for seduction (mostly their parents or relatives) in 1375; they have been punished with up to two years of imprisonment.

Adultery with incest is also It is one of these actions for which the death penalty is imposed (the subject of clauses A and B of article 82 of 1370 I.P. Code of the Islamic Republic of Iran). However, regarding crimes that occur in the family, the gender of the woman has no difference in determining the punishment of the perpetrator and it is the same as other victims and no special criminal protection has been provided for them.

Among other actions and behaviors that cause deviation and corruption and damage the dignity and position of a person is pornography. Such actions, whose victims are mostly women and children, include things such as photos or erotic writings, which can actually be a kind of artistic representation of men's violence against women in this context. Pornography is not limited to obscene images, but obscene writings are included too.

In the Islamic Penal Code of 1375, in dealing with these types of crimes, which mainly women are the victims, various criminal regulations have been prescribed and for the perpetrators, various punishments including imprisonment, lashing and fines have been stated, which indicates the sensitivity of the legislator in this regard.

Considering the criminal laws of England, it indicates that it rejects the third approach (no less protection for them than men) among the three methods presented for women who are victims of crime, but with the criteria presented to determine the severity of the crime and that vulnerability of the victim is considered as one of the cases of aggravating punishment, gender as an example of vulnerability is considered as one of the aggravating factors of the crime, violence in the family and the dangers that exist for women are among the things that cause concerns for the politicians of this country. In 2001, it was announced that the cases of domestic violence against women reached to 150,218 cases.

The police announced that one person asked for help in family crimes every week. Meanwhile, this figure for men was about five percent. In the field of crimes that led to murder, one third of the victims were women who were killed by their partners.

The increase in family violence and the duty of the government to respond to the calls of this type of victims and to be aware of their needs

and the costs of notification, have caused the government of this country at first communicate this message to the decision-making centers, including the police, the prosecutor's office, and the court, through a circular, that family crimes are like crimes committed by strangers and should not be considered less severe in determining the punishment for the perpetrators.

In these circulars, the presumption of the perpetrator's arrest has been created and in view of this, in 2003, special "family violence" courts have been created to deal specifically with these crimes. Creating efficiency for the criminal justice system and facilities, providing information, advocacy, obtaining consent and building trust for this type of victims are the foundations of the establishment of these courts. This caused these courts to reach 25 courts across the country in 2005. According to the forecasts, the number of these courts across the country will reach 300 by 2025 year.

Among the measures taken for criminal protection of these victims there was seen the Law of Family Violence, Crime and Victims of 2004, which provides special protection for this type of victims. It is stated in the provisions of Article 5 of this law, in cases where a child is under the age of 16 or a vulnerable adult (according to the guidelines of the sentencing council, women are considered vulnerable cases), as a result of an intentional illegal act, due to violence or Abuse, or in the event that, as a result of tolerance, she suffered severe physical injury or caused her death, will be sentenced to the punishment corresponding to any of the crimes committed.

In general, any action to prevent the victim from reporting the criminal act, expelling the victim from home and the place of residence, committing the crime in front of children and preventing the victim from helping the victim in family crimes, based on the guidelines of the Council for Determining the Punishment is from the aggravated cases of punishment and the courts in determining punishment of perpetrator should take them into assessing severity of crime and then determining the punishment.

Another law that can be mentioned in order to protect women in England is the 2003 Sexual Offenses Act, which has developed the general nature of crimes regarding rape. According to articles 1 to 4 of the mentioned law, while determining the punishment of life imprisonment for sexual assault (in the special sense of sexual penetration) against the consent of a woman, sexual contact with the body of victim (woman) and engaging her in a sexual act without her consent is considered a crime, and predicted a punishment of up to 10 years of imprisonment for the perpetrator (Naffine, 2017).

Meanwhile, according to Article 637 of the Islamic Penal Code in Iran, this criminal act is only punishable by up to 99 lashes. Human trafficking and Sexual abuse and exploitation in England are the crimes that have been given special attention in the Sexual Crimes Act of 2003.

According to articles 57 to 60 of the aforementioned law, those who intentionally and knowingly engage in human trafficking and entering and exiting of persons and facilitate and arrange this action, the punishment for perpetrator (based on the indictment in the criminal court) will be up to 14 years of imprisonment (Keren-Paz, 2013), the punishment will be applied for another person who exploits and sexually abuses the trafficked person too.

Among the other regulations that can be mentioned in this regard, Article (1) of the Law of Intentional Murder (Law on the Abolition of the Death Penalty) approved in 1965 states that in case of committing an intentional murder, the perpetrator shall be imprisoned for life imprisonment. But this does not mean that he will spend his entire life in prison, but he can be released from prison after serving at least time and based on the judgment of the court for the rest of his imprisonment.

According to Articles 269 to 277 and Table No. 21 of the Criminal Justice Law of 2003, spending the minimum term of imprisonment and using the mentioned freedom is different for persons 18 years old and above and persons under 18 years old. The law has specified this period as 15 years for the first age group and 12 years for the second age group, but it is stated in the mentioned provisions, if the intentional homicide occurred during sexual or sadistic behavior (harassment) and the victim was killed intentionally.

In the case, the mentioned minimum is increased to 30 years of imprisonment (Randall, 2010) The law of powers of the criminal courts of 2000 also adopted such an approach. In article 109 of this law, it is stated that if a criminal commits for the second time, commits the crime of rape or initiates it, the court is obliged to issue mandatory life imprisonment to the offender and cannot issue a lesser punishment to him.

### **Conclusion**

The legislative principles that the judge should pay attention to it in determining the punishment; There are 4 clauses that are mentioned in Article 18 of the Islamic Penal Code: In this article, the legislator has stated that court in issuing Ta'ziri (discretionary) judgements, by complying with the legal provisions, takes the following into consideration:

- a. the motive of the perpetrator and his mental and psychological state during the crime commission;
- b. the ways of committing the crime, scope of the breach of duty and its harmful results;

- c. The actions of the perpetrator after crime committing and;
- d. personal, family and social background and status of perpetrator and to impact punishment on him, which is not considered in this article and has been discussed in this research, it is the condition of victim and its effect on the determination of punishment.

In this paper, the effect of the victim's gender in determining the punishment in two debates, mitigating and aggravating the punishment, has been studied. In many cases, the gender of a woman can cause a friendly look due to the attention given to the biological-physiological considerations of women, which the legislator of Iran has shown in many cases.

What can be extracted from the codes of criminal laws in Iran and England is that legislators of these countries have tried to criminalize some behaviors and actions that may not be considered crimes in general conditions in the field of substantive laws, including criminalization to protect them, and in the field of formal laws by allocating special courts like what is done today in England, express their criminal support for them. However, it can be said that the support of the English legislator is more extensive in compared to what exists in Iran's criminal laws.

### **Bibliographic References**

- AHMEDVAND, Khalilullah; ZIVARI MIRZAI, Zahra. 1400. "A comparative study of women's rights from the perspective of Islam and Zoroastrianism" *Ganoonyar*. Fifth year. No. 19, pp. 126-139.
- ATTAZADEH, Saeed. 2013. "Jurisprudential review of combating women trafficking with a perspective" In: *To international documents, comparative research of Islamic and western law*. No. 1, pp. 369-380.
- AZIMIAN, Asal. 2018. "Deterrent criminalization in the protection of women in the shadow of jurisprudence and law" In: *Islamic Jurisprudence and Law Studies*. No. 21, pp. 16-26.
- AZIMZADEH, Shadi. 2014. "The dynamics of the effects of criminal policy in supporting women victims of violence" In: *Justice Law Journal*. Vol. 69, No. 52-53.
- FARRELL, Graham; PHILIPS, Coretta; PEASE, Ken. 1995. "Victimology" In: *British Journal of criminology*. Vol, 35, No. 2, pp. 384-399.
- HEKMATNIA, Mahmoud. 1400. *Rights of women and family*. 6th edition. Publishing Organization Research Institute of Islamic Culture and Thought. Tehran, Iran.

- HOSSEINI, Hadi. 1388. *Woman Book*. 3rd edition. Amir Kabir. Tehran, Iran.
- KAZHEMPOUR, Sana; FARJIHA, Mohammad. 2018. "Theoretical explanation of the effect of gender on determining the punishment of drug offenders Comparative study of Iran and America" In: *Law of Justice*. No. 117, pp. 201-231
- KEREN-PAZ, T. 2013. *Sex Trafficking: a private law response*. 1st Edition. Routledge. London, UK.
- MEHRA, Nasreen. 2004. *Collection of articles, results of groups and documents of the first international conference on women and criminal law, past, present and future*. First edition. Selsbil. Tehran, Iran.
- MEHRPOUR, Hossein. 1384. *Collection of articles Women and criminal law*. First edition. Selesbil Publications. Tehran, Iran.
- MOHAMMADI, Shahram; SHAHIDEH, Farhad; ABDULAH, Afshin. 2014. "The effect of the findings of the first victimology in drunken crimes. Obligation of retaliation (with a case-by-case review of court decisions)" In: *Comparative Law*. No. 104, pp. 03-19.
- NAFFINE, N. 2017. *Possession: Erotic love in the law of rape. Gender and Justice*, 1st Edition.
- RANDALL, Melanie. 2010. "Sexual assault law, credibility, and "ideal victims": Consent, resistance, and victim blaming: In: *Canadian Journal of Women and the Law*. Vol. 22, pp. 397-433.
- RAYEJIAN ASLI, Mehrdad. 2018. *Victimology: Lessons in Compiled Speeches*. Volume 1. 2nd edition. Shahr Danesh Legal Research School. Tehran, Iran.
- SANEI, Parviz. 1382. *Laws and society: the relationship between rights and social and psychological factors*. First edition. New Design. Tehran, Iran.
- SHIRI VERNAMKHASHI, Abbas. 2017. "The role and position of the victim in criminal investigations" In: *Research Criminal Law*. No. 23, pp. 233-236.
- SHIRI, Abbas. 2017. "The right of the victim in determining the punishment and how to implement it" In: *Perspectives of Judicial Law*. No. 81, pp. 16-29.
- SOBHANI TABRIZI, Jafar. 2019. *The dawn of eternity (Forough Abdit)*. 37th edition. Boostan Institute of Books. Qom, Iran.
- WILZYNSKI, Anna. 2007. "Crazy or Bad? (Children, Gender and Courts), translated by Nowruz Kargari" In: *Legal Research*. No. 47, pp. 56-63.



UNIVERSIDAD  
DEL ZULIA

---

# CUESTIONES POLÍTICAS

Vol.41 N° 76

*Esta revista fue editada en formato digital y publicada en enero de 2023, por el **Fondo Editorial Serbiluz**, Universidad del Zulia. Maracaibo-Venezuela*

[www.luz.edu.ve](http://www.luz.edu.ve)  
[www.serbi.luz.edu.ve](http://www.serbi.luz.edu.ve)  
[www.produccioncientificaluz.org](http://www.produccioncientificaluz.org)