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A Comparative Analysis of Iranian Criminal Policy and English Criminal Policy (in the Narrow Sense) Regarding Sexual Violence in Cyberspace

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the “hurtcore” discussion, particularly the sentence “hurtcore has in fact been described as a fetish involving individuals who become sexually aroused by inflicting pain or even torture upon another person who is unwilling to participate,” the manuscript moves from legal analysis into psychological characterization without establishing the evidentiary basis or explaining its relevance to the central comparative question. The authors should considerably shorten this discussion and focus on the legal dimensions of the conduct: child sexual abuse material, coercion, torture or serious bodily harm, production and distribution offenses, and potentially organized exploitation. The present descriptive detail is disproportionate to the rest of the manuscript and risks sensationalizing an extreme category without materially advancing the comparative analysis of Iranian and English criminal policy.

In Section 2.2, the paragraph stating that women’s cyber victimization is predominantly “emotional and reputational” while men’s cyber victimization “is generally focused on economic loss” is too categorical and risks reproducing gender stereotypes. Such a proposition requires strong empirical evidence and should be qualified by context, offense type, and victimization dataset. Men may also experience sexual extortion, image-based sexual abuse, stalking, reputational harm, and severe psychological consequences, while women may suffer substantial economic cybercrime. The manuscript should reformulate this claim in probabilistic rather than essentialist terms and emphasize differentiated patterns of victimization rather than presenting binary gender categories as fixed characteristics.

The paragraph on transgender victims, beginning "Alongside children and women, transgender persons constitute another category of victims...," needs terminological and conceptual revision. The discussion should avoid framing transgender identity itself as a "crisis" or source of "social maladjustment," because such wording pathologizes the population under examination and is not necessary for explaining heightened exposure to digital sexual victimization. The authors should instead analyze structural vulnerability, discrimination, online targeting, sexual exploitation, blackmail, outing threats, and barriers to reporting. It would also strengthen the manuscript to clarify whether the cited evidence concerns transgender persons specifically, broader sexual and gender minorities, or users of particular online sexual platforms, since these categories should not be conflated.

In Section 3.2, the historical treatment of marital rape in England requires correction and doctrinal precision. The paragraph attributes the historical rule to an eighteenth-century assumption of irrevocable marital consent and then moves through several statutes before stating that the Court of Appeal rejected the doctrine in 1991. The authors should identify the decisive case, R v R [1991], explain the significance of its affirmation by the House of Lords, and distinguish judicial abolition of the marital rape exemption from later statutory consolidation under the Sexual Offences Act 2003. The chronology should be carefully checked because the current presentation risks suggesting that successive statutes themselves progressively criminalized marital rape when the pivotal doctrinal development occurred through case law.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In Section 2.3, the fourfold classification of "vindictive cyber offender, composed cyber offender, intimate cyber offender, and collective cyber offender" requires stronger theoretical justification and source attribution. The manuscript currently introduces this typology as "one of the more comprehensive classifications" without explaining its origin, validation, scope, or whether it was originally developed for cyberstalking, cybercrime generally, or sexual offending specifically. The authors should identify the theoretical framework underpinning this typology and critically assess its applicability to cyber sexual violence. If the classification was originally developed for cyberstalking, this limitation must be stated; otherwise, the article risks importing an offense-specific offender typology into a much broader category of cyber sexual offending without sufficient justification.

The opening paragraph of Section 3 states that "Iranian and English criminal policies have likewise not remained indifferent to sexual deviance generally and sexual violence and harassment specifically." The expression "sexual deviance" should be reconsidered because it is criminologically and normatively broader than sexual violence and may encompass consensual conduct that is not harmful or criminal under English law. Since the article is about sexual violence, the comparative framework should be organized around legally cognizable harms rather than moralized categories of sexual behavior. The authors should clearly specify the protected legal interests in each system—sexual autonomy, bodily integrity, privacy, dignity, public morality, protection of minors, or public chastity—and then assess how differences in those protected interests shape criminalization.

In Section 3.1, the passage discussing marital sexual violence in Iran, particularly the statement that the legal system "may be regarded as legally validating certain forms of coercive sexual conduct," is a serious doctrinal conclusion that requires more careful legal substantiation. The manuscript should distinguish between the civil-law doctrine of marital obedience, criminal liability for rape or zina by coercion, evidentiary difficulties, and the absence of an explicit offense of marital rape. It should not move directly from the existence of marital obligations in civil law to the conclusion that sexual violence is legally validated without analyzing relevant statutory provisions, jurisprudential doctrines, exceptions, judicial practice, and possible criminal classifications of physical assault or coercion. This issue deserves a more nuanced doctrinal treatment because it is central to the comparative argument.

The analysis of Article 619 of the Iranian Islamic Penal Code contains a significant legality concern. The manuscript states that the provision concerning harassment of women and children in "public places or thoroughfares" could be used for "sexual verbal and textual conduct directed against women and children in cyberspace." The authors should critically assess whether

such an extension is compatible with the principle of legality and the prohibition of analogy to the detriment of the accused in criminal law. Cyberspace cannot automatically be equated with a physical "public place" or "thoroughfare," and an expansive interpretation may exceed the wording of the statute. Rather than presenting Article 619 as readily applicable, the article should explain the doctrinal obstacles to such extension and use those obstacles as evidence supporting the need for explicit cyber-specific criminalization.

The same legality issue arises in the discussion of Article 641, where the article argues that the offense of telephone harassment may be extended to harassment occurring through cyberspace because "the concept of harassment is formulated in general terms." This conclusion requires a much more precise examination of the statutory phrase referring to "telephone or other telecommunications devices," the legal classification of Internet-based messaging services, and relevant Iranian judicial interpretation. The authors should determine whether applications such as Telegram, WhatsApp, and Instagram legally fall within "other telecommunications devices" or whether such an interpretation would constitute impermissible analogy. The comparative value of the article would be stronger if it distinguished provisions genuinely applicable to cyber conduct from provisions that merely reveal legislative gaps.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.