

The role of the law in protecting women from electronic extortion

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Abstract:

Since the advent of social media, Iraq has witnessed the spread of electronic extortion crimes, such a serious crime has become a concern for all members of society, especially women and girls, where many women were killed, it amounted to murder, suicide, and sexual assault. The problem of extortion arises in a society where the family loses emotional stability, a deviation in behavior arises, this crime also has an impact on issues of honor and honor, Arab society, especially Iraq, it was considered one of the societies in which this crime represents a social disgrace that stigmatizes the family and the family, makes them the nucleus of criminal projects punishable by society. The crime of electronic extortion is also one of the new crimes due to the great progress in information technology, which made the world a small village, and facilitated many matters of life. The development of benefits in the economic, political, social and scientific aspects, however, it was not without flaws, it facilitated the emergence of a kind of translators who use these techniques to carry out their crimes through them. Electronic blackmail is the use of modern technological capabilities against victims, most of whom are women, to blackmail them financially or sexually. The seriousness of this crime lies in its ease and means available to all age groups, likewise, the ease of erasing evidence, and the family is one of the most powerful factors of social influence in shaping the human personality. If the family is healthy, then this is more conducive to adopting a sound behavior and intellectual formation for its children, but if the imbalance occurred in her being, this was a reason for the children to follow ways of deviation in behavior.

Keywords: Electronic extortion, women, criminal responsibility, sexual assault, social communication, the Iraqi Penal Code.

Introduction

As a result of the seriousness of the crime of electronic extortion and its rapid spread, this crime and the negative effects resulting from the misuse of electronic devices must be made clear to the community. The more society relies on the Internet, indicates an increase in the rate of electronic blackmail crimes that are used against women, which requires a full understanding of crime and how to confront it, both from a technical point of view, the work of specialists in the field of information technology or in legal terms, which is the task of legal practitioners.

The crime of electronic extortion has imposed itself as a modern issue facing Iraqi society and other societies of different races, began to pose a challenge and raise questions that need to be answered. The crime is still recent and needs to reveal its aspects and answer many questions that are still shrouded in mystery. Many countries have made efforts to legally limit the exacerbation of this problem by enacting and developing deterrent legislation, however, research efforts for this crime are still few and in need of expansion and elaboration. In order to understand its dimensions and aspects to control it, because this crime has serious repercussions not only on the individual, but also on the family and society in general.

Study objectives:

It reveals the importance of our study by shedding light on the subject of our research (the role of the law in protecting women from electronic extortion), builds the role of the law in protecting women from any threat to their being as the nucleus of society. Electronic extortion is a serious crime because of its negative effects. The law, through its legal provisions, made it necessary to provide the necessary criminal protection and to address this serious crime against women in particular, with the imposition of a penalty for everyone who carries out electronic extortion according to Articles 430-432 of the Iraqi Penal Code.

Study problem:

The provisions of the Iraqi Penal Code, we note that there is no explicit text specific to the crime of electronic extortion and establishes criminal protection for its many victims, especially women through social networking sites and other applications, represents a fertile environment for extortion, as the current

texts in the Penal Code are not sufficient to punish electronic extortion in its various forms, that these texts did not take into account the privacy of electronic extortion, as it contented itself with making it just a special criminal model with the crime of threat, within the framework of the provisions of Articles (430, 431 and 432) of the amended Penal Code No. 111 of 1969.

Study methodology:

By choosing the subject of our research on the role of the law in protecting women from electronic extortion, the resulting multi-methodology, the most important of which is the legal curriculum, which shows the legal texts addressed by the national legislation in Iraq about the seriousness of crime and its impact on women in front of society, as well as the descriptive and analytical approach in identifying and describing electronic extortion of women. The criminal means carried out by the blackmailer through the methods used by him, by electronic technologies, which are in violation of the law.

Study plan:

Through our study of the subject, our research, which included the role of the law in protecting women from electronic extortion, as it is necessary to provide criminal protection for women by the law, which leads us to shed light by dividing our research.

The first topic is electronic extortion

The first requirement is the role of the law in protecting individual interests

The second requirement is the psychological effects of women from the crime of electronic extortion

The second topic is the role of the judiciary in blackmailing women electronically

The first requirement is criminal liability for the crime of electronic extortion

The second requirement is the judicial procedures for the crime of electronic extortion

The first topic is electronic extortion

Since social media entered Iraq, the crimes of electronic extortion spread widely and developed with the passage of time, and organized gangs emerged from it, using all means that enable the perpetrator to blackmail women, which is the focus of our study, where these crimes appeared and emerged as a result of the weak application of the law in Iraq and the non-resolute handling of these important issues that affect the life and dignity of women within the social milieu, finding feasible legal legislation and updating it with the technological development taking place, in addition to the weakness of the law, experts believe that the spread of unemployment, poverty and instability has contributed to the commission of such crimes. Electronic extortion is always considered a source of money from the victim or an attempt to fill the void experienced by young people. The woman comes first in our research because of emotional issues or filling her void due to the disintegration of the family, which is the nucleus of society and its entity, leads to the involvement of the victim, represented by the woman, under the behavior of the perpetrator, i.e. the blackmailer. From here, it is necessary to stand on electronic extortion and determine what it is from a linguistic and idiomatic point of view.

First, the concept of extortion in the language: its source is extortion, which means dominance and usurpation.

Secondly, in the hadith, he extorts my clothes and my belongings (1).

It also means extortion (whoever takes something harshly or coercively, extortionist, who commits extortion) (2).

Third, electronic extortion, idiomatically.

The word extortion was not mentioned in the body of the Penal Code No. 111 of 1969 and its amendments, and when examining the draft information crimes law, we find that the draft of the draft did not explicitly define electronic extortion, but it is clear from the extrapolation of the text of Article (11 / first / a, b) (3) The crime of extortion involves threatening and intimidating the victim to perform the actions requested by the perpetrator.

From this point of view, the minds of jurists occupied a great deal of space to clarify the concept of electronic extortion, so many concepts were developed for it that show what it is, other means of threat and coercion (4). After we have dealt with the concept of the crime of extortion in its traditional form, we must know the concept of extortion in its electronic form, as it was defined as (an attempt to obtain material, moral, or sexual gain from a girl by force, or the threat of exposing one of her secrets or publishing a picture of her that leads to humiliation among her family and her community) (5).

While there are those who believe that electronic extortion is (the perpetrator's exploitation of his electronic skills, or his social proximity to the victim, for the purpose of stealing the confidential

information of that victim, as well as her photos and personal documents of any kind, and forcing her to pay money, or acquiesce to his requests that are contrary to Sharia and the law. (6), and we conclude that electronic blackmail is a process of threatening to publish photos, videos, or personal and sensitive information with the aim of harming him if you do not respond to his material or sexual desires. And it is represented by women who engage under the act of the perpetrator and what he blackmails her, which prompts the victim to implement what the blackmailer asked, in order to prevent the loss of honor and dignity of women within the social milieu, which leads to the collapse of the family entity, which is the nucleus of society.

In line with this, by highlighting the concept of electronic blackmail, which is among the electronic crimes, in which the woman is the victim as a result of the use of electronic devices, and the blackmailer uses all methods for the purpose of reaching his goal and blackmailing the victim and obtaining personal benefits, which prompted us to make a statement The stages through which dangerous acts pass on society in general and on women in particular, and in terms of origin, electronic extortion is divided into several stages, the most important of which were:

First, obtaining the extortion material: This stage is the first stage in which the offender obtains a picture, audio recording, video clip, or information that the victim does not wish to be published publicly. The perpetrator enters into false love stories with women, taking advantage of the conditions of repression or emotional emptiness that some women live in. The woman who grows up in those circumstances is an easy prey for the perpetrator, who takes advantage of the opportunity to throw his net at her, then he soon ties her up with a strong rope taking advantage of that. His tools that she sent to him while she was satisfied (7) or because of the excessive trust that the victim gave to the offender, and then he informs him of information of a special nature, or important secrets, and the victim also sends him special pictures because of that trust, and through the victim From sending their information from here, the offender begins the first stages of his criminal process, and often the offender obtains information that twists the arm of his victim without her consent, in addition to that, electronic extortion is a crime of assaulting the sanctity of private life if its conditions are met (8).

Second: demand and threat:

At this stage, extortion is a threat associated with a request, so there is no place for the crime of extortion if the threat is not accompanied by a request, then if the threat is an independent crime at that time, and that most of the legislation did not specify a specific form for the request, it may be doing an action or refraining, or assigning an order or Benefit, whatever its form, and when the victim does not respond to the perpetrator's request, he executes his request, and this request is blackmail, and this is what happens with women for the reasons mentioned previously.

Third: resistance:

After the perpetrator begins to implement his criminal project, by obtaining the material of extortion and threatening the victim with publication, or by causing harm, if he does not implement what is required of him, here the victim expresses his concern and his rejection of what the perpetrator requested, if these demands are the commission of unlawful acts legitimate, such as practicing a forbidden sexual relationship, and the like.

Fourth: Submission:

It means surrender, which is the opposite of the previous stage. In this stage, the victim prefers between two things: the first is exposure to scandal or damage, and the second is the implementation of the perpetrator's demands. Mostly, he chooses to implement the perpetrator's demands over exposure to scandal or harm because of its dire consequences, so the victim acquiesces to the perpetrator's threat and implements it. What was asked of her (9).

Fifth: Repetition:

Some offenders do not end their aspirations for the victim to implement his demand, especially when the offender feels the weakness of the deterrent devices on the one hand, in addition to a response by the victim on the other hand, and through the benefits he obtained from blackmailing the victim, so he returns to his criminal behavior of blackmailing the victim. Whether this dangerous behavior against women is repeated by the perpetrator himself, or he sends another person to blackmail him again.

If we understand from the above that all these stages are methods for the purpose of blackmailing women by using social media and other electronic technologies by the perpetrator, in addition, the wrong use leads

to most women falling into the net of blackmailers and what threatens their existence in the midst of the family as well as in the middle of society, which pushes women to surrender and their fear in all aspects that we have touched on, where the blackmail of women is the most famous and widespread among the types of electronic blackmail. The category of women represents the ideal model for extortion through social networking sites, especially if the perpetrator is a man and the victim is a woman. The reason for this is due to the negligence of some women by sending pictures or video clips, or saving indecent images on smart devices that are vulnerable to hacking, loss, or theft. It is well known that Iraqi society is a conservative society governed by tribal traditions, customs and laws, therefore, women often resort to meeting the perpetrator's demands, for fear of a scandal that may eventually lead to murder for dishonor or suicide, if the victim does not comply with the demands of the blackmailer.

The first requirement is the role of the law in protecting individual interests:

The role of the law is highlighted in protecting individual interests. One of the most important of these interests, which the law provides the necessary protection for, is the protection of women from the most heinous crimes that violate one of their rights, which is one of the most important basics in society and the important role it plays in the entity of society, prompts the law to provide the necessary protection for her, because of her position in the social milieu, and especially because of the violence she is subjected to against her right by any means, including electronic extortion, which is a crime punishable by law. The fact that electronic blackmail has effects on women or girls through psychological intimidation and fear that leads to psychological complexes that undermine their confidence in society and make them lose a balanced view of others, which may lead to depression and then suicide, especially if the girl is unable to disclose the blackmail she is exposed to as a result of fear of scandal, negative society's view, fear of her parents, lack of confidence in the law...etc.

Hence, the role of the law comes at times to protect individual interests of a purely personal nature, and at other times it aims to protect society from these acts, even if the victim accepts their results, because the law protects every act that causes harm to others through extortion that the blackmailer performs against the victim, represented by women, that extortion Electronic mail is an attack on personal freedom, given that the right to security is one of the forms of personal freedom (10) and extortion represents an attack on the will of the victim, to force him to implement what was asked of him, and the Iraqi constitution of 2005 guaranteed the right to security and freedom through Part Two Allocated to rights and freedoms, (3) Therefore, this type of crime affects the freedom and choice of the individual, which makes the individual tend to isolate and fear of establishing social ties, and this is what represents the legislative reason in criminalizing electronic extortion, so we see the necessity to inflict severe punishment on the perpetrator The crime of electronic extortion because of its assault on the most basic human rights, represented by the right to calm, safety, tranquility, and the right to freedom of will, despite the Iraqi Penal Code No. (111) of (1969) and its penal texts.

It is noted that there is no clear word (extortion) and because of its impact on the victim, who is represented by the woman, as the law provides in its provisions for criminalizing some acts that represent extortion in itself, or may be a method practiced by the blackmailer on the victim in order to obtain information about the victim. As we notice through the legal texts, Article (430) states (Anyone who threatens another to commit a felony against himself or his money, or against the soul or money of others, or by attributing or divulging dishonorable matters, and this is accompanied by a request or disclosure, shall be punished with imprisonment for a period not exceeding seven years or with imprisonment). By entrusting an order or refraining from doing or intending, as Article (432) of the above law stipulates (anyone who threatens by deed, word, sign, writing, orally, or through another person, shall be punished with imprisonment for a period not exceeding one year, or a fine not exceeding one hundred dinars) As for Article (433) of the law (Defamation is the attribution of a specific incident to another by one of the methods of publicity. The other is considered an aggravating circumstance, while Article (434) stated (Insult is from accusing others of something that offends their honor or consideration or hurts their feelings, even if that does not include attributing a specific incident. Whoever insults others is punished by imprisonment for a period not exceeding one hundred dinars or one of these two penalties. If the insult occurs By publishing in newspapers or publications, or by any other means of information, this is considered an aggravating circumstance for the penalty. Article (438) (Anyone who publishes, by any public means, news, pictures, or comments related to secrets, shall be punished with imprisonment for a period not exceeding one year and a fine not exceeding one hundred dinars. The private or family life of

individuals, even if it is true, if its publication is liable to offend them. In view of the seriousness of the crime committed by the blackmailer on the victim, represented by women, through the provisions of the Penal Code (11), which indicated in its texts the criminalization of the act committed by the perpetrator (the blackmailer) towards the victim, with the imposition of a penalty for the criminal act and its impact on the victim in all respects, whether Within the family or in the social milieu, in addition to that, there are legal and judicial procedures to confront the criminals of electronic extortion, as the concerned authorities (the Ministry of Interior) and the (National Security Agency) have allocated specialized units (combating electronic extortion) in combating this type of crime..so what? A person subjected to extortion can call the number designated for combating extortion or by filing a case in the investigation court by the victim or his representative. It is necessary for legal authorities to protect women's rights from this abuse, which negatively affects women from a psychological and other aspects.

The second requirement is the psychological effects of women from the crime of electronic extortion

In light of the technical progress in the current era, images of criminality associated with technologies have emerged, and the rates of these crimes have increased recently, and the exacerbation of electronic crimes constitutes a direct threat to most scientific facilities and private interests, undermines social security, and represents an aggression against the rights of individuals, and often the blackmailer has a sick personality. Psychologically, it is characterized by emotional immaturity. He may desire anti-social behavior and not observe the values and morals in society, or this motive may be a result of any form of revenge against girls, as the behavior he pursues is one of the effects of the crime of electronic blackmail on women or girls, which is psychological intimidation and fear, which leads They suffer from psychological complexes that shake their confidence in society and make them lose a balanced view of others, which may lead to depression and then suicide, especially if the girl is unable to disclose the blackmail she is exposed to as a result of fear of scandal, negative society's view, fear of parents, or lack of confidence in this law. It generates intimidation within women because the blackmailer publishes pictures and videos that put women in a state of depression and anxiety that may lead to suicide or leaving the house.

As a result, among the most important psychological effects affecting the blackmailer through electronic blackmail are: fear, anxiety, whispers, loss of appetite, obsessive-compulsive disorder, lack of sleep, loneliness and isolation, absence from school, university or work, neglect of social duties, low self-confidence. Where the psychological symptoms that the victims suffer from must be dealt with seriously, and attention should be paid to trying to extract them from their isolation and to provide support and assistance. The act of extortion must be stopped and assistance must be sought from the competent security authorities that deal with the matter professionally and confidentially, and recourse to a specialist in psychological treatment.

The second topic is the role of the judiciary in blackmailing women electronically

Evidence is one of the most important challenges facing electronic crime, especially the crime of electronic extortion, which falls on a group of individuals represented by women, as discovering electronic crime is not an easy matter, as proving it is a matter surrounded by many difficulties. The Internet and smart communication devices, and that the electronic evidence that has appeared recently is based on purely scientific foundations that include fixed facts that help in proving the percentage of crime and evidence in traditional crimes differs from evidence in electronic crimes. By proof, and the search for evidence is the goal pursued by justice systems.

The crime of electronic extortion is not explicitly punishable in Iraq, which made the Iraqi judiciary not stand by and watch the escalation of the crime of electronic extortion due to the absence of an explicit legislative text punishable by it, and the lack of opportunity for blackmailers to take advantage of this legislative shortcoming, or that This shortcoming leads to evasion of responsibility and adherence to the principle of criminal legality and the rule (there is no crime or punishment except by a text). From here, the role of the Iraqi judiciary and the various criminal courts has emerged decisively in addressing this defect wherever it is dealt with by the legislator (12), as the judiciary deliberately subjugated Traditional criminal texts to accommodate some cases of electronic extortion that threaten the entity of women and make them in a state of weakness, fear and anxiety about what happens to them through extortion and its purpose of obtaining financial gains.

And by following up the electronic extortion cases, we find that their legal adaptation differs according to the extortion incident that falls on the victim, and the lack of a special text for the electronic extortion crime made the Iraqi courts oscillate between this and that through punitive texts, especially when

extortion cases related to women and girls are presented to them, And instability on a specific text in itself, as we notice some courts apply the text of paragraphs (1,2) of Article (430) of the Penal Code No. 111 of 1969 to this crime, as we see this application in the Iraqi courts, which we will show in the punishment for the blackmailer and what he did From blackmailing and defaming the victim.

In one of its decisions, the Najaf Criminal Court condemned the accused (B.M.A.) in accordance with the provisions of Article (1/430) Penalties, for the crime of threatening the complainants (A.K. and H.A.I.) by publishing video clips of them accompanied by a request for sums of money. and sentenced him to 7 years in prison, counting the period of his detention, and the court did not award the complainants civil compensation due to their abandoning the complaint..) In other cases, some courts apply the provisions of Article (1/452) of the Penal Code to some incidents of extortion, which stipulates that he shall be punished Imprisonment for a period not exceeding seven years or imprisonment for whoever induces another by means of threat to hand over money or other items other than what is mentioned in the previous article. For the provisions of the above article, due to the sufficiency of the evidence obtained against him, for having, on 3/3/2018, and with the participation of the defendants who divided their cases, threatened the complainant (H.R.H) and blackmailed her into paying sums of money in exchange for not publishing her photos on social media, and she sentenced him to three years in prison with Calculating the period of his detention and giving the complainant the right to claim compensation (13) and it is mentioned that the Federal Court of Cassation ratified the aforementioned decision (14).

One of the judicial applications on this is what the Karkh Investigation Court went to, by ratifying the confessions of the accused who claimed to be a combatant of electronic blackmail, after it was proven that he blackmailed girls through the Facebook website, and all measures were taken against him in accordance with the provisions of Article (456) of the Iraqi Penal Code (15) After examining the position of the Iraqi judiciary on the crime of electronic extortion, regarding the judicial decisions related to that crime, it became clear to us the divergence of jurisprudence, and the instability of the courts on a specific legal adaptation, when a case of electronic extortion is presented to them, especially when extortion is related to women. Sometimes a specific court applies a text Article 430, and at other times the text of Article 452. Some courts also went to apply the text of fraud 456, and this is a great disregard for the seriousness of the crime of electronic extortion, as those courts punished the accused simply defrauding the victim to obtain and possess the extortion material, without taking into account that he blackmailed and bargained with the victim with that Article, and this is a great neglect of the act of extortion that falls on women and its negative effects within the family and within society, which is more dangerous than mere fraud, because the accused here took fraud merely as a means to reach his basic crime, which is extortion.

By highlighting the position of the judiciary on the electronic extortion of women, we divide our research into two requirements

The first requirement is criminal liability for the crime of electronic extortion

The second requirement is the judicial procedures for the crime of electronic extortion

The first requirement is criminal liability for the crime of electronic extortion

Criminal liability has raised a jurisprudential debate about the importance of these penal texts, as the basic rights and freedoms stipulated in the core of the penal texts are one of the basic pillars in the concept of the legal state. society, where criminal responsibility can be defined as (the obligation to bear the legal consequences resulting from the availability of the elements of the crime) (16) We understand from the above that the blackmailer bears criminal responsibility for what he does of blackmailing women electronically, while bearing the result of the actions that the victim carried out in his capacity as blackmailer by obtaining a Confidential information or personal photos by the victim that benefit the blackmailer and his obtaining his personal gain in the event that the victim does not respond, and the woman is always the victim as a result of the actions of the blackmailer that make him bear criminal responsibility due to what he did of an act that is criminalized by law and punished, even if The legislator did not legislate the Cybercrime Law and relied on Penal Code No. 111 of 1969, which clarified the responsibility of the criminal.

The second requirement is the judicial procedures for the crime of electronic extortion

When any of the traditional crimes occurs, the first preliminary investigation procedures are usually carried out by launching a series of traditional procedures (inspection, testimony, experience, etc...), and since the perpetrator of the crime of electronic blackmail and what he is doing of blackmailing women through social networking sites is Women are victims of their actions of defamation and extortion, in

addition to creating a state of fear and anxiety for them, which leaves digital traces of a non-material nature. Therefore, in order to keep pace with this matter of these crimes and their personal danger to the individual, modern procedures must be devised that are commensurate with the nature of the digital evidence resulting from The crime of electronic extortion, and among these modern measures:

First: electronic monitoring:

The method of surveillance is one of the most important sources of investigation that investigative authorities often resort to, when searching for and investigating crimes, whether they are traditional or new, including electronic crimes (17). Before the competent authority, to collect information about the suspected person, which contributes to uncovering the truth, and proving the existence of a relationship between that suspect and the committed crime, and also helps the investigation authorities to arrest him by studying his movements and the places where he is. All these procedures are nothing but knowledge of the blackmailer. Reducing the criminal phenomenon carried out by the perpetrator against the victim, and in order to achieve a kind of balance between the necessities of investigation required by the public interest on the one hand, and respect for private life imposed by the individual interest represented in protecting women from any violation that threatens their private lives through extortion in all its ways. On the other hand, the electronic monitoring procedure has been informed of a number of legal conditions, which guarantee non-arbitrariness of the investigation authorities and safeguard individual freedom, while at the same time taking into account the public interest. The most important of these conditions were:

A. The implementation of electronic monitoring under the authority of the competent authorities and with their permission: Most of the legislations that permitted resorting to the electronic monitoring procedure required that prior written permission be obtained, and reasoned from the competent judicial authorities, otherwise the electronic monitoring procedure would be invalid, as the issuance of the permission from the competent authority In accordance with the law, a necessary guarantee for the legality of electronic monitoring and its consequences.

B. The existence of a necessity that requires resorting to this procedure: It means that there must be a legal justification and an inevitable necessity that requires resorting to the electronic monitoring procedure, and this necessity is achieved when it is difficult for the investigating authority to reach a conclusion, and the authority competent to issue permission must resort to This procedure, assessing its benefits and the seriousness of its reasons, and the extent to which the investigation helped in revealing the truth about the crime and the perpetrators, and then comparing these reasons as being sufficient and calling for a violation of a right.

C. The duration of monitoring: Most of the contemporary legislation that permitted resorting to the electronic monitoring procedure was keen to specify a specific period of monitoring, in order to prevent abuse and misuse of this procedure, accordingly, the electronic surveillance, which was taken in light of respecting all conditions, has implications, especially with regard to the possibility of relying on the resulting digital evidence in proving the crime of electronic extortion and attributing it to its perpetrator. and its inadmissibility in proving or denying the guilt of the accused.

Second: electronic leakage:

Electronic leakage is a special investigative and investigative technique, which allows the person assigned by the competent authorities to conduct the leakage operation to penetrate within a criminal group, under the responsibility of the authority charged with issuing the leakage permit, and aims to monitor suspected persons and uncover their criminal activities, through The leaker conceals his true identity and presents himself as an actor or accomplice, within the framework of that criminal group, and the evidence of the crime of electronic extortion is usually in the form of text, picture or audio information. Digital by following some modern methods of proof, and printing it on paper, or saving it on a CD, and similar means of preserving and storing digital evidence, in order to be used in proving the crime and the judge to benefit from the means of scientific progress in deriving judicial evidence (104) from Evidence Law No. 107 of 1979 (18).

Evidence and evidence obtained from the crime committed by the defendant who is a victim of extortion. In addition to the above procedures, the judge, according to his authority, instructs the competent ministries, which he deems necessary, the most important of which is the Ministry of Communications to obtain information on the World Wide Web (Internet), as well as experts, technicians and legalization. The judge also From approaching social networking sites from the service of subscribers for the purpose of completing the investigation procedures by the competent judge so that this is a primary deterrent for the

accused, since the judge has no right to reject any complaint and the blackmail he was subjected to by the perpetrator, but the judicial authority must study the matter and scrutinize for the purpose of reaching The accused being a subject that affects the dignity and modesty of women and the extortion they were subjected to through electronic means, which is one of the most serious electronic crimes because of the negative effects and effects within the family as well as society, where the judge, after he uses the Iraqi Penal Code No. 111 of 1969 or the Publications Law No. 206 For the year 1968 (19) which pertains to newspapers and magazines, and the Publication and Information Court relies on it despite the controversial rules of jurisdiction, which are part of public order according to the Code of Criminal Procedure No. (23) for the year 1971 (20), amended and enforceable from Article (53) thereof, in what is published on Fake internet sites, including social networking sites, and all of these texts enable the judge to devise evidence and presumptions to refer the accused to the competent court according to the law without preventing the course of justice from taking its course in the accusation and referral cases after proving the complaint by normal means and without obstructing the judiciary or evading responsibility, otherwise the judge would abstain On realizing the right in accordance with Article (30) of the Civil Procedure Law No. (83) of 1969 (21) in force.

Third: the penalty for the crime of electronic extortion:

After completing the judicial procedures in terms of surveillance and leakage, and what they have an important role in knowing the blackmailer, which causes a state of anxiety and fear for the victim because of the risks raised by blackmail that lead the victim to suicide and create a difficult psychological state, despite the lack of a special law for electronic crimes by the legislative authority, where we note The Iraqi Penal Code No. 111 of 1969 is diverse in dividing penalties, as electronic crimes in the law are divided into crimes of threat and extortion, in Articles 430-432, where Article (431) states that whoever threatens a person to commit a crime against him (murder, theft, kidnapping) Rape, defamation, defamation against him or a member of his family, other than the cases mentioned in Article 430, shall be punished with imprisonment) as stipulated in Article (432) of the Penal Code, which is punishable by imprisonment for a period not exceeding seven years, or imprisonment for five years or less, or Imprisonment for a period exceeding one year or a fine.

Conclusion

After we finished studying our research on (the role of the law in protecting women from electronic extortion) and through that we clarified the concept of electronic extortion and its impact on women as a result of what they do extortion and the woman is the victim of the actions carried out by the perpetrator and adding the role of the law to protect individual reconciliation with legal adaptation By drawing judicial procedures against the blackmailer with deterrent penalties against him as a result of his criminal behavior.

First: The results:

1. The crime of electronic extortion is a form of electronic crime, as it is carried out using the Internet, modern communication devices and its various applications such as social media, and women are among the most important victims of this crime.
2. The crime of extortion has reached its seriousness for individuals and society, especially women, to a great extent, i.e. forcing the victim to carry out the orders of the perpetrator, and that is through the threat associated with a request, whether the threat is disclosure or attribution, or by committing harm to the body or money of the victim or whomever he cares about.
3. The Iraqi legislator did not deal with the crime of electronic extortion independently, but implicitly stipulated it with the crime of threat, and made it just a special criminal model with the crime of threat.
4. The courts usually resort when extortion cases are brought before them to the traditional criminal texts, although these texts do not include all forms of behavior in the crime of electronic extortion, in order to prevent the perpetrators of the crime of extortion from evading criminal responsibility, pending the activation of the legislative movement to confront this phenomenon.
5. One of the most important consequences of the electronic means is the means of committing the crime of extortion. Firstly, the ease of committing a crime through this means, and the difficulty of proving it, due to the ease of erasing or tampering with the evidence, and secondly, the crime scene is immaterial, and is located in the virtual world full of symbols and ciphers.
6. Because of the lack of awareness, especially among girls and women in general, they are easily blackmailed because it is a matter of honor and reputation, so women make concessions for fear of

scandal. There is also a reason for emotional and material deprivation, which is another reason for blackmail.

Second: Recommendations:

1. We call on the Iraqi legislator to expedite the issuance of a law on cybercrime, while benefiting from the legislative experience in developed countries that preceded the Iraqi legislator in this field, or to amend the Penal Code and include in it a provision for the crime of electronic extortion that is consistent with the criminal danger inherent in it, and not to be satisfied with what was stated. In the current Iraqi Penal Code.
2. We call on the Iraqi legislator to adopt the penalty of confiscation as a complementary punishment in the crime of electronic extortion, as it is ruled in all cases to confiscate the tools, devices, or funds obtained or used in the commission of the crime of extortion, because the confiscation here is considered to be of the same type as the crime committed.
3. Encouraging and urging the victims, including women, to report the crime of electronic extortion, so that they do not obey the orders of the blackmailer, and be like slaves, ordering them to do what they want and forbidding them to do what they want.
4. The need to eliminate the culture of shame that dominates such issues in Arab societies in general and Iraqi society in particular.
5. In the process of investigating the crime of electronic extortion, it is necessary to develop and introduce criminal investigation methods, in a manner that is appropriate to the specificity of that crime, so that the investigation authorities are able to reveal the truth and identify the perpetrators of the crime with the accuracy and speed necessary for that.
6. Training courses should be held for judges and investigators on how to deal with computers and the Internet, how to extract digital evidence from them, and to preserve such evidence from damage and alteration, whether by perpetrators or misuse.
7. We call on the Iraqi legislator to add and introduce new investigation procedures, such as electronic leakage, electronic interception, and the like
8. Despite the increase in electronic extortion crimes, the citizen must deal with caution with modern electronic devices, including not sending personal photos to anyone, regardless of trust, for fear of stealing his account, and not keeping personal photos in chat programs.
9. The necessity of choosing a difficult password consisting of numbers and letters, not accepting friendship from unknown people, and not opening messages that represent links, as these messages include viruses to hack the account and hacking, and not entering unknown sites, suspicious advertisement sites, appointment sites and jobs, which are fake sites, and we find it necessary to update Information, changing the password from time to time, putting adequate protection for it in numbers and letters, and not trading personal data.

Source list

First, dictionaries of the Arabic language

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2. Muhammad bin AbiBakr Al-Razi, *Mukhtar Al-Sahih*, Dar Al-Kitab Al-Arabi, Beirut, Lebanon, 1981.

Second: Legal books:

1. Ahmad Jamal Al-Din, *Criminal Legal Terminology*, Publications of the Modern Library, Beirut, without a year of publication.
2. Judge Ali Al-Zaidi, *The Crime of Electronic Extortion, Comparative Study*, 1st Edition, Comparative Law Library, Baghdad, 2019.
5. Hussein Majbas Hussein, *The Crime of Disclosing Secrets and Assaulting Private Life*, Al-Simaa Press, Baghdad, 2016.
6. Tariq Siddiq Rashid, *Protection of Personal Freedom in Criminal Law, Comparative Analytical Study*, 1st Edition, Al-Halabi Human Rights Publications, Beirut, 2011.
7. Fattouh El-Shazly and AfifiKamelAfifi, *Computer Crimes, Copyright, Artistic Works, and the Role of the Police and Law, A Comparative Study*, 1st Edition, Beirut Printing House, Beirut, 2015.
8. Mahmoud Naguib Hosni, *Explanation of the Penal Code, General Section*, Dar Al-Halabi Human Rights Publications, 3rd Edition, Beirut, Lebanon, 1992.

Second: Master's theses:

1. Ibtissam Bagho, Criminal Follow-up Procedures in Cybercrime, a master's thesis submitted to the Law Department at the Faculty of Law and Political Sciences/ Larbi Ben M'hidi University of Oum El-Bouaghi, 2015.

Third: Published research:

1. Sultan bin Omar Al-Husayn, Reckoning for the Crime of Extortion, a research published within the framework of the Al-Hisbah Symposium Conference and the Kingdom of Saudi Arabia's Care for It, Volume 6, General Presidency of the Commission for the Promotion of Virtue and the Prevention of Vice, Kingdom of Saudi Arabia, 2010.

2. Rami Ahmed Al-Ghalbi, The crime of electronic extortion and the mechanism to combat it in the Republic of Iraq, research published in the second edition of our security culture series, second issue, 2019, Ministry of Interior / Directorate of Relations and Information, Baghdad.

Fourth: Judicial decisions:

1. Decision No. 829 / C / 2018 on 12/120/2018, unpublished, previously referred to.

2. Decision No. 3853/C2/2018 on 4/9/2018;) is not published.

3- Decision No. 20212/ Penal Authority/2018 on 16/1/2019;) is not published

4. A decision available on the judiciary website <https://www.hjc.iq/view.5056>

Fifth: Laws:

1. Civil Procedure Law No. (83) of 1969.

2. Iraqi Penal Code No. (111) of 1969.

3. Code of Criminal Procedure No. (23) of 1971.

4. Law of Evidence No. 107 of 1979.

5. Electronic Signature and Electronic Transactions Law No. 78 of 2012.

Margins:

(1) Mohib al-Din AbiFayd al-Zubaidi, The Crown of the Bride from the Jewels of the Dictionary, Dar al-Fikr, Volume Two, Beirut, 2005, p. 13.

(2) Muhammad bin AbiBakr Al-Razi, Mukhtar Al-Sahih, Dar Al-Kitab Al-Arabi, Beirut, Lebanon, 1981, p. 51.

(3) See Article (11) First, shall be punished with imprisonment for a period not exceeding seven years and a fine of not less than (three million) dinars and not exceeding five million each of the following:

A. Threatened another by using computers and the information network to commit a felony against himself, his money, or the life or money of others, with the intention of intimidating him or in order to push him to do or refrain from doing an act.

B. Sending or transmitting any electronic message, news, or document through computers or the information network, with the knowledge that it involves a threat or blackmail to a person with the intention of intimidating him or in order to push him to do or refrain from doing an act.

(4) Ahmad Jamal Al-Din, Criminal Legal Terminology, Publications of the Modern Library, Beirut, without a year of publication, p. 11.

(5) Judge Ali Al-Zaidi, The Crime of Electronic Extortion, Comparative Study, 1st Edition, Comparative Law Library, Baghdad, 2019, p. 11.

(6) Rami Ahmed Al-Ghalbi, The crime of electronic extortion and the mechanism for combating it in the Republic of Iraq, research published in the second edition of our security culture series, second issue, 2019, Ministry of Interior / Directorate of Relations and Information, Baghdad, p. 30.

(7) Sultan bin Omar Al-Husayn, Reckoning for the Crime of Extortion, a research published within the framework of the Al-Hisba Symposium Conference and the Kingdom of Saudi Arabia's Attention to It, Volume 6, General Presidency of the Commission for the Promotion of Virtue and the Prevention of Vice, Kingdom of Saudi Arabia, 2010, pp. 126-127.

(8) Hussein Mijbas Hussein, The Crime of Disclosing Secrets and Assaulting Private Life, Al-Simaa Press, Baghdad, 2016, p. 112 and beyond.

(9) Fattouh El-Shazly and AfifiKamelAfifi, Computer Crimes, Copyright, Artistic Works, the Role of the Police and Law, a Comparative Study, 1st Edition, Beirut Printing House, Beirut, 2015, p. 37.

(10) Tariq Siddiq Rashid, Protection of Personal Freedom in Criminal Law, Comparative Analytical Study, 1st Edition, Al-Halabi's Human Rights Publications, Beirut, 2011, pp. 40-42.

(11) Iraqi Penal Code No. 111 of 1969.

(12) Decision No. 829/C/2018 on 12/120/2018 unpublished, previously referred to.

- (13) Decision No. 3853/C2/2018 on 4/9/2018;) is not published.
- (14) Decision No. 20212/Penal Authority/2018 on 16/1/2019;) is not published.
- (15) Decision is available on the Judicial Authority website <https://www.hjc.iq/view.5056>
- (16) Mahmoud Naguib Hosni, Explanation of the Penal Code, General Section, Dar Al-Halabi Human Rights Publications, 3rd Edition, Beirut, Lebanon, 1992, p. 643.
- (17) IbtisamBagho, Criminal Follow-up Procedures in Information Crime, a master's thesis submitted to the Law Department at the Faculty of Law and Political Sciences/ Larbi Ben M'hidi Umm El-Bouaghi University, 2015, p. 43.
- (18) Law of Evidence No. 107 of 1979.
- (19) Electronic Signature and Electronic Transactions Law No. 78 of 2012.
- (20) Code of Criminal Procedure No. (23) of 1971.
- (21) Civil Procedure Law No. (83) of 1969.