ATTITUDES ABOUT THE RATIONALE BEHIND INCRIMINATING CERTAIN CATEGORIES OF CHILD PORNOGRAPHY

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ABSTRACT: This study begins with analysing the legal provisions pertaining to the crime of child pornography on an international, European and national level, with the aim of ascertaining whether the legislator’s incrimination of certain forms of child pornography, pseudo-pornography and virtual pornography that involve minors is opportune. The literature is rife with reservations and controversies stemming from the fact that the social value protected by this crime has not been clarified, and situations can arise in which the legislator criminalises certain acts that, although immoral, nonetheless exceed the scope of criminal law.

In order to fully analyse the phenomenon from the viewpoint of social perception as well, an empirical study has been performed comprising 607 persons. The aim of this study is to investigate the attitudes of the population with regard to child pornography, taking into account familiarity with the notion, the content of legislation and opinions about the rationale of criminalisation.

The results show that certain demographic variables can give rise to differences in perceiving the object of the study, and respectively, that there are certain forms of the crime that are thought to be subject to an excessively harsh system of penalties. Nevertheless, a segment of the population is not fully informed as to child pornography, which justifies further efforts to raise awareness of the subject.

KEYWORDS: child pornography, pseudo-pornography, virtual pornography, legislations, legal interest

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