

Substantive analysis of digital violence in Mexico: Olimpia Law, a case study in Nuevo Leon

Daniel Alberto Garza de la Vega ^a  | Luz Alejandra Escalera Silva ^b 

^a Faculty of Law and Criminology, Universidad Autónoma de Nuevo León, Mexico

^b Faculty of Social Work and Human Development, Universidad Autónoma de Nuevo León, Mexico

Correspondence: escalera.aleluz@gmail.com

ABSTRACT

This article will address digital violence, beginning with the need to establish a broad and complex understanding of human reality in this context. The mission of law as a science is to classify behaviors based on the evolution of customary practices within its population. Thus, the ethical, political, and social roles a nation engages in—part of its culture—must constantly evolve, much like the internet itself. Therefore, it is necessary to create scientific studies that can be translated into future public and legislative policies aimed at crime prevention and appropriate action when addressing this issue. This paper is grounded in the general concept of violence, generating a perspective on digital violence, analyzing the specifics of crimes that arise from digital violence, and concluding with a substantive analysis of the Olimpia Law defined in Mexican legislation. This research employs descriptive and correlational methods, as its analysis will offer social sciences a pragmatic perspective on the compelling social reality of the substantive aspects of digital violence.

Keywords: Digital violence; Cybercrimes; Revenge porn; Cybersecurity; Olimpia Law; México

Article originality and practical implications: This article offers an original exploration of digital violence, emphasizing its legal, ethical, and societal dimensions. It advocates for evolving policies and legislation, particularly analyzing the Mexican Olimpia Law, providing practical insights for future crime prevention and legislative frameworks.

INTRODUCTION

It is not a novelty that in the last decades Mexico has suffered an increase in the levels of violence, in plural, because there are many types: physical, sexual, psychological, economic, and now the digital ones, etc. Some happen within homes, neighborhoods and others affect entire communities. However, the consequences for health and well-being are not deterministic, i.e., not all people who are victims of violence will respond in the same way. However, even though there is no single causal factor, it is clear that violence is one of the factors that has the greatest impact on the development of depression, anxiety, post-traumatic disorder and other aggregate factors such as alcohol abuse, sleep disturbance and increased suicidal behavior in the population (González Díaz, 2022).

Menéndez (2011) points out that the analysis of the mass media and scientific production shows that some types of violence are more recurrent than others, in the sense that some forms of violence are more frequently found on the front pages of newspapers or in social research, while others are scarcely taken into account or even tend to be made invisible. Violence refers to a great variety of actions, from homicides, rape, kidnappings, intra-family violence, high and low intensity wars, "ethnic" and political cleansing, selective extermination, ethnocide, occasional and systematic torture, to the so-called "structural" violence and the so-called revolutionary violence (Menéndez, 2011, p. 2).

In this research we will start by studying another of the manifestations mentioned above, such as digital violence.

Violence. Its generalities

With regard to the concept of violence, we propose to take up, from some disciplines of the social sciences, certain characteristics of the referred term, which will help to differentiate the sense or meanings of the same, both in the social field and in educational spaces in particular, due to its manifestation and approach in different contemporary social environments that cohabit with violence in their daily life. To this end, when studying violence we must start from its genesis, i.e., what is it and what generates it?

In the attempt to define a concept such as violence, there are many authors who have sought the path of conceptual differentiation of a term of such scope and complexity, and we find a variety of approaches, raised from various disciplines: sociology, anthropology, law, philosophy, political science, psychology and psychoanalysis, among others (Cuervo, 2016, p. 77). In this regard González (2000, p. 153), points out that violence can be thought of as a historical concept and that throughout its trajectory as a studied phenomenon it is not possible to attribute the achievement of its univocal definition from any specific discipline, rather what has been achieved is the overlapping of theoretical perspectives, which have unsuccessfully tried to capture or explain in a concept such phenomenon. In turn, Blair (2009) mentions the great difficulty in defining violence and the lack of agreement among authors, since there are several academic disciplines that have to do with a concept of these characteristics and complexity. Thus, he shares with Sémelin (1983) the idea that whoever speaks of violence must first clarify what he understands by it (p. 38).

In the eighteenth century, with the intellectual and scientific revolutions, the guidelines of the scientific theoretical foundation are established, more attached to that of the definition of violence from the psychological, moral and political perspective from which we can observe the following: the psychological, explosion of force that has a senseless and often deadly element; the moral aspect, attack on the property and freedom of others; [and] the political aspect, use of force to conquer power or direct it toward illicit ends (Domenach, 1981, p. 58).

From the above it is possible to conclude that violence does not simply refer to the action of one or several individuals against others, but requires the presence of a key conceptual element: harm. For an action to be considered violent, it is necessary that it causes harm, deterioration, destruction or coercion, and that these effects are the main objective of the action, according to Cuervo (2016, p. 81).

Some guidelines or hypotheses according to the predecessor authors and of which we share their social scientific position of starting from the psychological, political and moral aspect, we start from two more elements, the cultural and ethical in the use of the Internet, which this entails, The constant and continuous training in the educational field translated into the negative consequences that may arise when manifesting their will by electronic means -the use of cell phones or tools aimed at the use of the Internet-, and thus have the ability to discern its seriousness and above all generate the value of empathy in the implementation of the Internet and its consequences.

For Sanmartín (2008, p. 7) violence is any intentional action or omission that harms or may harm an individual and that, ultimately, disturbs or restricts his or her capacity to design life in freedom. He also emphasizes that violence, in addition to being characteristic of human beings, has a strong cultural component since it is linked to the evolutionary process that has led to the appearance of human beings on earth, and that it is not so much a natural evolutionary process as a cultural, artificial evolution, which has the human being as both agent and patient at the same time (Sanmartín, 2002, p. 121). On this idea we fix our position, as we had already commented in supralineas, that violence is carried out based on the environment and the social and economic evolution that prevails at the time, since, independent of the century or the year in execution, it tends to evolve according to the hypothesis expressed above, and that is the case of digital violence.

Digital violence

If violence in a general context has changed as society itself advances and becomes more complex, digital violence is a new paradigm of study, where the use of the Internet has come to evolve new social dynamics, economic and political, and for this simple fact, we do not leave behind the essential figure in this chapter, which is digital violence.

Digital violence can be facilitated by algorithms and technological devices such as mobile and smart phones, tablets, computers, geolocation systems, audio devices, cameras or virtual assistants. This type of violence can be verified on a wide variety of internet platforms, for example, social networks, email services, instant messaging apps, dating apps, online video games, content sharing sites, online discussion forums or user-generated platforms. Digital violence is a constantly changing concept, which has been transforming as times change and technology advances (Escalera et al., 2023).

Digital violence is a form of violence that takes place through digital media and is related to gender-based violence in the offline world. This form of violence causes harm to people's dignity, integrity and safety and has an impact on their lives and bodies. It is known by other names, such as cyber violence or online violence, and, today, it has been recognized that this violence mainly affects women worldwide, infringing on their rights to self-determination and bodily integrity, causing psychological and emotional harm and leading, in addition, to other forms of violence such as physical and sexual violence (OVIGEM, 2022).

The use of the internet has favored communications and social interactions, therefore it generates a possible environment of an extension of daily violence to which all users are exposed without distinction of sex, age, nationality; this relationship of action and omission can be as victim, victimizer or aggressor and co-aggressor, thus generating new ways of typifying behaviors based on not very common violent experiences and these generate new ways of expressing the manifestation of will aimed at oppression, expression and discrimination.

Some everyday examples of real and symbolic violence can be observed in violent behaviors such as pornography and its variant in electronic media, revenge porn, cyberbullying, violation of privacy, identity theft, digital violence through the use of networks for offensive messages, phishing¹, pharming², grooming³ among other criminal behaviors.

We must then establish an element that can be mostly studied, such as communication and especially virtual communication, because we consider that it is similar to the everyday reality, only the medium is different, the use of the Internet, although with the difference that violent messages have no physical or temporal limits, and due to the absence of direct physical linkage of the means of communication, efforts to eradicate these aggressions should be broader and continuous. In the case of female university students, education is a fundamental factor for prevention and awareness of the appropriate, respectful and non-violent use of the Internet as a means of communication and information.

Another element to consider in the behavior of digital violence is due to the abrupt run rampant use of the internet and its users and this could not be effective without globalization itself, because this has broken the borders, and therefore the ways of communication to be complex and long distance, now with the incorporation of the use of the internet, in the last 20 years, has had a constant and continuous evolution, thus leaving the interpersonal relationships even more complex. With the use of the internet, interaction has evolved and with it brings with it new crimes to typify and, above all, to study the anthropological, sociological relationships that give rise to these new interactions and conflicts called digital violence.

According to González et al. (2006), globalization has a greater impact on young people, who are no longer surprised by technological advances, since this is the natural context in which they relate to each other.

Nowadays, intelligent technologies, whether they are called Internet, cell phones, tablets, PCs or laptops, have redefined the way in which children, young people and adults relate in space and time with their peers. The Internet has become the favorite refuge of the new generations, creating an infinite number of interactive movements in response to this technological society, also called cyberculture. In this sense, Figueroa (2001, p. 4) points out that relationships in cyberspace take place between masks and revelations of the personality, since cyberspace allows the physical self to vary according to the different online environments.

Certainly, the violence that affects individuals on the network may seem exaggerated and uncertain. But we must consider that the personal and financial information, photos and personal data that thousands of people make available to acquaintances and strangers in spaces, blogs, chats, apps, among others, place them at serious risk, because they voluntarily provide their name, address, sometimes bank accounts, tastes, sexual preference, photos, diaries and more, which can be used to violate them; this information has also been used to prevent victims from entering educational, work and even religious centers (Trujano et al., 2009, p. 18).

In conclusion, digital violence refers to acts of stalking, harassment, threats, insults, violation of private data and information, disclosure of apocryphal data, hate messages, dissemination of sexual content without consent, texts, photographs, videos and/or personal matters or other graphic or sound impressions.

General information on crimes arising from digital violence

As previously mentioned, the use of the Internet has created new legal figures that the law must typify in order to regulate human conduct in this area.

For Moguel (2022) the types, expression and other aspects of victims and perpetrators of violence focus exclusively on cyberbullying, however, internet violence takes many other forms such as:

- Creation, dissemination, distribution or digital sharing of photographs, videos or audio clips of a sexual or intimate nature without consent.
- Unauthorized access, use, manipulation, exchange or distribution of personal data. Identity theft and impersonation.
- Acts that damage a person's reputation or credibility.
- Acts involving surveillance and monitoring of a person.

In order to give channel and relief to these crimes, they must be studied thoroughly, in this research we will focus on making sense of a crime that frames the largest increase in the last decade, the crime against sexual intimacy or revenge porn.

¹ It is a type of cyber scam that is characterized by deceiving the victim, through impersonation of trusted sources, so that they voluntarily provide sensitive information (Belisario, 2014, p. 3).

² It is the technical manipulation of the DNS addresses that are used by a given user, redirecting the navigation that this user performs to "web" sites that present an identical appearance, but that are false and have been created "for fraudulent purposes (Oxman, 2013, p. 217).

³ is a methodology by which an aggressor generates affective bonds with his victim, thanks to the use of digital media, which prepares her for sexual abuse (Fragoso and Ramírez, 2022, p. 2).

Rights enshrined when being a victim of digital violence

This section contributes to prevent and address sexual violence in the digital space that may be suffered by adolescent, young and adult men and women, since we made a distinction and definition of the concept of generic violence and digital violence, this section develops useful information to be able to fully identify it.

Digital violence framed in the context of privacy can range from any act carried out through computer media that seeks to attack, violate, expose or expose the privacy of a person. It is very important to establish that at the Federal level in Mexico there is a General Law on Women's Access to a Life Free of Violence that defines digital violence as "any malicious action carried out through the use of information and communication technologies, by which it is exposed, distributed, disseminated, exhibits, transmits, commercializes, offers, exchanges or shares real or simulated images, audios or videos of intimate sexual content of a person without their consent, without their approval or without their authorization and that causes them psychological or emotional damage, in any area of their private life or in their self-image" (Chamber of Deputies, 2007).

If we can observe that the typification of the conduct is directed against women, not from women towards men, however, the action or omission has no gender, that is, both women and men can incur in this criminal act, however, statistics establish that women are more likely to be found in this situation than men, However, statistics establish that women are more likely to be found in this situation than men, hence that this conduct had to be urgently typified, however in Mexico this had not been possible until the famous case of the activist Olimpia Coral Melo Cruz, who was a victim of digital violence, when a sex video in which she was involved was disseminated without her consent.

To corroborate the above stated, the report on Digital Violence against Women in Mexico City published in 2021 and prepared by the Human Rights Commission of this city highlights that, from January 1 to November 15, 2021, 809 women victims of violence in Mexico City received virtual threats, i.e. 4.7% of the total records; it also reports that in the same period of time the Women's Lawyers have intervened in 263 folders, where the facts are for digital violence and have represented in the beginning of their complaint 208 women and girls (SEMUJERES, 2022).

Likewise, in order to combat sexual violence through digital platforms in the State of Nuevo Leon, the National Front for Sorority, together with the Legislative Group of MORENA, in the Local Congress, presented an initiative in 2019 to criminalize the sharing, dissemination, compilation and commercialization of intimate content without the consent of those involved. According to the data provided, in a single digital platform, up to 10,391 elements of sexual content such as images and videos were found, only in the municipality of Guadalupe, which would be at the forefront in the State for this issue, as well as the rest of the municipalities of the metropolitan area of Monterrey.

Universities such as the *Autónoma de Nuevo León* and the *Instituto Tecnológico y de Estudios Superiores de Monterrey* also appeared on the list with content specifically identified on their campuses. There are from websites, to social networks such as Facebook and Twitter in the entity, in which intimate content is published without consent of women and minors, and subsequently, these publications end up in different types of digital violence such as cyber persecution, sextortion and virtual human trafficking (Rivera, 2019).

The use of the Internet and the relationships between individuals entail consequences and rights inherent to the aforementioned relationships, we will start by mentioning the first ones and then the second ones.

Digital violence through social networks against any individual represents an obstacle to their safe access to digital communications and information, generates psychological, emotional and social consequences for the victims and limits the full use, enjoyment and enjoyment of their human rights.

It is important to be aware that the rights of human beings must be respected at all times and that exercising them should not represent a danger to us and our environment. Below, we list some rights related to the digital environment that we all have:

- Expressing sexuality, orientation and identity without posing a danger to the user.
- The freedom to express their sexual intimacy in the digital space.
- Share aspects of your intimate life with the person of your choice.
- That the privacy of those contents that are to be shared privately is respected.
- Denounce those who publish private content without the consent of the taxpayer in the digital space.
- Be empathetic with the victim(s). Help to investigate promptly and expeditiously when any type of information has been disseminated without the prior consent of the victim or victims.
- Right to be previously informed for the use of explicit content in social networks, otherwise this would violate the

right to privacy and sexual intimacy.

- Authorities must act with a gender perspective and with due diligence.
- Request the reparation of the integral damage when the shared contents have been misused.
- Establishing awareness in our environment, respect, love and empathy in the use of the internet leads to a continuous improvement to our intimate and vital space.

If a situation occurs in which the person considers that their rights have been violated, it is necessary to report it, there are Territorial Units for Prevention and Attention to Violence against Women, the Attention and Complaint Centers, also, you can go to the Cyber Police of the Ministry of Security where you will be provided guidance and legal advice to make a complaint of digital violence, in addition to receiving psycho-emotional care.

On the other hand, a victim may seek the advice of a lawyer to request protection measures so that the aggressor does not seek to intimidate, with this, the Public Prosecutor's Office will immediately order, either electronically or in writing, to the companies of digital platforms, social networks or electronic pages, individuals or legal entities the interruption, blocking, destruction, or deletion of images, audios, or videos that are related to the complaint.

In order to carry out the aforementioned complaint, the following is required:

- Have a backup of the photographs, messages or videos that have been posted to effect the damage.
- Take screenshots and save the links (URL) and IP address. Locate the means by which the material has been disseminated (on which social network, page, etc.).
- In case of identifying the person who is sharing this type of content without consent, it is important to register his or her profile, which consists of: name, telephone number, address or any other information to provide to the Public Prosecutor's Office.

If the perpetrator of digital violence is a classmate at school, it is important that both the victim and her support network (parents or a family member) approach a teacher, guidance counselor or the person responsible for school management to inform them of the situation (SEMUJERES, 2022).

Substantive analysis of the crime against sexual intimacy or revenge porn: The Olimpia Law Case

In this section, we will begin by describing the background to this classification in law.

In 2014 the activist OLIMPIA CORAL MELO started a movement called "Ley Olimpia", which arose after she was the object of public scorn and humiliation, after a sex video of her was disseminated on social networks without her consent, a situation that violated her privacy and integrity, however, there was no criminal classification to enforce her right to the damage caused.

The Olimpia Law consists of a set of reforms to criminally punish people who disclose videos, photographs or any type of material that violates a woman's privacy without her consent (Silva et al., 2024).

In 2018, activists joined the Ley Olimpia project and succeeded in getting the Congresses of Puebla, Nuevo León and Yucatán to be the first to approve the so-called Ley Olimpia; while lobbying continued towards the Federal Congress;

On November 5 November 26, 2019, the Chamber of Deputies approved the Bill with Draft Decree adding section VI to Article 6 of the General Law on Women's Access to a Life Free of Violence;

On November 4, 2020, the Senate passed the amendment to the bill and on November 24, 2020, the Senate approved and sent the bill to the Chamber of Origin. On December 9, 2020, the Chamber of Deputies sent the bill to the United Commissions of Gender Equality and Justice, for their opinion and possible approval.

Currently, Article 6 of the General Law on Women's Access to a Life Free of Violence contemplates five types of violence: Psychological, Physical, Patrimonial, Economic and Sexual. With the recent reforms mentioned above, it will be possible to include digital violence and media violence in the General Law on Women's Access to a Life Free of Violence, as well as the possible sanctions for such behaviors in the Federal Criminal Code (INFOEM, 2022).

Once we have the basis of the legislative proposals and the origin that gave the typification and regulation of digital violence mostly called revenge porn, we elucidate and scrutinize the substantive aspect from the perspective of the Penal Code of the State of Nuevo Leon in its numeral 271 Bis 5⁴ which stated:

4 (Reformed, its denomination P.O. December 19, 2018. Chapter VI Crimes against Personal Privacy).

Article 271 bis 5. The crime against personal privacy is committed by whoever or whoever discloses, disseminates, distributes, publishes or exhibits by e-mail, telephone messages, social networks or by any other means, images, audios or videos of erotic, sexual or pornographic content of a person without his or her consent.

We must begin by differentiating the verbs privacy and intimacy, because we suggest that the legislator should have contemplated the maximum expression of the conduct and only leave it to the discretion at that time of the judge, then that, privacy according to the RAE in its website (2023) defines it as 1. 2. The innermost or deepest part of a person's life, which includes his feelings, family life or friendly relations. Privacy can be defined as the realm of an individual's personal life, which takes place in a reserved space, the main purpose of which is to remain confidential. It also applies to the quality of privacy. It is worth mentioning that in common law there is only the development of the right to privacy.

In continental law, privacy is distinguished from intimacy. According to the Diccionario de la lengua española de la Real Academia Española, "privacy" is defined as: 'sphere of private life that one has the right to protect from any intrusion' (Moliner, 2008).

Privacy is more nuclear and is more strongly protected. Companies and legal entities have the right to privacy, but not to intimacy. There is a gradation in the protection of both, according to the theory of the cone of secrets (Riofrío, 2016, p. 138). Within the various types of secret(s), intimacy and privacy are the most deserving of protection (Riofrío, 2008, p. 25).

Hence the importance of legislating based on human actions, generating in the legal axiology the maximum expressions of the safeguard of the rights of the human being, therefore we consider that it is necessary to grant the typification in its broadest effect, trying to prevent an interpretation at the time of litigation. On the other hand, the legislator regulates the execution in a broader aspect, deciding to typify the following verbs: *reveal, disseminate, distribute, publish or exhibit*.

For the RAE to reveal is to uncover or manifest what was hidden. To show or discover what was previously hidden, secret, or unknown to most people. On the other hand, to disseminate means to make a fact, a piece of news, a language, a body of knowledge, etc., known to many people. To distribute is to attribute destiny or position to the parts of a whole. The action of publishing is to make something public or known, especially something that should be kept secret. The execution of exhibiting starts from the need to expose a thing publicly so that it can be seen by a large number of people attentively.

In our point of view, the legislator to regulate the action or omission must permeate and typify with most of the regular verbs, if so, even regulate on the basis of synonyms, of the same verbs in the actions, in order to have greater amplitude in the field of action.

The modality of execution of the aforementioned is by means of *electronic mail, telephone messages, social networks or any other means*. Electronic mail (usually abbreviated to e-mail or email) (Webster, 2019) is a network service that allows users to send and receive messages (also called electronic messages or digital letters) via electronic communication networks (RAE). The term "electronic mail" comes from the analogy with postal mail: both are used to send and receive messages, and intermediate "mailboxes" (mail servers) are used. By means of e-mail, it is possible to send not only text, but all types of digital files (Kingsley, 2012), although there are usually limitations on the size of attachments.

The telephone message or SMS stands for Short Message Service and is commonly known as text messaging. It is a way to send text-only messages of up to 160 characters between phones. MSM stands for Multimedia Messaging Service. When you send a text message with an attachment, such as a photo, video, emoji or link to a website, you are sending an MSM (Tmobile, 2022). On the other hand, MSM is the Multimedia Messaging Service (MMS), a messaging standard that allows cell phones to send and receive multimedia content, incorporating sound, video or photos. Multimedia messaging also allows sending this content to e-mail accounts, expanding the possibilities of mobile communication, being able to publish digital photographs or act in weblogs without the mediation of a computer. The limit for each multimedia message is usually 100 or 300 KB, depending on each cell phone, although this limit is defined by the operator or the characteristics of the terminal and not the protocol (DEI, 2022).

On the other hand, social networks can be defined as structures formed on the Internet by people or organizations that connect on the basis of common interests or values. Through them, relationships between individuals or companies are created quickly, without hierarchy or physical boundaries. Social networks are digital platforms that connect people with common interests, activities or relationships (such as friendship, kinship or work). These platforms allow contact between the individuals that comprise them and function as a means of exchanging information. The information published by a user can be public or private. Social networks and social media are often referred to interchangeably, but in reality they are different concepts. We call "social media" the use of digital technologies to make the dialogue between people interactive. It is a broad concept, encompassing not only social networking platforms such as Facebook or Twitter, but also videos, blogs and other Internet sites that offer the possibility of interacting with other people. Social networks, on the other hand, are a type of social media focused on connecting people with each other. Each user creates his or her profile and interacts with other

people by sharing information (Llonch, 2021).

The numeral in question continues to state, ending with and any other type of media, that is what we have been stating, the legislator cannot leave the interpretation only to the literal aspect, in its duty to legislate must comply with stating the type and its full scope, thus providing the definition of another type of media, we understand that this other type of media can be personal social networks. Personal social networks are intended to connect individuals to each other based on their personal connections. The most typical example is Facebook.

Entertainment social networks. In this type of social networks, the main function is not so much to interact with other people as to share content. For example, YouTube is a social network designed to share video content. Professional social networks.

Professional social networks are designed for networking, publishing information about your resume and achievements, finding a job and other purposes related to the professional world. The best known and most used worldwide is LinkedIn. Niche social networks. Finally, niche social networks are aimed at people with a specific interest in common, whether professional or personal. For example, DeviantArt is designed for visual artists to share their work and Goodreads to find book recommendations (Llonch, 2021).

The materiality of the execution of revenge porn lies in the following: *images, audios or videos of erotic, sexual or pornographic content, of a person without his or her consent.*

An image can be defined as a figure of a person or thing captured by the eye, by a mirror, an optical device, a photographic plate, etc., thanks to the rays of light it receives and projects. (Gubern, 2006, p. 71), in his book Pathology of the Image, establishes two spheres of use of the image: Public use: This is the use made of the image through the media, institutions, etc. Private use: This is the use made of the image within the individual or family environment. In our case, the use of one or the other is regulated, that is to say, regardless of whether the image is for public use, there is the right to privacy of the same, that is to say, authorship rights and this must be manifested by the will of the owner so that it can be circulated without any legal setback.

Eroticism as an element of the type, moreover, it is difficult to specify a feature that clearly differentiates the adjective erotic from those flanking it on a continuous value scale, which we all use on a daily basis and which would include, from lesser to greater polemic charge, more or less the terms naughty-spicy-erotic-obscene-obscene-soezy-pornographic. The delimitation between eroticism and pornography is "a strictly personal question", although we can affirm, without a doubt, that eroticism is limited to showing epidermis with generosity and to suggesting with more or less mischief, while pornography illustrates the sexual relations maintained by the characters (Alzieu et al., 2000, p. 123).

The fundamental principle of the Olimpia Law is undoubtedly consent, which refers to the explicit authorization that a person gives for the dissemination or publication of their images, videos or any type of intimate content, and its importance lies in the fact that it guarantees respect for the privacy and dignity of people, especially women, in a context where digital gender violence has become more and more common, then we start from the need to establish the legal hermeneutics to the type, when the legislator, in a very complex crime and that is on the rise in the XXI century should consider with greater delay, the maximum substantive protection to the criminal type in question.

FINAL REMARKS

We must consider prevention, education and all the means inherent to empathy and respect for the privacy and intimacy of the rights of third parties, as a conclusion we will give some suggestions to regulate the above through this research, which are as follows:

It is vital not to send photographs or videos of intimate-erotic-sexual content to any person - regardless of the affective or amorous bond - to avoid being a victim of this type of crime, which is so present nowadays in the digital era.

The main conflicts that arise are blackmail and threats by the perpetrator or the active subject, it is necessary to keep calm, get advice from a specialist in the free issue or independent professional, these can be violated not only in a specific place, but the privacy and intimacy, leaving your integrity vulnerable to third parties.

We must recognize and interact that the internet is the fastest element that an airplane or device that exceeds beyond the speeds allowed in the skies, land or sea, the internet has a volatility and sudden temporality, thus we recommend empathy in the use of this material and its repercussions. Fortunately, the typification of the crime is no longer only for the original owner of the content, but for all those who are in the custody link, the authorities will make the appropriate investigation and you may be subject to an investigation against you, just for sharing this content, we recommend discretion,

love and empathy for others. Denounce, do not share.

It is necessary that family, schools, institutes, universities, work entities raise awareness of the importance of knowing the advantages and disadvantages of using the Internet, it is mandatory for each individual to have as a metric understood the advantages, disadvantages, benefits and disadvantages in the use of technology, because this may involve a threat to our privacy or intimacy.

REFERENCES

- Alzieu, P., Jammes, R., & Lissorgues, Y. (2000). *Poesía erótica del Siglo de Oro* (R. Jammes, Y. Lissorgues, & P. Alzieu, Eds.). Crítica.
- Belisario, A. (2014). Análisis de Métodos de Ataques de Phishing. Tesis. Universidad de Buenos Aires. Págs. 62.
- Blair Trujillo, E. (2009). Aproximación teórica al concepto de violencia: avatares de una definición. *Política y Cultura*, (32), 9-33.
- Cámara de Diputados (2007). Ley General de Acceso de las mujeres a una vida libre de violencia. Congreso de la Unión. Disponible en: <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLV.pdf>
- Congreso del Estado de Nuevo León (1990) Código penal para el Estado de Nuevo León. Periódico Oficial. Retrieved from en: https://www.hcnl.gob.mx/trabajo_legislativo/leyes/pdf/CODIGO%20PENAL%20PARA%20EL%20ESTADO%20DE%20NUEVO%20LEON.pdf?2023-04-%205
- Cuervo, E. (2016). Exploración del concepto de violencia y sus implicaciones en educación. *Política y Cultura*, (46), 77-97. <https://www.redalyc.org/pdf/267/26748302005.pdf>
- DEI, D. (2022, agosto 21). *Diccionario español de ingeniería*. Wikipedia. Retrieved January 31, 2023, from https://es.wikipedia.org/wiki/Diccionario_espa%C3%B1ol_de_ingenier%C3%ADa
- Domenach, J. M. (1981). *La violencia y sus causas*. UNESCO.
- Escalera Silva, L. A., Corral, S. R. A., Morín, L. A. S., & Hernández, Y. M. L. (2023). Violencia digital por razón de género en la educación superior. El caso de una escuela en trabajo social en Nuevo León, México. *LATAM Revista Latinoamericana de Ciencias Sociales y Humanidades*, 4(1), 2165-21.
- Figueroa, H. (2001). Juego de identidades en el ciberespacio. *Revista UNAM*, 2(4), 1-12. <http://www.revista.unam.mx/vol.2/num4/art3/index.html>
- Fragoso, R. y Ramírez, I. (2022). Grooming e inteligencia emocional en adolescentes. ¿Puede el desarrollo emocional en la escuela prevenir este tipo de acoso cibernético?. *Revista Latinoamericana de Tecnología Educativa*. Retrieved from: https://dehesa.unex.es:8443/bitstream/10662/15880/1/1695-288X_21_2_45.pdf
- González, M., Espinar, E., & Frau, E. (2006, Feb 14). *El impacto de las nuevas tecnologías en la vida cotidiana de los jóvenes*. <http://www.cibersociedad.net/congres2006/gts/gt.php?id=55>
- González, E. (2000). La definición y la caracterización de la violencia desde el punto de vista de las ciencias sociales. *Arbor*, (167), 153-185.
- González Díaz, M. (2022, April 27). "Cuando vives durante años en una violencia constante como en México, uno empieza a dejar de verla o a normalizarla como manera de defensa". BBC. Retrieved January 16, 2023, from <https://www.bbc.com/mundo/noticias-america-latina-61173421>
- Gubern, R. (2006). *Patologías de la imagen*. Anagrama.
- INFOEM, I. (2022, enero 14). *BREVIARIO DEL DESARROLLO NORMATIVO SOBRE LA VIOLENCIA DIGITAL EN MÉXICO*. Infoem. Retrieved January 28, 2023, from https://www.infoem.org.mx/doc/micrositios/202108_violenciadigital/1.%20Informe%20normativo%20de%20la%20violencia%20digital.pdf
- Kingsley, P. (2012, March 26). *Father of the email attachment* | Computing. The Guardian. Retrieved January 30, 2023, from <https://www.theguardian.com/technology/2012/mar/26/ather-of-the-email-attachment>
- Llonch, E. (2021, May 25). *¿Qué son las redes sociales y cuáles son las más importantes?* Cyberclick. Retrieved January 31, 2023, from <https://www.cyberclick.es/numerical-blog/que-son-las-redes-sociales-y-cuales-son-las-mas-importantes>
- Menéndez, E. (2011). Violencias en México: las explicaciones y las ausencias. *Alteridades*, 22(43), 1-6. https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0188-70172012000100012
- Moguel, J. (2022, Jan 15). *Violencia digital, qué es y cómo identificarla*. Universidad Anáhuac Mayab. Retrieved January 16, 2023, from <https://merida.anahuac.mx/noticias/que-es-violencia-digital>
- Moliner, M. (2008, April 21). *Privacidad: ¿neologismo o barbarismo?* José Antonio Díaz Rojo: Privacidad: ¿neologismo o barbarismo?... Retrieved January 30, 2023, from <https://digital.csic.es/bitstream/10261/3662/1/privacidad.pdf>
- Oxman, N. (2013). Estafas informáticas a través de Internet: acerca de la imputación penal del "phishing" y el "pharming". *Revista de Derecho*, núm. XLI, diciembre, 2013, pp. 211-262.
- Observatorio de Violencia de Género contra la Mujer [OVIGEM] (2022, abril 21). *VIOLENCIA DIGITAL – OVIGEM*. OVIGEM. Retrieved January 16, 2023, from <https://ovigem.org/violencia-digital/>
- Riofrío, J. (2008). *El derecho de los secretos*. Editorial Temis.
- Riofrío, J. (2016). El derecho al secreto y la teoría del cono. *Derecom*, 19, 137-163. <http://www.derecom.com/secciones/articulos-de-fondo/item/83-el-derecho-al-secreto-y-la-teoria-del-cono>
- Rivera, A. (2019, July 29). *Alertan cifras por violencia sexual digital en Nuevo León; buscan combatirla*. Eitmedia. Retrieved January 17, 2023, from <https://www.eitmedia.mx/index.php/local/item/47762-alertan-cifras-por-violencia-sexual-digital-en-nuevo-leon-buscan-combatirla>
- Sanmartín, J. (2002). *La violencia y sus claves*. Ariel.
- Sanmartín, J. (2008). ¿Hay violencia justa? Reflexiones sobre la violencia y la justicia basada en los derechos humanos. *Revista de Filosofía*, 8(43), 7-14.
- Sémelin, J. (1983). *Pour sortir de la violence*. Les édition ouvrières.
- SEMÚJERES, I. (2022, Jan 13). *guía corrección justificado*. Secretaría de las Mujeres de la Ciudad de México. Retrieved January 17, 2023, from https://semujeres.cdmx.gob.mx/storage/app/media/ViolenciaDigital/Guia_Violencia_Digital.pdf
- SEMÚJERES2, S. (2022, Aug 18). *Prevención y visibilización de la violencia cibernética contra las mujeres y niñas*. Secretaría de las Mujeres de la Ciudad de México. Retrieved January 18, 2023, from <https://www.semujeres.cdmx.gob.mx/violencia-cibernetica-contra-mujeres>
- Silva, L. A. E., Corral, S. R. A., & Hernández, Y. M. L. (2024). Digital gender-based violence from the experience of actors in the delivery of justice. *Sapienza: International Journal of Interdisciplinary Studies*, 5(1), e24018-e24018.
- Tmobile, T. (2022, Feb 14). *¿Qué es SMS y MMS? | Mensajes SMS vs. MMS*. T-Mobile. Retrieved January 30, 2023, from <https://es.t-mobile.com/resources/what-is-an-SMS>
- Trujano, P., Dorantes Segura, J., & Tovilla Quesada, V. (2009). VIOLENCIA EN INTERNET: NUEVAS VÍCTIMAS, NUEVOS RETOS. *LIBERABIT*, 15(1), 7-19. <https://www.redalyc.org/pdf/686/68611923002.pdf>
- Webster, M. (2019, octubre 10). *The Email*. Dictionary by Merriam-Webster: America's most-trusted online dictionary. Retrieved January 30, 2023, from <https://www.merriam-webster.com>