Judgments and Family Protection under Law No. 30710 in Huanuco, Peru

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ABSTRACT

Objective. To describe the influence of the conviction sentence according to Law No. 30 710 on the protection of the health and integrity of the family group in the Unipersonal Courts of Huánuco, 2017-2018. **Methods.** A mixed, basic, deductive, descriptive-explanatory approach was used, under a non-experimental design. The sample corresponded to 28 convictions and 4 unipersonal judges. The technique used for the development of the research was documentary analysis, case analysis and interview. The instruments used were the documentary analysis and observation guide, the case analysis guide and the questionnaire, validated by experts. **Results.** The application of Law No. 30 710 in the conviction sentence generates unprotection in the health and integrity of women and members of the family group in the Unipersonal Courts of Huánuco, 2017-2018, verifying a high positive correlation with an "r" = 0.920. **Conclusion.** The referred law, by preventing the imposition of a restrictive measure of a suspended nature for the crime of minor injuries to the detriment of the woman and members of the family group, is punitive and not preventive; consequently, it does not safeguard the physical integrity or the identity of the victim.

Keywords: *sentences; effective penalty; suspended sentence; protection; victim.*

Sentencias y protección familiar bajo la Ley N.º 30710 en Huánuco, Perú

RESUMEN

Objetivo. Describir la influencia de la sentencia condenatoria según Ley N.° 30 710 en la protección de la salud e integridad del grupo familiar en los Juzgados Unipersonales de Huánuco, 2017-2018. **Métodos.** Se empleó un enfoque mixto, básico, deductivo, del nivel descriptivo-explicativo, bajo un diseño no experimental. La muestra correspondió a 28 sentencias condenatorias y 4 jueces unipersonales. La técnica que se utilizó para el desarrollo de la investigación fue el análisis documental, el análisis de casos y la entrevista. Los instrumentos empleados fueron la guía de análisis y observación documental, guía de análisis de casos y el cuestionario, validados por expertos. **Resultados.** La aplicación de la Ley N.º 30 710 en la sentencia condenatoria genera desprotección en la salud e integridad de la mujer e integrantes del grupo familiar en los Juzgados Unipersonales de Huánuco, 2017-2018, verificando una correlación positiva alta con un "r" = 0,920. **Conclusión.** La referida ley, al impedir la imposición de una medida restrictiva de carácter suspendida por el delito de lesiones leves en agravio de la mujer e integrantes del grupo familiar, resulta sancionadora y no preventiva; en consecuencia, no salvaguarda la integridad física ni la identidad de la víctima.

Palabras clave: *sentencias; pena efectiva; suspensión de pena; protección; víctima.*

Cite as

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INTRODUCTION

Gender violence and assaults against women and the members of the family group constitute a pending social problem in Peru. In response to this, a series of legal provisions has been issued, as indicated by the Congress of the Republic of Peru (1993) in Law No. 26 260, in force for more than 20 years and which has been repealed by Law No. 30 364 of November 6, 2015, which represents a great advance regarding procedural speed and the protection of the victim, with its regulation and the Comprehensive Care Guide in the Women's Emergency Centers (CEM) being enacted in 2016 (Tristán, 2014).

Law No. 30,364 incorporates the conclusions reached by the CEDAW in 1979, but above all, it reflects the provisions of the 1994 Belém do Pará Convention, which establishes as its objective the right of women to live free from violence. It also proposes the development of a series of mechanisms for the protection and defense of women's rights, all within the framework of combating the phenomenon of violence against women's physical, sexual, and psychological integrity, and promoting their recognition within society (United Nations [UN], 1994).

The concept of violence based on the condition of being a woman is established by the Supreme Court of Justice of Peru (2019), in its rationale 20, as the aggression perpetrated by the agent in response to the noncompliance with the imposition of the gender stereotype, which is understood as the socially imposed behavior of subordination on women; all of this in accordance with the definition provided in numeral 3 of article 4 of the Regulations of Law No. 30364.

For its part, article 2 of Law No. 30,364 establishes its guiding principles: equality and non-discrimination between men and women; the best interest of the child; due diligence; immediate and timely intervention; simplicity and orality; as well as reasonableness and proportionality (Aybar, 2019).

It is within this legal context that a protection process is carried out in response to violence against women and members of the family group before the Judiciary, with the aim of protecting the victim, being the first time that this special process is created in cases of family violence (Chávez Burga and Lazo Huaylinos, 2015).

Thus, upon a complaint filed by the victim or another person on her behalf, whether oral or written, the judicial apparatus is activated, based on the principle of simplicity and orality, avoiding formality, since complaints must be received immediately and acted upon immediately, with very short deadlines (Sevilla, 2015). In this regard, the Family Court or its equivalent evaluates the case for the issuance of the pertinent protection measures within a maximum period of 72 hours in application of articles 16 and 22 of Law No. 30,364, evidencing the application of the principle of immediate and timely attention, giving primary and immediate attention to the victim to prevent the situation from worsening and protecting her when she is at risk, safeguarding her life and health (Reyna Alfaro, 2019).

Law No. 30364 has established a series of approaches so that the operators who administer justice can understand through them and correctly determine whether a crime has been committed in the reported case. All this is evidenced through the creation and modification of criminal types or criminal modalities, as in the case of articles 121 B and 122 B, 122 B of the Penal Code (P.C.), producing an aggravation of the penalties provided for these criminal offenses. This circumstance is also observed regarding the crime of femicide in art. 108 B, and sexual assaults, 176 A, 170 A, 171 A, 173 A, 173 A, 173 A, 174 A and 177 A, among others, aggravating when gender-based violence occurs among members of the family group.

However, there is also the differentiation between infractions and crimes, since in the Penal Code infractions committed within the context of violence against women and

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members of the family group are established in articles 441 and 442, infractions for repeated humiliation that do not imply psychological harm or minor harm, as well as infractions against the person.

It is within the punitive framework of application of Law No. 30364 to prevent, punish, and eradicate violence against women and members of the family group, and considering the concerning increase in aggressions that violates the legal interest protected by the aforementioned law, that Law No. 30710 was enacted, published on December 29, 2017, modifying the last paragraph of article 57 of the Penal Code, which imposes the application of an effective custodial sentence when convicted for the crime of assaults against women and members of the family group provided in article 122 B and for the crime of minor injuries provided in article 122, letters c), d), and e), numeral 3 of the Penal Code (Caro, 2018).

This amendment implies that any injury that requires even one day of medical assistance or causes any psychological, cognitive, or behavioral impact, in any of the contexts provided in the first paragraph of article 108-B, reverts severity to the crime. With this, the State directs its protection to the health and physical integrity of women and members of the family group (Caro, 2018).

The aforementioned law is a complement to Legislative Decree No. 1323 dated January 6, 2017, which modified the content of article 122 of the Penal Code, incorporating aggravating circumstances to the crime of minor injuries, whose penalty is no less than three nor more than six years of deprivation of liberty, and at the same time adds article 122 B to sanction acts of violence against women and members of the family group, considering them crimes and not infractions, prescribing a penalty of no less than one nor more than three years.

Law No. 30710 is restrictive in the use of suspended sentences, expressly establishing its non-application in the face of convictions issued for the commission of minor injuries provided in letters c), d), and e) of numeral 3 of article 122 of the Penal Code, in any of the contexts provided in the first paragraph of article 108 B of the cited legal norm. However, said legal norm does not establish the prohibition of a possible sentence conversion that avoids depriving the convicted person of liberty, all the more so considering that the imposition of a penalty must be assessed in view of other circumstances or reasons, under the principle of discretion that a judge has, and considering that criminal law is the ultima *ratio*.

This legal norm, given its nature, not only interferes with judicial activity, but also generates a greater criminological problem due to the absence of an adequate and rigorous analysis in criminal law projects to eradicate the crimes of assaults against women and members of the family group.

Law No. 30710, as indicated, mandates the application of the penalty provided in article 29 of the Penal Code, strictly limiting the subject's liberty; however, the deprivation of liberty has a temporal character, since it has a minimum duration of two days and a maximum of thirty-five years, while life imprisonment is unlimited. In the first case, the convicted person serves the imposed penalty and regains freedom upon the fulfillment of the resocialization function of the penalty, while in the second case, the convicted person does not regain freedom; therefore, the function of the penalty is not fulfilled, demonstrating that our penal system accepts the existence of persons who are not suitable for resocialization, thus confirming the ineffectiveness of article IX of the Preliminary Title of the Penal Code (Villavicencio Terreos, 2017).

The execution of the custodial sentence corresponds to the National Penitentiary Institute, which must place the inmate in the respective facility, where he must receive penitentiary treatment in order to modify or reorient his criminal behavior, which becomes a progressive system based on interdisciplinary methods aimed at the re-education, rehabilitation, and reintegration of the inmate into society, as provided in article 60 of the Penal Enforcement

Code, these methods being able to be of a personal or group nature, as stipulated in article 61 of the cited norm.

It should be noted that the Penal Code establishes other ways of imposing custodial sentences of short duration in accordance with the principle of punitive humanity. Thus, we have the suspension of the execution of the sentence provided in article 57 of the Penal Code, the application of which is subject to the following requirements: a) that the agent does not have the condition of recidivist or habitual offender; b) the custodial sentence imposed must not be greater than four years; and c) the measure must assure us that the subject will not commit a new crime, this in accordance with the rules of conduct provided in article 58 of the Penal Code, with a duration not greater than three years, and its justification must be duly reasoned in the conviction, its imposition being ex officio or at the request of a party.

On the other hand, there are also penalties limiting rights as another way of imposing a custodial sentence of short duration, the sanction consisting of performing community services outside service hours and without remuneration in reception centers or units and in accordance with the abilities, knowledge, and preferences of the convicted person, performing specific tasks in various national or private institutions (Jescheck, 1980), article 34 establishing the form and manner of application of this penalty limiting rights, with the National Penitentiary Institute (INPE) being in charge of ensuring compliance and supervision of the penalty through the Directorate of Treatment in the Free Environment, where the multidisciplinary team, after evaluating the convicted person, assigns him a receiving unit according to his age, health, sex, occupation, trade, etc., where he will perform the work duly supervised by INPE and, once the penalty is completed, the judge is notified for the cancellation of the generated records; in case of non-compliance without justified cause by the convicted person, it corresponds to INPE to notify the judge for the pertinent purposes.

Prado Saldarriaga (2023) states that, as alternatives to imprisonment for shorter or intermediate periods, these penalties can be used as tools of depenalization. In addition to this, community work penalties not only avoid the stigmatization of the convicted person, but also strengthen his process of social reintegration.

Although it is true that the teleological justification of Law No. 30,710 has a criminal-political context, however, it has been observed that in Huánuco, during the period 2017–2018, said legal norm is totally repressive, and although there is no prohibition regarding the possibility of converting a custodial sentence into one of community service, in accordance with the provisions of article 52 of the Penal Code, this circumstance results in a minimal non-representative percentage, despite the fact that this type of sentence is more effective and resocializing for the convicted person in accordance with what is stated in article IX of the Preliminary Title of the Penal Code.

Therefore, the objective was to describe the influence of the conviction according to Law No. 30,710 on the protection of the health and integrity of the family group in the Single-Judge Courts of Huánuco, Peru, 2017–2018. It is important because this will allow us to offer a solution to the problem presented by the application of the aforementioned legal norm regarding the fact that its effect should not be solely repressive, but rather oriented toward special prevention, seeking the resocialization of the convicted person and establishing rules of conduct aimed at effectively protecting the health and integrity of women and members of the family group.

METHODS

Type and study area

The research was of mixed approach, since the he indicators of each variable were measured through descriptive statistics, which allowed the general and specific hypotheses

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to be contrasted, additionally using the deductive method, starting from the general to the specific (Hernández Sampieri, Fernández Collado and Batista Lucio, 2014), and interpreting the meanings, experiences, and perceptions behind the numerical data. It was also basic in type, as it was focused on generating scientific or epistemological knowledge in order to solve a problem present in society within the field of law (Carrasco, 2009), having a descriptive-explanatory level, as the problem was analyzed in its entire context and thus making it possible to verify the proposed hypotheses; therefore, a solution to the problem is provided in the conclusion, duly explained (Cazau, 2006). The scope of the present research was that of the Single-Judge Criminal Courts of Huánuco (Peru), and the study was carried out during the years 2017 and 2018.

Population and sample

The population consisted of 283 conviction sentences imposed from the entry into force of Law No. 30 710, from December 2017 to December 2018, and when there were 4 single criminal judges who were responsible for issuing sentences in these cases. The sample was obtained through intentional non-probabilistic sampling, which corresponded to 28 conviction sentences and 4 single judges.

Variable and data collection instrument

The variables used in the research were: as the independent variable, the conviction sentences according to Law No. 30 710, and as the dependent variable, the protection of the health and physical integrity of women and members of the family group.

The instruments used were the análisis guide and documentary observational the case analysis guide, and the questionnaire. Regarding validation, expert opinion was used, understood as the opinions of professionals specialized in the research area (Romero, 2018).

Techniques and data collection procedures

The technique used for the development of the research was documentary analysis, case analysis, and the interview. The interview consisted of 9 open-ended question

Data analysis

Descriptive statistics were used to analyze the data set. The results were presented in tables, considering each research variable, using this technique to organize and classify the information obtained.

Ethical aspects

The study was based on the Ethics Code of the University of Huánuco. Likewise, the confidentiality of the documents used was guaranteed.

RESULTS

It was established that, when issuing a conviction sentence in accordance with Law No. 30 710, the judge applied the principle of legality; however, the principle of proportionality was not considered in relation to the legal harm in 67.9% of cases, since despite it being a crime of minor injuries with a short-term sentence, the conversion to a less burdensome penalty was not carried out. Likewise, in 60.7% of cases it was established as a result that the nature of the conviction sentence was repressive, not fulfilling the special preventive purpose of the penalty.

On the other hand, it was established that, despite the absence of a prohibition on the conversion of penalties in Law No. 30170, judges in 64.3% of cases did not proceed with its

application, despite it being a crime of minor injuries with a maximum penalty of 3 years, and the penalty could have been set as community service or another less burdensome one.

71.4% of the results show that the amounts of civil reparation set in the conviction sentences are adequate to the harm caused, by producing compensation for the victim. Regarding the behavioral psychological therapies of the convicted persons, it was established that 78% of the judges, when issuing the conviction sentence, do not include such therapies for the aggressors, producing a lack of protection of the life and health of the woman and members of the family group.

Likewise, it was observed that, when the conversion of effective penalties into community service was carried out, in 75% of the conviction sentences rules of conduct aimed at protecting the life or health of the victims were not established (see Table 1).

Table 1
Dimensions of conviction sentences according to Law No. 30 710

	n = 28	
	fi	**%**
Legal criteria		
Principle of proportionality	19	67,9
Special preventive principle	17	60,7
Conversion of penalty	18	64,3
Judicial resolutions		
Setting of civil reparation	19	71, 4
Behavioral psychological therapies of the convicted person	22	78,6
Rules of conduct for the protection of the victim	21	75,0

Analyzed the effects of conviction sentences, it was obtained as a result that only 17.9%, in addition to the imposed penalty and civil reparation, have considered compensation for damages to the victim. On the other hand, 92.9% of conviction sentences have a repressive purpose and not one of special or general prevention, since conduct rules aimed at the resocialization of the aggressor are not established.

Lastly, it was determined that only 14.3% of conviction sentences have taken the victim into account, beyond economic compensation. No provisions were observed for assistance to psychological help therapies or fixed conduct rules for the aggressor that allow establishing effective protection for the victim.

The results allowed discovering that Law No. 30 170, which prevents the imposition of a suspended sentence for the crime of minor injuries against the woman and members of the family group, is punitive but not preventive, as it does not protect the health and integrity of the victim, a conclusion reached from the verification of the general hypothesis (see Table 2).

Table 2
Dimensions of the variable protection of the health and physical integrity of the woman and members of the family group

	n = 28	
	fi	**%**
Effects of conviction sentences		
Protection of the victim of violence	23	82,1
The victim was considered beyond the compensation	24	85, 7
Repressive sentence	26	92,9

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The commission of the crime provided for in Article 122 B of the Criminal Code, minor injuries against the woman or members of the family group, provides for a penalty that does not exceed 3 years. However, in accordance with Law No. 30 170, it implies imposing an effective penalty in application of the principle of legality, without taking into consideration the principle of proportionality according to the damage caused to the legal right, since it has not been possible to carry out the conversion of penalties despite not being limited in the cited legal norm, evidencing a literal compliance with said norm by the sample without carrying out an adequate reasoning of each case raised, which also allows to evidence that there is no special preventive application of the penalty, a conclusion reached from the verification of the first specific hypothesis. Likewise, it was determined that the conviction sentences contain the amount of civil reparation according to the damage caused, producing compensation to the victim, however, it did not set in them that the aggressors attend behavioral psychological therapies nor, when the conversion of penalties was carried out, were rules of conduct established aimed at the protection of the victims, conclusions that were established upon verifying the second specific hypothesis.

Finally, in these conviction sentences analyzed in their effects, although indemnity amounts have been set for the victims, however, this circumstance does not protect them from new acts of aggression, all the more if it is taken into account that these sentences revert repressive content and not resocializing or respectful of the legal right protected, since beyond the economic compensation there is no evidence of concern for providing adequate protection to the woman and members of the family group subject to acts of violence or aggression, a conclusion reached upon having verified the third specific hypothesis (see Table 3).

Table 3
Inferential analysis

Hypotheses	Inferential analysis
GH. The application of Law No. 30 710 in the conviction sentence generates lack of protection in the health and integrity of the woman and members of the family group in the single-judge courts of Huánuco 2017–2018.	Law No. 30 710 has had a punitive effect, but not a preventive one, which results in a lack of effective protection for the victims of family violence, since the norm imposes effective penalties without considering that the protection of the victim requires more than the simple imprisonment of the aggressor.
E.H. 1.- The judicial decisions of the single-judge judges in the conviction sentence, in accordance with Law No. 30 710, violate the right to due protection of the health and integrity of the woman and members of the family group, Huánuco 2017–2018.	Although the conviction sentences comply with the strict application of the norm, they do not guarantee effective protection for the victim. The absence of rules of conduct and preventive measures leaves a gap in the protection of the rights of women and the members of the family group, which could explain the high rate of recidivism in cases of gender violence.
EH2. The judicial resolutions of the single-judge courts in the conviction sentence, in accordance with Law No. 30 710, violate the right to due protection of the health and integrity of the woman and members of the family group, Huánuco 2017–2018.	Law No. 30 710 has not been applied with a comprehensive protection approach, but has been limited to imposing effective penalties without taking into account other key factors in the fight against gender violence. The lack of resocialization measures for aggressors and the absence of psychological support for victims generate a system that prioritizes punishment but does not offer long-term solutions to eradicate violence.
EH3. The effects of the conviction sentence of the single-judge courts, in accordance with Law No. 30 710, generate a deficiency in the protection of the health and integrity of the woman and members of the family group, Huánuco 2017–2018.	Law No. 30 710 has generated deficiencies in the protection of victims, since it does not contemplate effective mechanisms of prevention and rehabilitation. The imposition of effective penalties without complementary measures of protection and reintegration limits the capacity of the judicial system to guarantee a restorative and effective justice.

DISCUSSION

The present study has analyzed the effects of Law No. 30 710 on the protection of the health and integrity of women and the members of the family group in the Single-Judge Courts of Huánuco during the period 2017-2018. Based on the analysis of 28 conviction sentences

and interviews with judges, it has been evidenced that the application of the regulation has had a predominantly punitive approach, without incorporating complementary measures that guarantee the effective protection of the victim nor the rehabilitation of the aggressor.

The inferential analysis carried out has allowed establishing that 92.9% of the reviewed sentences have a repressive character, without considering special or general prevention. Likewise, 82.1% of the resolutions did not establish concrete measures of protection for the victims, limiting themselves to the imposition of the custodial sentence. This finding suggests that the regulation prioritizes punitive retribution over the implementation of resocialization strategies and prevention of recidivism, which could compromise its effectiveness in the long term.

Prado Saldarriaga (2013) argues that alternative penalties, such as community services and rehabilitation programs, can be more effective than prison in certain contexts, as they allow the aggressor to assume his responsibility without being excluded from the social and economic system. In this sense, the findings of the present study reveal that 75% of the sentences did not include rules of conduct aimed at the protection of the victim, which reinforces the need to implement additional measures that guarantee their safety.

For his part, Caro (2018) points out that the lack of proportionality in the application of Law No. 30710 could violate the principle of legality and equity in the administration of justice. In this sense, the present study evidenced that 67.9% of the sentences did not consider the principle of proportionality, which indicates that the imposition of the effective penalty does not always respond to an adequate analysis of the seriousness of the crime and the circumstances of the case.

Likewise, Chávez Burga and Lazo Huaylinos (2015) defend the need to establish severe penalties in crimes of family violence to avoid impunity. According to these authors, allowing the conversion of the penalty or the suspension of the sentence could weaken the impact of the legislation, by encouraging the perception that these crimes can be resolved without significant consequences.

Nevertheless, the results of the present study indicate that the imposition of effective penalties has not guaranteed real protection of the victim, since 85.7% of the cases did not consider the victim beyond economic compensation. This suggests that, although the criminal sanction is fundamental, its effectiveness could be limited without a complementary approach of prevention and rehabilitation.

Article IX of the Preliminary Title of the Criminal Code, under the protection of the Political Constitution of Peru, specifies that the penalty applied within the framework of the administration of justice in the country is not retributive, but seeks a preventive purpose, of a special nature, aimed at achieving the reintegration of the convicted person into society, that is, a punishment is imposed on the convicted person so that during the serving of the sentence he learns to revalue and respect the legally protected interest and does not commit another criminal offense.

Thus, the substantive rule provides us with a range of measures that goes from the custodial sentence to the fine, measures that must be imposed in accordance with proportionality analyzed from the culpability of the perpetrator in accordance with the violation of the legally protected interest. The judge, even within the effective penalty, when it is a matter of crimes with a sanction not less than 4 years, may temporarily suspend the execution of the sentence, which is called conditionality, adding to said circumstance the imposition of a rule of conduct of mandatory compliance. This suspension of the effectiveness in the execution of the penalty does not imply a type of penalty, but it is the valid sentence suspended in its execution subject to rules of behavior for a probationary period, at the expiration of which the sentence is considered as not pronounced; otherwise, it must proceed in accordance with the provisions of article 59 of the Criminal Code.

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Law No. 30 710 of December 29, 2017 modifies article 57 of the substantive code, providing that, in case of minor injuries against women and members of the family group, provided in article 122 B of the Criminal Code, whose maximum penalty is 3 years, an effective penalty is imposed, confining the convicted person to the penitentiary establishment, even though it is overcrowded due to prison overpopulation. The deficient quality and the scarce monitoring of social reintegration programs prevent them from being effective to achieve the purpose of special prevention, since not all have access to psychological, social programs, education or work; all this added to the inhumane conditions in which the penalty is served, which violate the quality of life and human dignity.

It is true that there are cases where the criminal judge applies article 52 of the criminal rule, in accordance with Legislative Decree No. 1300, and imposes a penalty of community services; however, this conversion based on an agreement between the prosecutor and the accused for early conclusion is not approved by the judge, specifying that it is a matter purely jurisdictional. Therefore, he may impose a short-term penalty, but effective, or convert it into another, which is why this aspect is not the subject of this investigation, as it has encompassed the impediment of imposing a conditional penalty or suspended in its execution.

It was verified from the cases analyzed and from the interview with the sample. Likewise, from the cases analyzed and from the interview with the sample it was possible to verify that Law No. 30 710 is purely repressive and, although the judge has the possibility of converting the penalty into one of community service, in accordance with article 52 of the Criminal Code, and according to the observed cases, this occurs only in 37.5% of cases, which represents a not significant percentage, even though this type of sentence is more effective for the resocialization and reeducation of the convicted person.

Likewise, it is verified that the conviction sentence, with respect to the victim, is more concerned with establishing economic compensation, for moral or material damage, as occurs in 71.4% of cases, but not in setting out practices of protection and prevention, since the convicted persons during the execution of the penalty only in 21.4% of cases complied with the judicial order of submission to behavioral psychological therapies, and in the case of conversion of penalty to community services only 25% of these imposed rules of conduct aimed at protecting the victim.

Context

Ana is a 35-year-old woman who lives with her partner, Carlos, and her 8-year-old daughter. Ana has suffered psychological and physical violence by Carlos for several years, and recently the situation has worsened, affecting her emotional and physical health, as well as the safety of her daughter. Ana decides to seek help and reports the facts at a police station. After that, a risk assessment is carried out, and in case there existed risk in application of the law, she would be granted protection measures and support by the State; but in reality, the follow-up of support for the victims is not carried out and in the case of the aggressors their sentence ends up being minimal, leaving the victim in a state of alert.

According to the results analyzed and their corresponding discussion, it is proposed as a solution to the problem that Law No. 30 710 not only be repressive, since the penalty imposed on those convicted for the crime provided in article 122 B of the Criminal Code, whether effective, suspended or even converted, must be oriented to the purpose of special prevention, seeking the resocialization or reeducation of the convicted; but that it also implies the imposition of rules of conduct aimed at the protection of the health and integrity of the woman or members of the family group.

In comparative analysis with other legislations, as in the case of Spain, which has the Comprehensive Law against Gender Violence (2004), which aims to act against the violence that, as a manifestation of discrimination, the situation of inequality and the power relations of men over women, is exercised over them by those who are or have been their spouses, or

by those who are or have been linked to them by similar affective relationships, even without cohabitation.

In the case of Mexico, its legislation in this regard, called the General Law on Women's Access to a Life Free of Violence (2007), has as its main objective to establish a regulatory framework that guarantees coordination between different levels of government in Mexico to prevent, punish and eradicate violence against women, adolescents and girls.

In Argentina, the Congress of the Argentine Nation (2009) establishes Law No. 26 485 on Comprehensive Protection to Prevent, Punish and Eradicate Violence against Women, which has as its main objective to prevent, punish and eradicate violence against women in all areas where their interpersonal relationships take place. These three countries address different forms of violence against women, such as physical, psychological, economic, sexual and patrimonial violence; likewise, they recognize that gender violence goes beyond physical violence and that it can appear in various forms that affect different aspects of women's lives. What is common in these three countries is that their judicial system not only punishes the aggressor, but also protects the victim in an integral manner, providing legal, psychological and social assistance, and establishing a preventive approach in the entire population.

These legislations are very different from the one that Nicaragua has, where despite having Law No. 779, Comprehensive Law against violence towards women, said law represents an important legal framework to address violence against women; however, its effectiveness is compromised by reforms that limit its scope and by a political environment that hinders access to justice and protection for the victims. The struggle for women's rights continues to be a crucial challenge in Peru.

CONCLUSIONS

Law No. 30 710, applied in the conviction sentence to an effective penalty for the crime of minor injuries, article 122 B of the Criminal Code (C. P.), influences the lack of protection of the health and integrity of the woman and members of the family group, in the single-judge courts of Huánuco 2017-2018.

The legal criteria adopted by the single-judge judges in the conviction sentence, in accordance with Law No. 30 710, do not guarantee the protection of the health and integrity of the woman and members of the family group in Huánuco, 2017-2018, because they are disproportionate with respect to the harm to the legal interest and lack the special preventive purpose, being very few the cases in which the effective penalty is converted into community service.

The judicial resolutions of the single-judge judges in the conviction sentence, in accordance with Law No. 30 710, violate the due protection of the health and physical integrity of the woman and members of the family group, Huánuco 2017-2018, because in addition to the punishment of the perpetrator, regarding the victim in the majority of cases it has only set the amount of civil reparation, in very few it has ordered that the convicted person undergo behavioral psychological therapies, and in the cases of penalties converted into community service, in very few it has set rules of conduct to protect the victim.

The effects of the conviction sentence of the single-judge judges in accordance with Law No. 30 710 generate deficiencies in the protection of the health and physical integrity of the woman and members of the family group, Huánuco 2017-2018, because the sentences do not concern themselves with the protection of the victim, since it is only repressive and, to a greater extent, the victim is not taken into account beyond the reparation.

Law No. 30 710 has had a negative impact on the protection of women and their family group. The lack of proportionality in the sentences, the absence of preventive measures, and

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the inexistence of resocialization programs have generated a judicial system that punishes, but does not protect or rehabilitate.

Recomendations

It is recommended to the Congress of the Republic the modification of Law No. 30 710, so that the imposition of the custodial sentence in the cases of Article 122 B of the Criminal Code is not of automatic application, but rather is subject to a proportionality judgment, thus guaranteeing the observance of the principle of reasonableness and adequacy of the penalty.

Likewise, the incorporation of complementary measures that transcend the criminal sanction is suggested, such as mandatory rules of conduct for the convicted person and psychological treatment for the victim, in order to guarantee the effective protection of fundamental rights, the prevention of recidivism and the resocialization of the aggressor, in consonance with the constitutional mandate of restorative justice and effective protection of the victims.

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