

## EL CONSENTIMIENTO DEL OFENDIDO: ENTRE LA JUSTIFICACIÓN Y LA EXCLUSIÓN DE LA TIPICIDAD

Marcelo Domínguez <sup>1</sup>

### SUMARIO

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### 1. INTRODUCCIÓN

En el presente trabajo, se abordará lo concerniente al instituto del consentimiento del ofendido, partiendo de las diversas posiciones que hay al respecto: desde la teoría diferenciadora, la posición unitaria, pasando por la ubicación que le correspondería dentro de la teoría del delito, sin olvidar de los bienes jurídicos en cuanto a su disponibilidad o no, los requisitos necesarios para la validez del mismo, como asimismo los vicios del consentimiento como hipótesis de invalidez, enfrentarnos al consentimiento presunto y su hermandad con el estado de necesidad, precisar el alcance del consentimiento en los delitos culposos, concluyendo con un apartado de conclusiones al respecto.

El estudio de la eficacia del consentimiento del titular del bien jurídico protegido, a mi juicio, tiene una importancia preponderante como excluyente del ilícito, no obstante, se podrá comprobar tras la consideración de la voluntad del sujeto pasivo una determinada concepción del individuo y del Estado, plasmada a través de la prelación de valores tenidos en cuenta por el ordenamiento jurídico de una sociedad en

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The Top Books of the Year Consentimiento Del Ofendido El The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the captivating narratives that have enthralled audiences this year. The Must-Read : Colleen Hoovers "It Ends with Us" This heartfelt tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of engaging stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and thrilling novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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