

Excluida la perturbadora referencia al arrepentimiento, predomina hoy un entendimiento de las atenuantes como instrumentos de politica utilitaria, para la victima, o para la agilizacion de la Justicia, si bien en la practica favorece a quien sea responsable del delito. Las tensiones con los principios que fundamentan la intervencion penal - prevencion de delitos, deslegitimacion del delito mediante respuesta que reestablezca la vigencia del respeto a la norma, se producen por exceso (atenuacion aun cuando falte un minimo esfuerzo o valor de accion), y por defecto (quien no tiene recursos economicos quedaria fuera de las ventajas de la reparacion).

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