

Violence In the Family: Social and Legal Problem

Uktamov Umidjon Shavkat o'g'li

Fourth-year student at Public Law Faculty in Tashkent State University of Law, Tashkent city, Uzbekistan.

Abstract: This article examines the phenomenon of domestic violence through the prism of the criminal legislation of the Russian Federation, identifies the types of domestic violence and the reasons for the silence of the fact of domestic violence.

Keywords: Domestic Violence, Criminal Code, Objects of Violence, Type of Violence.

The family is the most important structural component of society, which lays the foundations of social norms and influences the process of primary socialization of the individual, participates in economic and cultural processes, therefore, the well-being and stability of the family is a condition for the socio-economic and political stability of society, and also guarantees the strategic security of any state. It's no coincidence now state family policy is becoming one of the priorities for social policy of Russia. Nevertheless, the family, including the Russian one, is in a state of crisis, which manifests itself in a number of different factors and destructive processes. One of the clearest manifestations of this crisis is the increase in cruelty and violence between family members. Therefore, the solution of this problem is one of the main tasks of the state family policy [12].

However, despite the wide publicity of this problem, there is still no clear and legitimate definition of family (domestic) violence, both in sociological science and in the regulatory legal acts of the Russian Federation. According to E.P. Agapova, domestic violence or family violence is the deliberate infliction of physical and/or psychological harm and suffering on family members, as well as threats of such acts, coercion, and the deprivation of personal freedom. In other words, violence is an action through which unlimited power over a person is achieved, complete control over their behavior, thoughts, and feelings [1]. When analyzing authority in the family sphere, it is noted that the right to raise a child belongs to parents, but the boundaries of this right are minimized [5].

Researcher R.G. Petrova defines domestic violence as aggressive and hostile actions towards other family members, resulting in harm, injury, humiliation, or death to the victim. Essentially, domestic violence includes emotional or physical abuse, as well as the threat of physical abuse [9].

As per the two definitions provided above, family violence encompasses not only physical harm but also moral harm, such as humiliation, insult, and psychological cruelty.

"Sociological science identifies the following forms of domestic violence [13]:

Physical violence (beating, assault, torture, etc.).

Sexual violence (forcing sexual acts, engaging in sexual actions against one's will).

Psychological violence (isolation, humiliation, threats).

Economic violence (forcing work, prohibiting work, financial restrictions, and control).

Neglect (systematic inability or refusal to provide basic necessities for a dependent family member, such as food, clothing, medical care, protection, and care).

From this list, it is evident that violence can be carried out not only through action but also through inaction (neglect). Violence can also be direct or indirect (violence involves the inability of the victim to independently meet their basic needs).

Regarding the target, three types of domestic violence are distinguished:

Violence by parents against children.

Violence by one spouse against the other.

Violence against elderly relatives.

The prevalence of domestic violence is not dependent on class, race, culture, or religious aspects; it is present in all layers of society.

According to estimates by independent experts, violence occurs in every fourth Russian family [13].

According to the General Prosecutor's Office of the Russian Federation, approximately 2 million Russian children under the age of 14 are subjected to abuse by their own parents each year. More than two and a half thousand sexual crimes are recorded annually, including indecent acts, and sexual violence against children occurs within families [3].

From a practical standpoint, when considering violence, it can be said to have a distinctly muscular specificity. Men are more inclined to commit physical and sexual violence. This is due to gender differences and psychological characteristics. Another factor contributing to violence by men is the state of alcohol and drug intoxication (over 70% of crimes in the sphere of family and household relations). On the other hand, forms of violence such as psychological violence and neglect are more characteristic of women. Women also display aggression towards their own children more often than men (60.8% versus 39.2%) [2].

From a criminological perspective, two main types of violence are distinguished: criminally punishable and non-criminally punishable. The main difference between these types of violence lies in the fact that in the former case, the commission of violent actions will result in punishment in accordance with the criminal legislation of the Russian Federation, and in the second, the guilty person will be subject only to censure from society, expressed in various forms of mental influence on the personality of the individual.

In Russian criminal law, violent crimes that can be committed against family members fall under the category of socially dangerous acts, for which responsibility is outlined in the following articles of the Criminal Code: Articles 105-107, 110-113, 115-119, 127.1, 131-135, 150, 151, 213, 230, and others.

In 2017, there was a decriminalization of domestic violence in Russia. The State Duma of the Russian Federation passed a bill in its third and final reading, following which, the first case of domestic battery would be reclassified from a criminal offense to an administrative offense. Consequently, the document introduced changes to Article 116 of the Criminal Code of the Russian Federation by excluding "battery of close relatives" from the list of criminal offenses. Administrative liability for the initial commission of battery is quite strict, including a fine ranging from 5,000 to 30,000 rubles, arrest for a period of 10 to 15 days, or compulsory community service for a period of 60 to 120 hours.

Repeat offenders and those who cause injuries more serious than bruises and abrasions to a family member will face criminal charges.

At present, the Russian Criminal Code does not provide for legal responsibility for psychological violence, although an attempt was made to criminalize this act within the framework of Article 110 of the Criminal Code of the Russian Federation, titled "Incitement to Suicide." However, liability in such cases only arises after the commission of an unlawful act, specifically when the victim of violence commits suicide due to direct threats, cruel treatment, and the degradation of their human dignity. Nevertheless, in 2017, amendments were made to include sections 110.1 and 110.2 related to incitement to suicide, but their connection to domestic violence is only indirect and difficult to prove. In essence, the criminal legislation cannot protect the victim until their death occurs.

While victims of physical violence can report to the police and present physical evidence as proof when initiating criminal proceedings, victims of psychological violence are often unable to defend themselves due to the difficulty of detecting such violence and the absence of a specific legal provision in the criminal legislation.

Besides the obvious gaps in criminal legislation, there is also the issue of a high degree of latent victimization. Firstly, this is due to victims' reluctance to approach law enforcement agencies due to distrust of the police, stemming from established prejudices about their methods of operation. Additionally, a significant factor for victims is the fear of losing financial support, without which they may find it impossible to support themselves or their children. Secondly, some dependent family members are physically incapable of contacting law enforcement agencies due to their age or disability.

For example, women who have experienced beatings, humiliation, sexual harassment, or other forms of violence from their husbands may desire to change their situation but are hesitant to do so out of fear of public exposure, condemnation, loss of financial support, or facing loneliness if their spouse is imprisoned for the crime.

Children and the elderly, on the contrary, may want and need help but are unable to contact law enforcement agencies for various reasons due to the inherent contradictions in their situations interests, practice often encounters cases when an injured family member repeatedly submits and withdraws a statement

about violent acts committed against him. History connects such behavior with the cyclical development of domestic violence, subdividing it into the following periods:

Escalation of psychological tension.

Actual violence.

Reconciliation of the parties.

These periods can repeat in subsequent cycles.

In such situations, law enforcement personnel often decide not to pursue these cases, showing a lack of competence and considering domestic violence as a private family matter. If there are no specific facts, they may refuse assistance, citing the insignificance of the criminal offense or the impracticality of further investigation.

In cases where an investigation is conducted, there is often a lack of necessary legal and normative support to meet the needs of the victim, provide recognition of the injustice done to them, compensate for the harm suffered, and ensure the safety of victims throughout the legal process. Thus, three fundamental parameters characterizing the situation of the victim are not adhered to in the criminal justice process: the realization of the "right to accuse," receiving compensation for the harm caused by the crime, and ensuring safety throughout the process.

Family cruelty and domestic violence should not be treated as a private family matter. The social significance and danger of these crimes require amendments to Russia's criminal legislation aimed at preventing violence within families. It is necessary to develop a comprehensive system of social measures to protect human rights in the family sphere and prevent family-related crimes. Through the mass media and educational activities, there should be a promotion of non-violent methods for resolving domestic conflicts. Specifically, there is merit in integrating consultations and discussions on issues related to the legal regulation of intra-family relationships into the media's practices, increasing the amount of public service announcements related to family policy issues, disseminating information about the civil rights and responsibilities of family members, and actively drawing public attention to the issue of the impermissibility of domestic violence and family cruelty.

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