

Domestic Violence as a Political Problem

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Abstract.

The article examines domestic violence as a legal phenomenon of social reality. The author reveals theoretical - conceptual approaches in understanding the category of "latent crime", identifies objective and subjective factors of the latency of domestic violence.

Keywords: *physical and psychological violence, family and domestic violence, crime.*

Introduction.

The problem of domestic violence since the beginning of the pandemic has increased dramatically in Russia. Human rights activists and human rights ombudsman in the Russian Federation T. Moskalkova note that since 2020 the number of registered cases of domestic violence has more than doubled (from 6,054 in March 2020 to 13,000 in April 2020) [1]. Official statistics published by the Ministry of Internal Affairs of the Russian Federation record a decrease in cases of domestic violence officially registered in the Russian Federation by 9% compared to April last year. Domestic violence offenses are latent, due to several factors. The article attempts to understand the latent nature of domestic violence in the Russian Federation and to find out the reasons for this negative phenomenon. In particular, the police recorded 14.6% fewer facts of deliberate infliction of grievous bodily harm, 17.1% - moderate harm, 3.3% - minor harm to health.

Purpose of the study

To establish the nature and causes of the latency of "domestic violence in Russia, to outline ways of solving this problem.

Materials and methods.

To study the problem of latency of domestic violence, the following methods were used: systemic, analysis and synthesis, formally legal, as well as statistical materials from publicly available sources. A theoretical analysis of the concepts and categories of "latency in domestic violence" was carried out.

Results.

In the legal literature, the category of "violence" is considered as a physical or moral coercive influence on the object of criminal acts. In criminal law, "violence" is most often viewed as physical harm to health. Family and domestic crime harms society and the victim, not only material, but moral and psychological, and the possibility of the culprit evading responsibility does not in any way reduce his unlawful acts. The scale of latent crime in the family household sphere has not been determined.

In legal science, there are two directions in the study of the latency of crimes. The first direction, the term "latency" is considered as an opportunity to study every existing real crime, which for various reasons remained hidden, was not included in official reports, that is, not documented. This point of view is shared by M. M. Chernousov, V. I. Avdiyskiy, A. G. Filippov, this approach can be called statistical, since the concepts of these authors are based on digital data on offenses that are not registered in the official bodies [6, p.31].

I.V. Bobovkin, I.V. Aleksandrov latent criminality is considered as directly, from the moment of disclosure of the crime, bringing the perpetrator to the responsibility of the criminal type. Latency defines such quality of crime as concealment from official bodies and incompleteness of official registration. IV Bobovkin, analyzing the problem of ensuring criminal liability for domestic violence, notes that the norms providing for criminal punishment for this type of activity are not fixed. Latent crime has been signed. When characterizing latent crime, one should take into account two fundamental factors that distinguish it from the identified and recorded legal crime statistics. The first of them lies in the unknown latent crimes that are not recorded by the official bodies of criminal justice, therefore, they are not taken into account in statistics.

The concept of "domestic violence", reflecting the criminal acts of the perpetrator of a crime against family members or relatives, is characterized by social danger, wrongfulness, guilt, it can be expressed in

action or inaction with the use of any type of violence associated with violation of the rights and freedoms of family members.

N. Yu. Volosova. considering latency in the family and everyday life, he concludes that domestic violence in the world has begun to acquire a massive and threatening character [3, p.311]. However, law enforcement officers often refuse to register the facts of domestic violence, believing that this is a family matter. Violence in corner law is a sign of the objective side of the offense, it is characterized by illegality, social danger, the subject's awareness of his criminal acts to cause harm to the victim, violation of the rights and freedoms of family members. Currently, there is no legal definition of domestic violence in the legislation. Consequently, the category "violence" has a relatively legal character and therefore there is no common point of view on this issue in the scientific literature. In 2016, a draft law on domestic violence was drafted and brought up for discussion. In the draft law, family and domestic violence was disclosed as a deliberate act (action or inaction) of one person against another (other) persons, committed in the field of family and domestic relations [4, p. 130].

An action or inaction that violates the rights and freedoms of a person, and (or) causes him physical pain, and (or) harms his health, and (or) causes moral suffering, and (or) causes him property harm will be qualified as domestic violence. - the household sphere [9]. This law was not adopted, as there were heated discussions on the definition of "domestic violence", its prevention and law enforcement.

Latency determines such a quality of crime as concealment from official bodies, incomplete official registration. Latent criminality has signs. The first sign is a social danger, as a result of crimes against family members are repeated. The second sign of latent family and domestic crime is a specific structure, which consists of the need to identify the consequences of harm to health from the victim, as well as to collect evidence of the criminal acts of the offender. The third sign is a spatial-temporal parameter in which a crime is committed, if a criminal case is initiated within ten days, then the crime becomes official, if not, then it remains latent. No detection and neglect of crimes in the family and everyday life is also a specific sign of this type of offense. Since the crime is committed in the family, spatial identity can also be considered a specific black latent family - domestic crime.

Latent family crime has negative consequences, it is the possibility of a recurrence of this type of crime, a negative image of law enforcement agencies is formed in the public consciousness. Victims of domestic violence develop a sense of insecurity and hopelessness, which makes it difficult to fight this negative phenomenon.

Discussion.

Consequently, the category of the latent family - domestic crime has no legal expression, in the scientific literature there is no unambiguous understanding of this problem. The latency in family and domestic offenses is characterized by: the absence of statistical recording of these offenses, there are no clear reasons for its formation and development. It is characterized by: social danger, temporal and spatial boundaries, and incomplete disclosure of crimes by the investigating authorities. Modern society does not have real knowledge of the current situation in the country; therefore, it cannot take appropriate measures.

A. Andreeva notes that: "The consequences of domestic violence are in some way "delayed "death" since pregnant women and children are often subjected to violence [1, p. 83]. The objective factors of the latency of "domestic crime" are the environment, the environment in which the criminal act is committed, as a rule, it affects "family - marriage relations". The offender and the victim are close people who have joint property, common households and common children. That is why, as a rule, some of the applications filed by victims are taken by the victims. The offense was committed, but it is not recorded in the official statistics, since the statement withdraws its complaint. The subjective factors of domestic violence include the fear of the victim in the police, which prevents him from turning to the official bodies, so after applying his whole life can change.

Conclusion.

In scientific research, there is not a single point of view on the problem of latent crime in the family and everyday life, which in most cases is hidden. In the legal system, there is a gap in the definition and consolidation of this type of offense. State statistics on these offenses do not reflect an objective picture of offenses. It is necessary to develop state-legal measures to identify latent domestic crime:

1. Define the legal concept of "domestic violence" and consolidate in the normative - legal acts.
2. Develop a unified program of assistance to victims of domestic violence at the federal level and allocate funds to help victims of domestic violence.
3. To bring this type of offense in the statistics of the Ministry of Internal Affairs of the Russian Federation into a separate type of offense.
4. To oblige the police to record all cases of treatment by victims on the facts of domestic violence, regardless of whether the application was withdrawn from the victim or not.

References

- i. Andreeva A. *Human rights activists released a report on domestic violence in Russia* URL: <https://www.forbes.ru/>
- ii. Afonkin G.P. *Modern problems of legal support of criminal prosecution for family (domestic) violence in Russia // Police and investigative action. 2013. №3. P. 53-74.*
- iii. Volosova N.Yu. *Family (domestic) violence as an interdisciplinary problem // Issues of Russian and International Law. 2017. Volume 7. № 3. P. 310-319.*
- iv. Salamova S.Ya. *Domestic violence in modern Russia: general characteristics // LexRussica. 2018. №9 (142). P. 129-138.*
- v. Serdyuk L.V. *Prevention of offenses and crimes in the field of family and domestic relations. [Electronic resource] – Access: <https://www.elibrary.ru/item.asp?id=26442846> (Appeal date: 8.08.2021).*
- vi. Chernousov A.V. *Research of latent crime. // Science, education and culture. 2018. №3. P.30-38.*