

## Criminal Law Description of Domestic Violence

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### Abstract

*This article analyzes issues related to the criminal-legal description of domestic violence. Also, in this article, criminal-legal and criminological literature is analyzed about the criminological description, causes, conditions, nature, social and signs of different concepts of violence and violence in the family, and the author expressed his thoughts on this matter. This article focuses on the physical and mental, sexual and economic types of criminal violence in the family, revealing their different aspects.*

**Keywords:** *Punishment, Crime, Sexual, Physical, Violence, Family, Criminological, Overview, Psychological.*

### Introduction

It is well-known that problems within family and marital relationships are distinguished by their multifaceted nature. Studying and scientifically researching these issues is an extremely urgent task, especially today[1].

The rich intellectual and cultural heritage left to us by Eastern thinkers contains valuable insights into the family and marriage traditions of the Uzbek people. They emphasize the respect for elders, care for the young, and the cultural significance of social interactions within families, particularly between spouses, in shaping an individual's moral character.

This issue is extensively covered in the works of great scholars such as Muhammad ibn Ismail al-Bukhari and al-Tirmidhi, as well as in the teachings of prominent Sufi philosophers like Ahmad Yassavi, Baha-ud-Din Naqshband, and Najm ad-Din Kubra[2].

Burhanuddin Marginani, reflecting on this matter, stated that "the family is the foundation of society and the cradle of an individual's spiritual and moral development[3]".

Indeed, respecting and valuing human beings has always been an inherent national value of our people. "Avesta", the sacred book of Zoroastrianism, considered an ancient historical source, also reflects the importance of human dignity, honor, and reputation, emphasizing the exaltation of human beings and the protection of their rights. This unique document has made an unparalleled contribution to the development of humanity, science, and human values. "Avesta" pays special attention to crime and punishment, family and marital relations, and human rights within these relationships.

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The concept of the gravity of committing a crime and the importance of abstaining from it are particularly emphasized in the holy religion of Islam. Specifically, numerous rules pertaining to human rights are enshrined within its teachings[4]. These sources recognize human rights and freedoms, life, health, honor, dignity and reputation as paramount values. Compassion and empathy in social relationships, including those within families, among relatives, and between spouses, are given special consideration.

Violence within the family manifests as aggression within interpersonal relationships. This takes various forms of aggressive behavior in the context of daily family life.

In fact, according to the Criminal Code of the Republic of Uzbekistan, when assessing the behavior of a violent person in the family from a criminal-legal point of view, it is possible to qualify the act with one of the following crimes: intentional serious (Article 104), moderately serious (Article 105) or light (Article 109) Article) causing injury, intentionally inflicting severe or moderate bodily harm in a state of strong mental excitement (Article 106), torture (Article 110), threatening to kill or use violence (Article 112), criminal abortion (abortion) ( Article 114), forcing a woman to abort her fetus artificially (Article 115), putting her in danger (Article 117), touching her honor (Article 118), satisfying sexual desire in an unnatural way using force (Article 119), sexual intercourse with a woman forcing to do (Article 121), evading the financial support of minors or incapacitated persons, parents (Articles 122-123), violation of laws on the age of marriage (Article 125<sup>1</sup>), family (domestic) violence (Article 126<sup>1</sup>), begging (Article 127<sup>1</sup>) , human trafficking (Article 135), forcing a woman to touch the ground or preventing her from touching the ground (Article 136), etc.

Almost 80% of the respondents who took part in the survey during the study indicated that they believe that the victim of domestic violence is a woman or a person of the female gender. However, the above figures dispel the perception that only women are victims of domestic violence. In other words, it shows that in 2021, 1 in 4 victims of domestic violence was a man.

According to the researchers, the crime of intentional homicide in most cases is the result of domestic quarrels and is committed within the family. This means that we should also consider intentional homicide or intentional homicide in a state of intense emotional excitement as crimes of domestic violence[5].

It should be noted that the actions expressed in domestic violence are carried out in the correct form of guilt from the subjective side. Also, his motive is committed by motives such as jealousy, revenge, showing sexual superiority.

According to the above, violence is the physical, mental, sexual or economic impact on women or the threat of such influence measures to their life, health, sexual integrity, honor, dignity and other rights protected by law, and illegal action (inaction) that encroaches on their freedom.

In general, domestic violence can be divided into: violence against women; child abuse; violence against relatives.

The following definitions of criminal domestic violence are based on the intentional use of physical force against another person against their will, with the aim of harming their health or life.

According to the above, when we say crimes committed using violence in the family, we mean crimes in which violence is manifested not only as a method of the objective side of the crime, but also as a structural element of the motive<sup>1</sup>. Among them are crimes such as intentional murder, intentional infliction of severe or moderate damage to health, defamation, and unnatural satisfaction of sexual desire using force.

It should be taken into account that the motive of using violence is not considered the only motive for those who deliberately kill people and harm the health of other citizens in all cases. Based on the experience of foreign countries studied in this direction, it can be said that recently, the number of murders committed by hiring a killer for the purpose of personal revenge and insurance premium is increasing.

Taking this into account, the subject of research is crimes against the person, in which the use of violence in the family is in the first place. These are, first of all, the criminal elements included in Chapter I of the Special Part of the Criminal Code of the Republic of Uzbekistan entitled "Crimes against life". We took into account the following factors. Crimes with a particularly high level of social danger are intentional homicide (Article 105 of the Criminal Code), attempted intentional homicide, and intentional grievous bodily harm (Article 104 of the Criminal Code). In most cases, these crimes are characterized by certain general laws and are included in the category of serious and extremely serious crimes in accordance with Article 15 of the Criminal Code.

In our opinion, it is appropriate to include defamation in this group of crimes. In the first section of the special part of the Criminal Code entitled "Crimes against the person", Chapter IV entitled "Crimes against sexual freedom" is separated, which also includes the crime of defamation (Article 118 of the Criminal Code).

Similarly, crimes committed by violence against a person in the family - intentional homicide in a state of strong emotional excitement (Article 98), intentional homicide of a mother of her own baby (Article 99), intentional homicide by going beyond the limits of necessary defense (Article 100), necessary measures to catch a person who has committed a socially dangerous act, going beyond the limits and committing intentional homicide (Article 101), bringing suicide to the point of suicide (Article 103), intentionally inflicting moderately severe bodily harm (Article 105), intentional bodily harm in a state of strong mental excitement inflicting serious or moderately serious injury (Article 106), intentionally causing serious injury to the body by exceeding the limits of necessary defense (Article 107), intentionally causing serious injury to the body by exceeding the limits of the necessary measures to catch a person who has committed a socially dangerous act (Article 108 Article), intentional infliction of minor physical injury (Article 109), torture (Article 110), threat of killing or violence (Article 112), unnatural satisfaction of sexual desire using force (Article 119), forcing a woman to have sex coercion (Article 121), (Article 126<sup>1</sup>), kidnapping (Article 137), unlawful deprivation of liberty by force (Article 138) can be studied, but in this case they either complement the research object we have chosen or remain outside its limits. This situation is explained by the fact that, firstly, most of the named crimes constitute a very small share of all crimes committed using violence against a person (for example, articles 103, 110), and secondly, most of them are distinguished by the fact that the level of social danger is not very high, thirdly, some of them have such a unique character that they require a separate criminological study (for example, kidnapping and illegal deprivation of liberty by force). In addition, some of the specified types of crimes are characterized by extreme latency, are not well supported by statistics and do not always require the development and application of a system of special preventive measures.

At the same time, it should be noted that official statistics combine several criminal elements in the "homicide" section: Article 97 (intentional homicide and attempted murder), Article 98 (intentional homicide in a state of strong emotional excitement) and the mother's own baby intentional killing (Article 99).

Based on these, we will touch on the concept of "family violence".

Criminological literature offers various perspectives on the characteristics, causes, contributing factors, nature, social aspects, and indicators of domestic violence. An analysis and synthesis of numerous scholarly and legal works reveal a lack of consensus regarding the definitions of "domestic violence" and "violence". Although experts from different fields have addressed these concepts, a unified understanding remains elusive.

Preventing domestic violence is one of the most pressing issues today. It is known that the problems in the field of family-marriage relations are characterized by their versatility. The study of problems in this area is a very important issue, especially today.

Some issues of prevention of domestic violence were discussed by scientists of our country, K.R. Abdurasulova, A.G.Zokirova, R.Kabulov, A.A.Otajonov, M.A.Rajabova, M.H.Rustambaev,

M.Usmonaliev, I.Ismailov, A.Murodov, M.Urazaliev and others.

Theoretical bases of prevention of domestic violence in foreign countries and practical aspects of related issues were studied by E.O. Alaukhanov, Z.S. Zaripov, A.B. Vasilev Vardanyan Gerasimov, A.P. Zakalyuk, I.N. Pyatkevich, Sukharev, A.I.Alekseev, M.P.Juravlev, N.V.Sazonova, B.V.Muslov, V.N.Kudryavtseva, V.E.Eminova and others. However, the work of the above-mentioned scholars focuses only on some aspects of the development of crime prevention, criminology, criminal law and crime prevention.

It is important to analyze the experience of foreign countries in the prevention of domestic violence in the article.

Domestic violence is a global social problem. This aspect of family relationship criminology abroad is often referred to as “violence at home” (“domestic violence”). The universality of this problem is determined by the fact that the majority of violent crimes in different countries are committed within the family. Crimes within the family are often committed by the husband (wife) against the wife (husband).

Domestic violence is manifested in aggression in the process of social relations between people. This condition is manifested in a variety of aggressive behaviors within everyday family relationships.

Domestic violence is characterized by signs such as the use of unlawful force against a person, beatings, rape, coercion, influence, transfer of domination. It can be mostly physical or mental in appearance. Psychological violence, on the other hand, is often expressed in the form of intimidation (intimidation and subjugation of one person by another person, self-expression, or addiction). In our view, violence is a criminal activity committed with physical force or intimidation. It violates the rights and freedoms of a person by threatening his life and health.

Violence can also be a change that results in a slight pain in the person's body as a result of the violence and even a feeling of discomfort. Violence should include not only a violation of the body's inviolability, but any negative behavior that affects the individual. For example, laughing, slandering, insulting a person is a violation of a person's constitutional rights, as well as psychological violence against him.

In examining the notion of domestic violence, it's crucial to analyze scholarly perspectives on "force" and "violence" as they are inherently linked to the concept.

Force is defined as one person subjugating another through violence, physical force, or coercion, or as any physical or psychological influence exerted by one person upon another, resulting in the violation of the victim's constitutionally[6] guaranteed personal inviolability[7].

Some literature describes force as one person's act of coercion, forceful subjugation, or oppression against another. It can manifest as physical or psychological coercion or oppression[8].

Contemporary criminal law theory and legislation demonstrate a broader interpretation of violence against individuals compared to other offenses. In this context, examining the terms "force" and "violence," the Uzbek explanatory dictionary defines "violence" as behavior characteristic of aggressors; force, coercion[9]. This definition fails to capture the true essence of "force" and therefore cannot serve as a basis for interpreting it within a criminal-legal framework. In our view, every crime constitutes a "troublesome, painful, illegal, and arbitrary" act. Any intentional crime represents an aggressive act against societal norms, stemming from individuals acting against society, and can be characterized as an attempt to forcefully alter the existing social order.

A.lexicological analysis of "force" according to the reliable source, the Explanatory Dictionary of the Uzbek Language, convincingly demonstrates that the true meaning of this word encompasses any action taken by one person against the will (desire) of another. However, it's crucial to note that force is not always socially dangerous or illegal. For instance, force used in self-defense is considered lawful.

The Explanatory Dictionary of the Uzbek Language also defines "force" as "violence, injustice"[10]. This definition emphasizes the outward manifestation of arbitrary action involving physical force, a concept reflected in criminal law theory and practice. Consequently, this understanding of physical force as a method of criminal action resulting in the application of physical force against a victim has informed scholarly perspectives.

Therefore, relying solely on grammatical interpretations or etymological definitions from dictionaries proves insufficient in comprehending the legal meaning of "force".

Considering the aforementioned arguments, the true, comprehensive meaning of "force" embodies "free conduct directed by one party against the will of another, reflecting a specific type of interpersonal relationship"[11]. Expanding on this idea, A.V.Ivashchenko and A.I.Martsev offer three subtle yet profound propositions related to the nature of force: "Force should be understood as conscious, immediate actions directly opposed to the expression of free will. This interpretation highlights a unique characteristic of force, seldom found elsewhere: actions taken against a person's will, restricting their freedom and inflicting harm. Unlike many other forms of human activity, only forceful actions constitute behavior aimed at limiting personal freedom[12]". In our opinion, this interpretation provides a solid foundation for studying force from any disciplinary perspective, including criminal law.

Some legal scholars propose a broader interpretation of "force". Notably, Yu.M. Antonyan, I.B. Boyko, and V.A.Vereshchagin recognize "self-directed force" as conscious actions directed by individuals against themselves. A.V.Naumov argues that "...force (including force employed in self-defense) is lawful and should be distinguished from actions that are illegal and socially dangerous [13]".

We cannot agree with this viewpoint, as "force" requires a clear legal definition distinct from its everyday meaning. Equating the use of force with defending against it is inherently flawed. For example, labeling the actions of someone resisting aggression as "force" is inaccurate, as their actions are solely aimed at halting the initial violence.

Uzbek legal scholars define "force" as "one person coercing, forcing, or violently subjugating another". They argue that force "can manifest as physical or psychological coercion or oppression, violating an individual's inviolability [14]".

A.V.Naumov, advocating for a broad interpretation of "force", includes causing death by negligence among crimes involving force and fully supports this approach[15].

However, L.V.Serdyuk criticizes this view, emphasizing that force is not inherent to crimes committed through negligence[16].

Similarly, Q.P.Payzullaev contends that crimes involving force are intentional rather than negligent[17].

We concur that consciously inflicting force upon someone, causing physical or psychological harm, cannot be categorized as a negligent crime, both theoretically and practically. In the aforementioned case, the boundaries of "force" are unjustifiably expanded beyond its conceptual scope. Causing death by negligence is unlawful, but it stems from unintentional actions of the guilty party. The crucial element of force - the intent to harm - is absent in this scenario. It is impossible for an individual to exert force without intending any consequences but rather acting out of ignorance.

In our view, the concept of "force" applies exclusively to intentional acts. It is illogical to assume that the perpetrator would be unaware of employing force against another individual. The individual undoubtedly comprehends the socially dangerous nature of their actions and willingly chooses to carry them out.

Furthermore, we believe that any definition of "force" must acknowledge its inherent characteristic of being enacted "against one's will". This aspect holds significant weight, implying that the victim suffers psychological or physical harm due to actions directly opposing their will. However, this definition fails to



encompass scenarios like restricting personal freedom without using force (e.g., through deception) or violating a vulnerable woman's honor.

Therefore, we agree with the authors' commentary on Article 127 of the Russian Federation Criminal Code, stating that the objective element of unlawful deprivation of liberty manifests as detention against a person's will or irrespective of their will[18]. Legal literature presents three distinct approaches to restricting a person's movement and freedom.

Some scholars do not consider restricting personal liberty as "force"[19], while others categorize any form of restriction[20] as "force" without exception. A third group argues that "force" only encompasses restrictions involving physical impact on a person's body, excluding other means of limiting freedom[21].

Consequently, we concur with the aforementioned views expressed by Q.P. Payzullaev and L.V.Serdyuk.

R.D. Sharapov defines "force" as "actions taken by one person against the will of another[22] ". However, we believe this definition falls short of encompassing the full scope of "force". The author bases his definition on two primary characteristics: "against one's will" and "coercion". By dismissing "unlawfulness" as a defining feature of force, he adopts an overly broad interpretation, even attributing educational value to this concept, exemplified by forcing a child to sit on a chair or sleep. He argues that "psychological force can also be exerted through various means of influence. Determining the severity in cases involving threats can be challenging, and we cannot always categorize them as physical force; therefore, a broader understanding of force is necessary[23] ".

F.Takhirov put forward the idea that "violence is one of the necessary characteristics of sexual violence, emphasizing that it manifests itself in threats to kill or inflict light, moderate or severe bodily harm, and physical abuse. Sexual violence can be committed with the use of both physical and psychological violence [24]". In our opinion, this definition of violence only clarifies the elements and boundaries of sexual crimes.

For example, in judicial practice, 15-year-old Sh. was first raped by her stepfather. After this incident, which no one addressed, Sh.'s stepfather subjected her to sexual violence for three years. One day, the stepfather saw her with another boy. On the day Sh. went to a meeting with her stepfather, he asked her who the boy was. She began to tease her stepfather about it. Angered by this, the stepfather beat and tortured her at home with a prepared electrical wire. As a result, Sh. died on the spot[25].

According to L.V. Serdyuk, "Violence is an illegal impact exerted by a person on another person (group of persons) against their will that can cause organic, physical, or mental harm and restrict their freedom, actions, or will[26] ". M. Musaev specifically notes the illegality and unlawful nature of violence[27].

The attribute of "illegality" is also absent in the definition provided by A.V. Ivashchenko and A.I. Marchenko: "Violence should be understood as active social activity (behavior) that is directed against the direct expression of free will. Unlike many other types of human activity, only violence is manifested in actions aimed at limiting human freedom[28]".

A. Otajonov notes that unlawful violence can be expressed through beatings, slapping, infliction of bodily harm, use of physical force, insult to honor, and other similar actions that can lead to a state of strong emotional arousal[29]. B. Tugelbaeva proposed to divide violence into legal and criminal types[30].

In our view, the criminal law aspect of the concept of violence implies its illegal nature. Therefore, it is necessary to emphasize the illegality of violence before using the word itself.

In turn, this situation contradicts the rules of legislative technique. Article 55 of the Criminal Code provides the correct solution in this matter. This article states that "the commission of a crime in a state of strong emotional arousal caused by violence, grave insult, or other unlawful actions of the victim" is a mitigating circumstance.

It is worth noting that the concept analyzed in the literature is defined as “violence” in some works and as “coercion” in most. Coercion is a concept that refers to the forcible and compulsory execution of a specific activity or action[31]. According to some scholars, coercion can be expressed through the use of violence against relatives of the victim, destruction or damage to property, threats to disclose information that should be kept secret, and other similar actions[32]. Other publications define this concept as inducing a person to perform undesired tasks, depriving them of their freedom in any way[33].

V.M.Artyomov's works also define violence as "always carried out by restricting the right to choose in one way or another[34]".

S.N.Abelsev emphasizes that violence "can occur on an individual, family, and societal scale, and it is difficult or even impossible to define such a complex and multifaceted concept as criminal violence[35]". For this reason, the author tries to distinguish between physical and psychological violence by listing the ways they are carried out. "Physical violence at the individual level is usually manifested in slapping, beating, delivering separate blows, torture, causing the perpetrator to bleed, bruise their body, twist their arm, apply sambo, karate and other fighting techniques, tying the person with ropes, wire, or twine." Physical violence is any physical impact on a person that causes pain in an organ and leads to corresponding consequences. According to the author, mental violence at the individual level is “threats through the use of force or weapons, intimidation.” There are many methods of such violence, all of which exert psychological pressure on a person[36]”.

Furthermore, when defining the concept of violence, it is necessary to pay attention to such an essential feature as its commission "against the will". This attribute is of great importance in relation to violence. The phrase "against the will" means that mental or physical harm is being inflicted on the victim, and that overt action is being taken against their will, but this definition does not cover such concepts as restricting a person's freedom (deception) without using force or assaulting a woman in a vulnerable state.

It is also necessary to pay attention to the physical and psychological forms of violence when characterizing the violence used against the victim. As M.Musaev notes, in criminal law, unlawful violence can be physical or psychological. This violence may have been directed at the perpetrator directly or at their relatives, close associates, or strangers[37].

Violence is the act of inflicting physical, moral, or psychological harm against a person's will, which is prohibited by law[38]. "Violence" is recognized as a characteristic behavior of abusers; it is force, coercion, the unlawful use of power against others, the act of a bully, physical strength, might, enormity, and intensity[39].

It is worth mentioning that these acts of violence are committed almost exclusively within the family and are carried out through physical force or psychological influence against a person's will and freedom. The exertion of violence against a person involves actions committed against their will.

Domestic violence is manifested through signs such as unlawful use of force, battery, rape, coercion, exertion of influence, and dominance over another person. It can be primarily physical or psychological. Psychological violence, in many cases, is expressed in the form of intimidation (one person's subjugation of another through fear, self-assertion, or dependence). Being a product of aggression, psychological violence can manifest in intimidating someone into submission, influencing them "against their will" or with the intention of "teaching them a lesson". It appears in its direct application against the victim's relatives or close ones. From the perspective of criminal law, battery resulting in various degrees of bodily harm, as well as other use of physical force, must be evaluated as physical violence.

In our opinion, violence is criminal activity that is carried out through physical force or intimidation. In such instances, one's rights and freedoms are infringed upon through threats to one's life and well-being. Influence, in this situation, is understood as action taken against the victim's will which causes them definite physical or psychological suffering, in other words, violence.

Any alteration to a person's body that causes even slight pain or even an unpleasant sensation as a result of violence can also be labeled as violence. Violence should encompass not only violation of bodily integrity but also any negative action directed at a person. For example, laughing at, slandering, or insulting someone are considered forms of psychological violence that, at the same time, infringe upon that person's constitutional rights.

In our view, actions of violence that inflict physical impact should include any method of forcefully affecting the human body, in other words, actions not limited to blows. For example, this includes hair pulling, painful grabbing of the arm, squeezing any part of the body to inflict pain, shoving, and so on.

Acts of violence may also include: torture, solitary confinement, coercion or inducement to act against one's will, forcible restraint, rape, sexual harassment, humiliation, and insults.

During the study, when employees of the internal affairs bodies' prevention service, as well as members of public organizations, were asked "What do you understand by the term "domestic violence"?", 94.7% of the respondents answered that it is "the exertion of physical or psychological influence of one family member on another".

In our opinion, "domestic violence should be understood as action or inaction aimed at asserting dominance by one family member over another through the use or threat of physical or psychological influence, thus encroaching upon the latter's life, health, freedom, sexual integrity, honor, dignity and other inviolable rights and legitimate interests protected by law".

There are the following types of criminal domestic violence:

Physical violence can manifest as infliction of varying degrees of bodily harm on the victim, beating, use of physical force, murder of the victim's relatives or close ones, rape, etc[40].

In these instances, actions are committed by one family member against another with the intent to harm their life, health, or inflict bodily injury, manifesting in the following forms: slapping, kicking, shoving, punching; forcefully shoving; throwing various sharp objects; threatening or injuring with a weapon; physically preventing the victim from leaving the house; not allowing them to sleep at night.

Мақалани, consequently, the reference to a newborn child in the title and disposition of Article 99 of the Criminal Code of the Republic of Uzbekistan does not correspond to the medical understanding of newborn and childbirth. Criminal legal protection of life should be carried out from the moment the child is ready to continue life outside the mother's womb[41]. This includes physical violence.

Psychological Violence is the intimidation of the victim by means of threatening to use physical force, destruction or damage to property, and disclosure of information that the victim wished to keep secret[42].

Mental and physical violence are contingent upon one another and consequences may arise only when one complements the other.

Mental violence is coercion into committing or refraining from specific actions under the threat of force used against the victim or the disclosure of information the victim wanted to keep confidential.

In some cases, homicide crimes are similar to those that lead to suicide. For example, a person may commit suicide as a result of physical or mental violence. In such cases, if there is a valid intent in the perpetrator's actions in the victim's suicide, such cases should be qualified as murder or attempted suicide. The same qualification should be used to bring a juvenile to the level of suicide or who is unable to understand or control his or her own actions[43].

Article 3 of the Law of the Republic of Uzbekistan "On the Protection of Women from Harassment and Violence"[44] dated September 2, 2019 outlines the types of violence: sexual, physical,



psychological, and economic. In particular, sexual violence is a form of violence that infringes on sexual integrity and sexual freedom through acts of a sexual nature committed against women without their consent, including coercion into sexual intercourse with a third person through the use of force or threat of force, as well as lewd acts against minors of the female sex.

Physical violence is a form of violence that infringes upon a woman's life, health, freedom and other rights and freedoms protected by law through inflicting bodily injuries of varying severity, endangering her, failure to assist a person in a life-threatening situation, committing other offenses of a violent nature, using physical force, or threatening to use such force.

Economic violence is a form of violence perpetrated against women in the household, workplace, and other settings, encompassing actions (or inaction) that restrict women's rights to a decent standard of living and income generation, depriving them of adequate food, housing, and other necessary conditions, property rights, the right to education and employment.

Psychological violence is a form of violence expressed in insults, slander, threats against women, undermining their honor and dignity, and other actions aimed at restricting their freedom of will, including: reproductive coercion; and actions (or lack thereof) by the abuser that cause fear for their safety, helplessness, or damage to mental health.

Yu.M.Antonyan divides psychological violence into two main groups. The first includes threats to the life and health of victims, their loved ones, or other people. The second encompasses threats with a lower degree of social danger, such as those made during hooliganism and robbery.

This author's identification of a third type of violence, along with psychological and physical, is considered even more controversial. He believes this group cannot be included in the first two, claiming that this group, which he calls "intellectual" violence, is entirely independent. What sets this type of violence apart, according to the author, is that it's perpetrated by officials during the processing of certain documents, which represents a non-traditional means of coercion. Examples include: the prosecution of a person whose innocence is predetermined; passing an unfair sentence; illegal imprisonment or detention; or unlawful psychiatric commitment, among others[45].

Intentional psychological violence within the family is manifested in acts that damage another family member's psyche by undermining their honor and dignity; actions committed that suppress emotional responses; or words and actions meant to harm someone's mental state through intimidation or insults. Specific examples include: disregard for emotions and feelings; ridicule; withholding affection as punishment; lying to and exploiting someone for one's own personal gain; threatening friends and family and preventing the victim from contacting them; refusing to appear in public with the victim; taking control over family finances; publicly shaming the victim in front of family and friends; threatening to kick the victim out of the house; refusing to help the victim during illness or pregnancy; or preventing the victim from receiving medical attention.

One type of psychological pressure is violence committed against someone close to the victim. They may be subjected to robbery, sexual assault, or physical harassment[46].

Physical and psychological violence differ in the ways they are carried out and in the means used. Specifically, physical violence causes bodily harm or restricts a person's freedom of movement and behavior. This form of abuse can also lead to organic or functional changes within a victim's body. Psychological violence directly impacts the human psyche: this can inflict psychological harm or overpower the victim's freedom of will.

Thus, physical violence is understood as any physical influence exerted by one person to force another to perform, or refrain from, certain actions against their will. In essence, this deprives victims of their free will, actions, and behavior (being forcefully locked up, being subjected to battery and assault). In this situation, the person being coerced becomes a weapon in the hands of the abuser and therefore, is not held criminally

responsible. If a person forced into a physical act still maintains some control over their own actions, then the resulting damage is addressed in accordance with the provisions outlined in Article 38 of the Criminal Code. When physical coercion is minimal and easily overcome (for example, a single, light slap across the face) so that the person subjected to the act of force is capable of disarming or overpowering their abuser, then that person still has the opportunity to consciously choose a course of action.

The chosen action of the perpetrator does not absolve them from criminal liability. They may still be held responsible[47]. We believe that the meaning of physical violence has been interpreted almost identically across the literature.

Psychological coercion refers to forcing someone to commit a crime by threatening them with murder, physical harm, rape, or the violation of vital interests.

For example, when a mother intentionally kills her own baby, it also comes from the mother's psyche. A similar circumstance should be taken into account when qualifying the criminal act of complicity in the murder of a newborn child. Thus, the legislator reasonably singled out the murder of a newborn child by a mother on the basis of a special subject (mother of a newborn child), with mitigating circumstances (special changes in the consciousness and psyche of a woman caused by birth processes) into an independent [41].

In cases of confrontations involving affect, the victim often acts as the "initiator" of the conflict. Their unlawful behavior creates the conditions for the crime, provoking the accused to defend their honor and dignity, ultimately impacting the crime's danger and the severity of the offense. In some crimes, the victim's actions drive the accused to commit the crime[48].

Sexual violence within the family is manifested as infringing upon the victim's sexual integrity and freedom, either through coercion into sexual intercourse or by threatening violence or inflicting physical harm. For example, treating one's wife like a sex object; refusal to engage in sexual relations or exhibiting aggressive behavior towards the woman; forcing the woman to participate in certain sexual acts during intercourse; engaging in sexual intercourse in an excessively vulgar manner; forcing sexual intercourse upon a woman through rape; beating the woman and then forcing sexual acts upon her; forcing the woman to watch or replicate the actions depicted in pornography, and so on[49].

Domestic violence, broadly, can be divided into the following categories: violence against women; violence against children; and violence against other relatives.

In conclusion, it is proposed to define the concept of "domestic violence" as follows:

"Domestic violence is an act of physical, mental or sexual coercion against the law, which represents a deliberate act against the will of a person (husband, wife or children or other family members)".

In conclusion, the provided definitions of criminal domestic violence come down to the intentional use of physical force by one person against another against their will, to inflict harm to their health or life.

The legal definition of criminal domestic violence narrows its true meaning since a number of aspects aren't taken into account.

Firstly, when referring to physical violence, the definition shouldn't be limited to the act of directly applying physical force that impacts a person's body. This type of violence also includes forceful confinement, as well as deprivation of liberty. Typically, this leads to both physical and emotional suffering and, sometimes, even severe physical and psychological harm (for example, leaving the victim locked in an unheated room during the winter).

Secondly, it's also wrong to only view violence as "an act committed against someone's will" that harms the victim physically. It would be more accurate to define violence as an act perpetrated upon someone, regardless of their expressed will. This is because there are times when the victim expresses their will, and

the abuser acts in direct opposition to it; such a dynamic isn't always present. Oftentimes, the perpetrator completely disregards the victim's will.

Thirdly, the threat of violence cannot be reduced solely to the threat of physical harm. The human psyche can be impacted not just by the threat of bodily harm. One can also threaten to compromise someone's most vital interests: their honor, dignity, freedom, reputation, and property. To many, these are as precious as their health and life.

And fourthly, defining violence solely as a direct act upon someone's free will feels too narrow today, since people can also be controlled through other means protected by law such as their material possessions, their property.

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