

ANALYSIS OF THE CAUSES AND CONDITIONS OF OFFENSES IN THE FIELD OF FAMILY AND DOMESTIC RELATIONS

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Abstract

This article discusses the causes and conditions that contribute to domestic violence, the prerequisites for the emergence of family and domestic conflicts and disagreements, the perpetrators of domestic violence, the psychological characteristics of persons affected by domestic violence, as well as measures to prevent it.

Keywords: Violence in the family, personality of the perpetrator, victim of violence, aggressive behavior, level of culture and education, structure, dynamics of crimes.

In a number of international acts in the field of ensuring human rights, provisions are enshrined on the empowerment of the individual with all rights and freedoms, on the inadmissibility of the use of discrimination, violence, torture or cruel, inhuman or degrading treatment or punishment against anyone.

Uzbekistan, in the field of preventing humiliation and cruel treatment of women, having ratified a number of such international acts as the “Convention on the Elimination of All Forms of Discrimination Against Women” and the “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, along with with other developed countries of the world, has outlined the protection and provision of human rights and freedoms as a priority direction of its policy.

The issues of protecting the rights and freedoms, life, health, honor, dignity and other legitimate interests of the individual are reflected in our national legislation as priority tasks. In particular, the provision in Article 24 of the Constitution of the Republic of Uzbekistan, according to which: “The right to life is an inalienable right of every person. Encroachment on it is the gravest crime ”, demonstrates that life, health, honor and dignity of a person are the highest value.

Therefore, establishing the causes of violent crimes against the life and health of a person in the family requires deep criminological and psychological knowledge not only about the personality of the offender, but also about the relationship between the victim and the person who committed the crime. Especially, a comprehensive deep study of social relations between the victim and the person who committed the crime makes it possible to reveal the victimological features of crimes against the person committed in the family, and also contribute to the implementation of criminological measures aimed at preventing these crimes.

It is known that the study of any crime begins with the study of its external features, elements, as well as the causes and conditions that contributed to its commission. From a criminological point of view, statistical indicators of the circumstances, degree, structure and dynamics of a crime are important in the process of analyzing and summarizing committed crimes, as well as in formulating conclusions and developing measures to prevent them. Although statistical indicators do not reveal the content of the crime committed, their study contributes to the establishment of patterns of development of crime and the determination of measures aimed at preventing the commission of crimes.

Even if the statistics do not comprehensively reflect predominantly violent crimes, however, violent crimes can be distinguished from crimes against the person. For example, domestic violence crimes can be analyzed and studied separately from crimes committed within family relationships.

Based on the analysis, the following factors influence the emergence of this kind of conflict in the family: financial difficulties and lack of family, lack of mutual respect between spouses, insults, humiliation, bullying, cruelty, a man's addiction to alcohol, jealousy, betrayal, unemployment, lack of due attention to the upbringing of children, inappropriate interference of parents, brothers, sisters and other relatives in the relationship of spouses, an unhealthy climate in the family, etc.

Unfortunately, it happens that adults themselves are largely to blame for violations in the upbringing of children. Immoral, negative spiritual and psychological characteristics of adults create favorable conditions for the emergence of conflict criminogenic situations in the family. As a result of this, there is an even greater strengthening, an increase in the number of conflict situations. And this, in turn, has a negative impact on the upbringing of children in the family. So, in families with the presence of such factors, without the intervention of public organizations, relatives, there is a high probability that children may become victims of violence. The most unfortunate thing about this is that untimely resolution of family conflicts often becomes the cause of divorce.

In the course of a survey conducted during the study among public formations, to the question "What is the main cause of conflicts in family relations"? - 32.5% of respondents answered - material shortage and difficulties, 29.8% - unemployment, 17.3% - poor upbringing in the family, 10.4% - a man's addiction to alcohol, 6.1% - jealousy or betrayal of a man, and 3.9% pointed to insults.

Of the prevention inspectors involved in the survey, to the question "By whom and against whom were crimes related to domestic violence committed"? - 48.2% answered - husbands in relation to wives, 4.7% - wives in relation to husbands, 12.7% - fathers in relation to children, 11.6% - parents in relation to adopted children, 8.2% - mothers-in-law in relation to daughters-in-law, 3.1% - sisters in relation to sisters, 7.1% - brothers in relation to brothers, 3.5% - children in relation to parents, 0.9% - parents in relation to children.

In the course of studying criminal cases against persons prosecuted under the relevant articles of the Criminal Code of the Republic of Uzbekistan for committing violent crimes in the family, it was found that in 26.3% of cases the causes of family conflicts were drunkenness, in 21.1% - property disputes, in 19.4% - a material defect, in 12.0% - disagreements, in 10.3% - jealousy or treason, in 7.1% - slander or insult, and in 3.8% of cases - a long-standing enmity between members families. And also, of all committed violent crimes in the family, 37.6% are intentional infliction of minor bodily harm, 17.0% - intentional infliction of moderate bodily harm, 12.3% - infliction of intentional grievous bodily harm, 9.1% - intentional killings, 8.3% - involvement of minors in antisocial behavior, 4.7% - torture, 3.4% - slander, 2.1% - rape, 1.9% - threat of murder or violence, 1.2% - insults, 1.7% - driving to suicide.

Violations of the mental state of the individual played an important role in the commission of these crimes. Features that suggest the transition of certain actions into a crime are associated with the mental state of the individual. It should be borne in mind that in some cases these conflicts may be the result of a sudden mental disorder, for example, irascibility, aggressiveness, impossibility of self-control.

In the compositions of acts we are considering, revenge, intolerance of family members towards each other, hostility, annoyance, disagreements and psychological confrontations are recognized as important factors in the commission of violence. Under their influence, circumstances and situations arise related to the internal preparation of oneself for spiritual replenishment for the suffering and torment suffered by settling scores for actions committed by the guilty person that are contrary to the interests of the individual, response actions corresponding to this act, demonstrating one's anger and abilities, causing bodily harm to the offender.

As noted in some studies, the number of females who were seriously injured and killed by members of their families is twice as high as the number of males. In our opinion, physical helplessness is one of the main reasons for the high susceptibility of women to the use of violence.

An analysis of life situations that have become the causes of groundless scandals in family relations has shown that humiliation of honor and dignity, discrimination, punishment lead to the formation of cruelty, hatred, revenge motives in a person. Most of these crimes are committed in a state of intense mental stress. For example, motives for intentional murder may be jealousy or rage.

Unfortunately, it can be observed that domestic violence in most cases is associated with aggressiveness. According to Yu.M. Antonyan, aggression, having a natural feature, is a product of human ingenuity and is expressed in violence from the social side. Such aggressive behavior does not occur from the moment a person is born, but may be the result of certain disorders of his psyche.

It has been established that violations of the human psyche are the cause of increased propensity to commit offenses, maintaining an anti-social lifestyle. Mental disorders can occur as a result of hereditary diseases or be acquired in the process of life. With mental disorders, a person may develop aggressive behavior. Aggression can also manifest itself in various feelings, such as revenge, selfish goals, envy or hatred. Basically, aggressive actions, as a rule, are changeable and, due to various social anomalies, are committed in difficult living conditions. These factors may influence the occurrence of said violence.

These considerations make it possible to consider this issue in several aspects:

firstly, to perceive aggression as natural, innate - inherent in all living beings and suddenly manifesting primary instinct aimed at self-preservation;

secondly, as a conscious form of human behavior endowed with the ability to inflict physical or mental force on someone;

thirdly, the impact of negative behavior on the human psyche, etc.

The study of archival judicial criminal cases in relation to persons prosecuted for committing family and domestic crimes showed that the causes of family conflicts in 21.3% of cases were drunkenness, in 18.1% - lack, in 22.1% - scandals and disagreements, in 7.4% - a dismissive attitude, in 10.3% - jealousy or betrayal, in 9.7% - hostile relations, in 6.1% - property disputes, in 5.1% - insults. When studying violent motives that led to the formation of negative antisocial features in the behavior of a person, it was found that in 27.6% of cases the perpetrator sought to publicly demonstrate his power, in 21.6% there was a desire to subjugate himself by intimidation, in 17.4% he was guided by jealousy, in 13.4% - revenge, in 11.3% the motives were property disputes, and in 8.7% - the desire to get rid of the victim.

21.3% of victims of domestic violence are persons aged 26-30; 18.0% - persons aged 31-35; 16.1% - persons aged 36-40; 14.7% - persons aged 20-25 years; 10.6% - persons aged 41-45; 6.7% - persons under the age of 20; 5.1% - persons aged 46-50; 3.4% - persons aged 51-55; 2.7% - persons aged 56-60; 1.3% - people over 60 years old.

In addition, an analysis of data on the age of persons who committed offenses related to domestic violence showed that 10.1% are persons aged 18-25 years, 38.6% - persons aged 25-35 years, 26.8% - persons aged 35-45 years, 15.5% - persons aged 45-55 years, and 9.2% - persons over 55 years of age. From the above data, it can be seen that the main part of the persons who committed crimes in the family are persons aged 25-45 years.

A person's low level of education increases his risk of becoming a victim of violence. For example, the aggressive behavior of people with a low level of education is expressed in the desire to demonstrate their power or to give someone an answer with their worthless actions.

As the reasons for the acts committed as a result of the behavior of the victim of domestic violence, one can point to the negative behavior of the victim, his inappropriate actions, as well as his being in a state of intoxication. Here it should also be taken into account that 70% of crimes related to the intentional infliction of bodily harm are committed as a result of drunkenness.

Based on the analyzed literature and statistical data, it can be noted that the following causes and conditions contribute to the commission of domestic offenses:

1. Weakness or passivity of spiritual and moral education in the family. It is determined by the spirituality of the individual, his moral qualities. The analysis showed that the majority of persons who caused a family conflict have a low level of spirituality and moral qualities. This, above all, depends on a healthy environment and upbringing in the family. Scientists have proven that the main criminogenic factors that have a major impact on the commission of offenses are related to the environment. Especially, the family environment is important in the formation and development of minors. For this reason, as a result of the lack of recognition of the original national customs and values in the family, it leads to disrespect for each other, a dismissive attitude between family members, which causes various conflicts.
2. Negative face behavior. It can be observed not only as a cause of offenses, but also as a negative behavior of the injured person who became the victim of the offense. Persons of this category, by their negative behavior or actions, become the cause of the commission of offenses.
3. Financial disadvantage or difficulties in the family. Domestic violence offenses are promoted by families in which there are material difficulties or disadvantages that cause conflicts and disagreements between brothers or their spouses, children, mothers-in-law and daughters-in-law. Insufficient material security of families is one of the main factors in the emergence of conflict situations between spouses. For example, in most cases, women require men to lead a lifestyle that does not correspond to their capabilities, or hold magnificent weddings or other events, etc.
4. Addiction to alcoholic beverages. It should be noted that as a result of drinking alcohol, a person, not realizing the consequences of his actions, becomes rude and irritable. As a result, in the mind of a drunk person, indifference and disrespect arise not only to society, but also to the established norms of morality and morality. This circumstance leads him to commit negative antisocial actions.
5. Property and inheritance disputes between family members or relatives. It is known from judicial and investigative practice that property or inheritance disputes, their division become the causes of bodily harm, rupture of relations between relatives, and the saddest thing, between brothers, sisters, children and parents. It is unfortunate in this that such conflicts between brothers living in the same house lead to the fact that hostile relations also arise between minor children living in the same house.
6. Early marriages of young people and inappropriate intervention of relatives in family conflicts. According to experts, the mismatch of ideas about family life between spouses in young families, arguments about shortcomings under various pretexts, lack of mutual understanding, the presence of stratification in families, also become the causes of divorce. At the same time, early marriages, the newlyweds' lack of life experience, unpreparedness for housekeeping can cause conflicts between daughters-in-law and mothers-in-law or unfriendly attitude of other members of the husband's family. Especially, the inappropriate interference of elders or relatives in the affairs of a young family causes an even greater complication of an existing problem or the onset of serious consequences.

Taking into account the above reasons and conditions, in order to prevent domestic violence, it seems appropriate to implement the following preventive measures:

firstly, to promote the provision of a strong spiritual environment through the peaceful resolution of family conflicts, the upbringing of a healthy and comprehensively developed young generation, and the widespread promotion of a healthy lifestyle among the population based on our national and spiritual values;

secondly, at meetings of the mahalla gathering of citizens, carry out preventive work with previously convicted persons and persons who systematically commit family and domestic offenses, as well as discuss their negative behavior and unhealthy lifestyle;

thirdly, to use the possibilities of the public in determining broad preventive measures aimed at preventing domestic violence, eliminating its causes and conditions, as well as organizing programs through the media aimed at preventing violence and aggression against women in the family;

fourthly, to identify parents who have a negative impact on the upbringing of children and apply appropriate measures to them, as well as take measures to increase the responsibility of parents for the education and upbringing of minors;

fifthly, not limited to taking under public control and putting on preventive records of internal affairs bodies of families in which persons who have committed offenses in the sphere of family and domestic relations live, to strengthen individual preventive work;

sixth, employees of the internal affairs bodies, together with lawyers, to conduct preventive explanatory conversations to increase the legal awareness of the population, especially the legal knowledge of women in rural areas, as well as to prevent violations of their rights;

seventh, in the administrative territories, together with the chairmen of mahalla assemblies of citizens, to carry out practical cooperation with local authorities to resolve problems associated with existing difficulties, employment issues, housing issues in families, in large families;

eighthly, to develop a plan-program for the implementation, in cooperation with the sectoral services of the internal affairs bodies and public formations, of measures for the timely identification and elimination of the causes of family conflicts and disagreements.