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FAMILY VIOLENCE A PERSPECTIVE OF A SOCIAL PROBLEM

Neculai LUNGEANU¹

Abstract

The idea of bending over this issue started because of the mass media circulation of more and more cases of domestic violence, the victims being the most frivolous women. The aim of the paper is to understand domestic violence as regards the difference between domestic violence and violence against women as well as the causes that favor the existence of these situations within a family.

The article brings to the forefront the causes that favor the existence of domestic violence, an increasingly serious social problem both in Romania and at international level. A hard-to-manage or controlled phenomenon that calls for efforts from all members of the community.

Keywords

Violence; family; convention; abuse; woman.

1. Introduction

In the current social context in Romania, domestic violence has become a phenomenon of scale where preventive and control measures have been necessary since we can not talk about stopping the phenomenon of domestic violence. In common language, domestic violence is the way to induce fear and terror from a family member, other family members the aggressor knows can dominate to meet either internal frustrations or exertion of a certain control.

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2. What is domestic violence and what are its forms?

Domestic violence was defined in the campaign to prevent the Romanian police as: *"any intentional act or inaction, except for self-defense or defensive actions, physically or verbally, committed by a family member against another member of the same family, which causes or can cause physical, psychological, sexual, emotional or psychological, psychological, emotional or psychological harm or harm, including the threat of such acts, coercion or arbitrary deprivation of liberty."* (Romanian Police, "Raise and Run" Campaign -)

The Council of Europe Convention on preventing and combating violence against women and domestic violence is the international treaty signed in Istanbul in 2011, also known as the Istanbul Convention, whose purpose was to prevent domestic violence, prosecuting aggressors (Council of Europe, 2011). In the Convention's content, we encounter offenses governed by the Romanian Penal Code, such as rape, sexual harassment, and so on. They are recognized as violations of human rights, and in relation to the fact that most of the times domestic violence is being practiced on women, we are also talking about a form of discrimination based on gender.

The Istanbul Convention defines two types of violence, namely *"domestic violence", means all acts of physical, sexual, psychological or economic violence occurring in the family or in the domestic unit or between former or current spouses or partners, regardless of whether the aggressor divides or sharing the same residence with the victim "as well as" violence against women "is understood to be a violation of human rights and a form of discrimination against women and will mean all acts of gender-based violence that result or are likely to result, physical, sexual, psychological or economic harm to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."* (Council of Europe Convention on the Prevention of and Fight against Violence Against Women and Domestic Violence: 4)

Family violence has several forms that can be categorized according to its mode of action, such as verbal, psychological, physical, sexual and economic violence. Although it may seem trivial, the terminology of verbal violence is the first to act at the psychological level of the individual, it is the one that points to a perspective of inferiority between the aggressor and the victim. The verbal violence is manifested by the use of a sloppy language, offensive transposed through the use of insults, threats and degrading or humiliating words.

Violence at the psychological level involves the provocation of states of tension and mental suffering in any possible way. Acts of threat are aimed at wresting the victim's psyche through constraints of any kind, control of the person's life and other actions of the genus.

Physical violence is represented by bodily injury or health through strikes, burns, cuts and other forms of genes that are intended to cause physical suffering to the victim.

Sexual violence involves the execution of degrading acts for the victim, such as harassment, intimidation, rape, and so on.

A new form of violence in society is that of economic violence that consists in both depriving the means of material and by forbidding the victim to acquire material means alone in order to be able to support his life in a singular fashion. Also, economic violence also involves exerting pressure on a family member to sign certain documents of interest to the aggressor, or to force the victim to sell certain things to obtain money to meet the needs of the aggressor.

3. Domestic and void violence against women

Starting from the definition provided by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, domestic violence against women is clearly distinguishable. In this phenomenon, we can not strictly speak of violence against women within a family or domestic unit because domestic violence can be exercised by both male and female.

Without deviating from the principle of gender equality, however, men often use violence to intimidate, frighten or even humiliate their life partner. This pattern of behavior is used to gain control and power over the other person. Whether it is an act of spontaneous but not frenzied violence or a normal behavior of the aggressor most of the times, a pattern of behavior that prefigures its character is formed. The aggressor's behavior can be manifested through violence, threats, constraints, and so on.

3.1 Domestic Violence

The characteristics of domestic violence are represented by the repressive nature of the aggressor's behavior, a behavior taught or raised with, born in an environment where abuses and violence were normal.

Although it would be thought that in many cases, apartheid in a degrading social environment lacking in social values or drinking alcohol or other psychoactive substances are the ones that trigger the aggressor's behavior, they actually only worsen the already existing behavior. It should be made clear that violence can happen to anyone and social, education, religion or gender conditions can not be taken into account.

As forms of domestic violence, we encounter physical abuse, sexual abuse, psychological and emotional abuse, and economic abuse. Physical abuse is any form of expression expressed through strikes that can go from beating to killing. Starting from mild forms of physical abuse such as the simplest physical injuries, body injuries are designed to control the victim. Also, physical abuse is the culmination of cumulative abusive behaviors such as threats, intimidation, and so on.

Sexual abuse is any act of sexual intercourse or attempted sexual intercourse, including any sexual act committed by the aggressor against the victim. A sensitive issue of sexual abuse is genital mutilation which, although in Europe is encountered in exceptional cases, in continents such as Africa is a widespread problem. It should also be noted that incest or sexual intercourse with a minor is a form of sexual abuse. For them and in order to protect minors against sexual abuse or sexual exploitation, the Council of Europe Convention in Istanbul was signed in 2011.

Psychological and emotional abuse is represented by intimidations, threats, verbal aggressions that lead to dehumanization of the victim. Practically when the victim is controlled psychologically, it can only be saved by state protection. The victim often suffers from various stages of depression.

In the case of economic abuse, we talk about a lack of livelihood, and the victim is unable to sustain his own existence depending on the one who assails her. In many situations, economic abuse occurs when a person in a family depends on the income of the other family member.

In Romania, the phenomenon of domestic violence grew and required prompt action by state authorities to stop the aggression of victims at the right time. Thus, the Romanian Government, through the amendment of Law 217/2003, took new measures for the immediate protection of the victim and the removal of the aggressor, namely regulating the Provisional Protection Order, allowing the police to

intervene in the domestic violence situations, as well as offering administrative protection to the victim.

The Provisional Protection Order is basically a complementary instrument to the Protection Order issued by the police officer notified by the victim of the aggression of domestic violence for a period of 5 days and with the possibility of extending it until the Protection Order is issued. Once the Temporary Protection Order has been issued, together with the close police evidence, it will be forwarded to the prosecutor who will confirm the administrative act. Subsequently, all these documents will be submitted by the prosecutor to the judge for the issue of a Protection Order. Also, the Provisional Protection Order will be issued on the basis of a Risk Card by which the policeman will determine the degree of risk based on the victim's assessment and the factual situation. On the basis of this document, the following measures may be ordered for the aggressor: home eviction with the prohibition to return for the entire duration of the provisional protection order, establishing a minimum distance from the victim, confiscation of keys from home, weapons.

Failure to comply with the Interim Protection Order and the Protection Order is a criminal offense and is punishable by a penalty prescribed by law, imprisonment from one month to one year.

3.2 Violence against women

"Violence against women is a grave violation of human rights, which continues to be widespread throughout the world. We have to change the wrong perception that harassment or violence against women is a normal and acceptable behavior. We all have a responsibility to say 'no', to openly reject acts of violence or harassment and to support the victims.

Violence against women is present everywhere: at home, at work, in schools and universities, on the street, in public transport and online. Violence can hit any woman, affecting her everyday life and preventing her from fully participating in society. Nearly half of women in the European Union have experienced verbal, physical or online sexual harassment. According to Eurostat data, 80% of the victims of trafficking in the EU are women.

Worldwide, about 12 million girls who are under 18 years of age are married every year - a marriage of this type takes place every two seconds. Often, these girls get pregnant shortly after marriage, drop out of school and are at greater risk of domestic violence than women marrying in adulthood. So far, at least 200 million women and

girls have been subjected to genital mutilation, which is still practiced in about 30 countries. Migrant women are particularly vulnerable to this treatment and are more exposed to abuse or violence. "(Declaration by the European Commission and the High Representative on the occasion of the International Day for the Elimination of Violence Against Women, p. 1).

The United Nations Declaration on the Elimination of Violence Against Women states that *"violence against women is a manifestation of the inequality of power relations between men and women"* and that *"violence against women is a social mechanism by which women are forced to take a subordinate position to men."*(United Nations Declaration 48/104 on the Elimination of Violence Against Women, p. 2).

Violence against women is one of the most serious violations of human rights. Since ancient times, the woman has been perceived inferior to the man being deprived of many rights that she has been able to gain over the course of history. Some religious-influenced societies, such as the Muslim, are still trying to restrict certain rights that women from other parts of the world benefit from. Starting from this reason, there have always been ways of exerting pressures in different forms on women from physical, mental or sexual to economic, political or religious. Under the Istanbul Convention, violence against women is understood to be a violation of human rights and a form of discrimination against women.

Although in the previous paragraphs we have talked strictly about domestic violence, female violence involves both domestic violence as we can talk about a friend, a partner, etc. as an aggressor, but this type of violence also includes other forms of violence such as political and religious violence. In the field of violence against women, referring to the field of religion, we have a conclusive example of how the woman is seen in Muslim religion. Women's constraints on Muslim religion differ depending on the country and the way in which society is adept at Muslim doctrines. Thus, in this model of Muslim society, the woman is not allowed to go out without specific clothes, that is, the face covered with veil. Also after a woman marries her social circle, she narrows down to strictly family members.

Referring to economic violence, we can discuss discrepancies based on how a woman is looked at at work and underestimated the male's performance and performance, as well as discrepancies in the income of women and men doing the same work.

Regarding the political pressure exerted on women, history has shown us that human rights always want the first and over time women have fought for their rights, such as the right to vote, rights equal to those of men, and so on.

4. The framing of the Criminal Code on domestic violence and social reality.

In the current criminal code, domestic violence is prefigured as an aggravating circumstance for murder, murder, murder or other violence, bodily injury, murder, or death-causing injuries when committed against family members. So domestic violence is represented as a circumstance that presents a serious social problem, and in the case of committing the above-mentioned crimes among family members this is an aggravating circumstance. Through this, the lawyer tried to protect family members when one of the family members adopted inappropriate conduct aggressing them in different forms.

Unlike the 1969 Penal Code, the current criminal code reveals an extension of the crimes committed by domestic violence. Also, by the present criminal code according to art. 177 regulates the notion of a family member as follows:

"A) ascendants and descendants, brothers and sisters, their children, and persons who have been adopted by law, such relatives;

b) the husband;

c) persons who have established relationships similar to those of the spouses or between parents and children if they live together.

(2) The provisions of the criminal law concerning a family member, within the limits provided in paragraph (1) lit. a) applies, in case of adoption, also to the adopted person or to his / her descendants relative to the natural relatives. "(Penal Code, edited by Hamangiu (11.10.2017, p. 82).

In order to be accused of committing the offense of violence against the family, the perpetrator must be a family member with the victim, as prefigured in Article 177 of the Penal Code. It is essential that the author, the instigator, or the accomplice should be family members to be able to fall into domestic violence unless any of the three qualities that the perpetrator may have in committing the deed is lacking as a family member with that victim will be punished for committing the offense in the form prescribed by law.

Conclusions

In view of the above, we can conclude that domestic violence has two distinct categories according to the victim of the attacks. Whether domestic violence or violence against women, there is a continuing concern of governmental or non-governmental organizations, decision-makers who are constantly fighting to prevent or protect those who suffer from these violence. Practically domestic violence or violence against women is both a violation of human rights and, depending on the way in which violence is practiced, an offense incriminated by the criminal code. All nations are battling to protect their husbands and women alike to have a respectable and abusive life.

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