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Main Criminalistic Features of a Person Committing Domestic Violence in Ukraine

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Abstract

The relevance of the research subject is conditioned upon changes in social relations, modification of the criminological nature of perpetrators of domestic violence in Ukraine, in particular, foreign policy and socio-economic changes in Ukraine and the world. The purpose of the research is to identify the main socio-demographic and moral, and psychological features of a person who committed domestic violence. The main methods used in the research are the structural and systemic method, which allowed identifying the typical properties of a person committing domestic violence, and the statistical method, which allowed for studying the empirical base, which provided one of the main sources of information about such a person. The research analyses the criminal and legal properties of a person committing domestic violence. Noted that although a part of offences does not receive proper legal assessment in Ukraine there is a positive tendency to increase the realism of statistics on the commission of these crimes. The proposal on the necessity to modify the system of punishment is substantiated, in particular, the establishment of stricter sanctions for repeat offenders. In the research, it is suggested to use more often as a preventive measure conversations with a psychologist. The socio-demographic properties of a person who commits domestic violence in Ukraine are analysed. Based on statistical data, it was concluded that the number of women committing domestic violence is increasing; in particular, this is explained by the complicated economic and political situation in the country and social processes. Notably, offenders inherit the criminal behaviour of their parents (or one of them), and partly come from disadvantaged families, with low educational and cultural levels and difficult financial situations. The moral and psychological properties of a person who commits domestic violence in Ukraine are analysed. Notably, the behaviour of a person is influenced by both moral provisions and values and legal consciousness, in particular, if it is deformed, it can be an additional incentive to commit a crime. The practical significance of this research is that its provisions will help in further scientific research on the forensic and legal features of domestic violence in Ukraine in particular, its scientific originality may provide a foundation for new areas of research in the field of jurisprudence and research in other fields of social sciences

Keywords: violence, crime, socio-demographic properties, moral and psychological properties

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Introduction

The subject of domestic violence is not new. Many scientists at one time or another have studied various aspects of this phenomenon. Time changes – social relations change, including the object, subject and purpose of the study. Thus, the subject of domestic violence remains relevant. In addition, the proportion of scientific research in this area is increasing, which seems to be mainly explained by the introduction of amendments to legal acts, and the change in the consciousness of victims of these offences – previously, speaking about domestic violence was shameful and scary for victims, this subject remained in the shadows, was not sufficiently covered.

The relevance of this study is conditioned upon the modification of the criminological nature of perpetrators of domestic violence, which causes foreign policy and socio-economic changes in Ukraine and specifically in the world. The legal literature rightly notes that the measures to prevent and combat domestic violence are based on the person who committed it, this is a specific “starting point” in the study in general.

The issue is especially relevant due to “COVID-19 quarantine restrictions” [1-3]. Thus, even though social isolation is not the cause of domestic violence, its role as an additional factor in the growth of domestic violence is undeniable [4-6].

The issue of the perpetrator of domestic violence has been studied by several authors. Thus, the study analysed the Ukrainian dissertations of O. Bupal [7], M. Kuznetsov [8], N. Lishchuk [9], U. Mytnyk [10] and others) and scientific research of recent years.

Exploring the issue of socio-demographic features of the perpetrators of domestic violence, O. Bupal notes that such violence is mainly committed by men, middle-aged (the age group is mainly men from 30 to 49 years), living in rural areas, and the so-called “civil” (unregistered) marriage and have a complete secondary education. The study performed by O. Bupal allowed for exploring the determinants of domestic violence, which together allows the development of the main “measures to prevent domestic violence against life and health of children” [11, p. 163]. In addition, the author of another publication analysed the specific features of the criminological characteristics of the perpetrators of such violence. It notes that such persons are described by the following criminal and legal features: recidivism of the person’s behaviour (most of them have committed administrative offences before committing domestic violence), in 96.7% of cases they are committed alone, often committed in a state of intoxication (every third crime) [12].

U. Mytnyk, in his research, summarising the features of such a person, lists similar to the above and indicates that he “has a distorted social consciousness, low level of social skills, emotional intelligence, mostly was a victim or witness of domestic violence in childhood” [13, p. 143].

However, despite the thorough research of the analysed issues, considering the current conditions, its socio-demographic and moral-psychological properties appear to be insufficiently studied.

For a more thorough and precise study, statistics have been analysed on the main features of perpetrators of domestic violence, the number and “quality” of which have changed in recent years, which again highlights the relevance of the subject of the study.

The purpose of the study is to clarify the main criminological features of a person who committed domestic violence.

General features of the subject of domestic violence: Normative and doctrinal approaches

The activation of the legislator to improve the legal regulation of domestic violence indicates, on the one hand, the imperfection of legal acts and, on the other – the significance and relevance of this issue.

The system of legal regulation of this issue includes the Law of Ukraine “On Preventing and Combating Domestic Violence”, adopted on 7 December 2017 [14], in the same year the Criminal Code of Ukraine (hereinafter – the CCU) was supplemented by Article 126-1 “Domestic Violence” [15], and in 2020 the Presidential Decree “On Urgent Measures to Prevent and Combat Domestic Violence, Gender-Based Violence, Protection of the Rights of Victims of Such Violence” was adopted [16]. Such an offence is provided for in Article 173-2 of the Code of Ukraine on Administrative Offenses (hereinafter – CAO) [17; 18, p. 127].

Thus, according to Article 126-1 of the CC of Ukraine “the subject of the crime is a specific one (a spouse or ex-spouse or another person, who is in family or close relations). The family consists of persons who live together, are connected by common life, have mutual rights and obligations Close persons – persons who live together, are connected by common life and have mutual rights and obligations ..., including persons who live together but are not married”. In addition, this list includes some persons (“husband, wife, father, mother, stepfather, stepmother, son, daughter...”, etc.), regardless of the conditions mentioned above [19].

Thus, one of the features that define a person who commits domestic violence is the intentional commission of socially dangerous unlawful acts against a specific subject, as provided for by the CCU.

The so-called “criminal-legal” block of signs of a person who committed domestic violence includes data on the person’s previous convictions, time spent in penitentiary institutions, crimes for which the person was previously convicted, punishments received by a court sentence, the purpose of committing domestic violence and the motivational field [20, p. 249]; “the composition of the crime, the degree of severity, the motivation of criminal behaviour” [21, p. 35], etc. Consider some of them.

In several studies conducted by criminologists, it was identified that in a significant number of cases there is a recurrence of the perpetrator's behaviour, as, by the time the crime (domestic violence) was committed, administrative offences were committed concerning such violence [22, p. 46]. Thus, Article 173-2 of the CAO provides for liability for committing domestic violence, the subject of this offence is "a person who has reached the age of 16 and who has committed violence against a member of their family" [17].

B. Holovkin rightly notes, "that a part of the offences does not find an appropriate legal assessment". The reasons for this are: defective legal acts, the reluctance of victims of domestic violence to bring offenders to justice, lack of active actions (passivity) of some law enforcement officers to investigate offences, etc." [22, p. 46]. It, in the author's opinion, explains the biased statistics of domestic violence, the number of such crimes is much higher. Currently, however, the situation with the realism of statistics on domestic violence is improving, in particular, due to the amendments and additions to legal acts. The number of appeals for domestic violence in 2021 increased by 45% compared to last year [23].

Regarding the recurrence of the crime in question, in 2020, 34% of people were previously convicted of various types of crimes [20, p. 249]. After analysing the data of the Prosecutor General's Office of Ukraine for 2021-2022, it can be stated that approximately 28% of "perpetrators of domestic violence have previously committed crimes" [24]. It indicates both unlawful, and disrespectful to the family behaviour of the subject, and the inefficiency of the system of punishment for domestic violence, it seems that it should be modified. In this case, preventive conversations (increasing their number and improving their quality), in particular with a psychologist, to overcome anger and aggression will help. Notably, stricter sanctions for criminals should be considered, especially if this person has a history of medium and serious crimes.

Another feature is that such crimes are mostly committed by one person [12, p. 26; 24], and often under the influence of alcohol or drugs [24].

The legal literature states that "in its content, the motivation of a crime is a specific synthesis of the interaction of internal (person) and external (social environment) factors, which results in the establishment, development and implementation of the motive of the crime". Yu. Lymarenko notes that there are no pure motives in committing domestic violence. The first place among such motives is revenge (44.6%), combined with hooliganism. Revenge, in the case of domestic violence and, for example, in the case of intentional murder or bodily harm, manifests itself in different ways. "Most of the convicts who avenged their relatives for the 'insult' acted almost immediately after the 'offensive' actions of the victims." The next motive by the number of cases (29.1%) is contempt. The reasons for disrespectful attitudes towards close persons include: "the wife's long-term stay

on vacation (for example, maternity leave) and her minimal socialisation; the offender's confidence that he is at a higher social level than the victim; the helpless state of the victim due to physical disabilities; hostility after divorce, etc." [20, p. 250].

Therefore, the criminal and legal features of the perpetrators of domestic violence are only one of its features, as the analysed phenomenon is complex and intersectoral. Thus, the criminological study of a person committing domestic violence will be incomplete without clarifying its psychological, and sociological features and disclosing the nature of this phenomenon.

Thus, V. Romanov notes that legal psychology studies a broader set of features of the personality (person) of an offender than the system of "socio-demographic, socio-role, socio-psychological traits" that are somehow related to criminal offences), namely: it analyses both psychological aspects and the physical essence of the individual and age features, "mental attitude ability", defined properties of functional-role nature, for example, the position occupied by the person, exclusive duties or specific attitude towards the victim, besides, a complex psychological characteristic of the subject of crime is performed, including their intellectual, emotional-volitional and other qualities [9, p. 83-84]. Therefore, the author shares the opinion of the majority of Ukrainian scientists on the identification of socio-demographic and moral and psychological properties of a person who committed domestic violence [9, p. 86, 246; 1, p. 97].

Socio-demographic features of the perpetrator of domestic violence

Socio-demographic features are specific to each individual, that is, they are common, and, therefore, – do not have criminogenic properties. They allow identifying particular individuals. These features of an individual subject include: "gender (preference for committing domestic violence by a particular gender), age (special attention is paid to the correlation of various age categories to the mass of crime, juvenile delinquency), level of education (secondary, higher), occupation (profession, place of work), length of service, marital status (married or not, presence of children), place of residence" [17, p. 33-38; 1, p. 100].

The number of men (by gender) prevails in the proportion of perpetrators of domestic violence. Thus, from 2013 to 2017, 91.2% of men were registered for domestic violence, while the proportion of women is only 8.8% (according to official statistics). Instead, in 2020, the proportion of men committing domestic violence was 79.7%, while only 20.3% were women [20, p. 248]. In 2021, 80% and 20% respectively [25]. A conclusion can be drawn about the increase in the number of women committing domestic violence, which can primarily be explained on the one hand by the increase in criminal behaviour among women due to the difficult socio-economic and political situation in the state (economic crisis, war, coronavirus), lack of necessary earnings and as

a result, the disruption of family members, and on the other hand by emancipation processes (in its adverse meaning). B. Holovkin notes in this regard that “in the current time, female immorality is progressing, which is manifested in sexual debauchery, drunkenness, and domestic untidiness. Some women become rude, cruel and aggressive” [22, p. 40].

In terms of age, the highest rate of perpetrators of domestic violence in Ukraine falls in the middle age – 35-39 years (22.3%) and 40-44 years (21.3%). In the literature, such statistics are explained by the fact that this age is the maximum in the development of a person in all spheres of life. A person under 35 actively develops a career, starts a family, makes plans and tries to achieve them. Such a period can become a crisis as a person evaluates their previous achievements [20, p. 246-247]. This tendency continues today.

Similar conclusions about the dependence of domestic violence rates on age can be found in the works of foreign scientists. In addition, the age of men who most often commit domestic violence is relatively lower (up to 30 years) [26, p. 1270].

Notably, offenders adopt the model of behaviour in the family that they observed in childhood. Most perpetrators of domestic violence suffered from it as a child. Thus, according to an Amnesty International survey, 65% of men in Ukraine suffered from domestic violence as children [27]. Similar conclusions were reached by some foreign scientists studying domestic violence in other countries [6].

In addition, the level of education affects the development of a person, in particular, according to sociological studies cited in the legal literature, 44.7% of criminals who committed this crime had a complete secondary education, 29.5% of them had special education, 19% had incomplete secondary education, 5% of offenders had higher education, the rest (1.8%) had primary education or no education [7, p. 100]. Similar indicators are given by Yu. Lymarenko and A. Blaha [20, p. 248].

The fact that the level of education affects the indicators of domestic violence is noted by foreign scientists. However, the dynamics are somewhat different. For example, a study conducted in Indonesia found that women whose husbands/partners had primary/secondary education were more frequently experiencing violence than those whose husbands/partners had no education [26].

The socio-demographic characteristics of the offender include: their place of residence, and the environment of the offender, which has a significant impact on the development of their personality, and the acquisition of skills that the individual uses in everyday and family life. In addition, clarification of the course of a person's behaviour in a conflict situation is implemented by identifying the features inherent in rural and urban areas. According to the results of the study of Y. Lymarenko, 74.7% of perpetrators of domestic violence are residents of cities, and 25.3% – are persons living in rural

areas. She explains this distribution by the fact that in a big city, in which a significant proportion of apartment buildings are located, residents are partly unfamiliar with each other, thus, perpetrators of domestic violence expect that neighbours will not call the police, considering family quarrels and fights as someone else's business that does not concern them. In rural areas, as a rule, everyone knows each other, which is a constraint for domestic violence, or residents carefully hide it [20, p. 248].

As for the marital status of perpetrators of domestic violence, about 40% of them are in an unregistered marriage. In addition, Yu. Lymarenko identified that “only 28% of offenders grew up in a full family, 3% were raised in an orphanage, and others were raised by their mother or grandparents only. 17.4% were raised in a worker's family, 2.9% in an employee's family, and the other 79.7% were supported by temporary part-time jobs and did not have a permanent job. 20% of those convicted were from families where alcohol abuse and using violence to settle family matters were standard practices in everyday life. 16.5% were the only children in the family, 7.7% were families with many children (families with three or more children)” [20, p. 247].

Thus, it can be stated that, for the most part, a person who has committed domestic violence can be defined as follows: coming from a dysfunctional family, with an unstable financial situation and a low level of culture and education, and bad habits.

Moral and psychological characteristics of the person who committed domestic violence

Psychological features are among the major and most significant factors that influence the commission of acts of a socially dangerous nature by a person, as the choice of the way of committing it is in correlation with the specific features of the psychological nature and mental originality of the offender. The above is manifested in the “character traits, volitional and emotional qualities, value and regulatory features of consciousness, the motivational sphere of criminal behaviour, the state of the offender at the time of the crime and the mechanism of subsequent criminal actions”. In other words, the foundation of such forecasting is the personality of the individual and their previous behaviour [9, p. 83].

Thus, another block of the description of a person who committed domestic violence is moral and psychological properties.

A person's behaviour is influenced by: their mental state and attitude to reality, demands, interests, worldview and level of spiritual development, and motivational aspects, at the same time, the above determines the commission of domestic violence. Thus, the lack of material and spiritual requirements affects the offender's dissatisfaction. The commission of domestic violence in connection with unsatisfied demands may arise from the lack of their satisfaction, and this provokes aggression and discontent in the perpetrator, as a result – the

commission of domestic violence. Another case of domestic violence is the offender's failure to provide the victim with the opportunity to address the demands of the victim (for example, the offender deprives the child of food and uses it as a cruel punishment) [28]. Regarding the mental state, such conditions as "psychopathy, psychopathic state, alcoholism, drug addiction", and others can have an impact on the commission of domestic violence.

The behaviour of a person is influenced by legal consciousness and moral provisions and values. As known, legal nihilism and other deformations of legal consciousness can cause the commission of crimes. Moral provisions are interrelated with legal ones, as in most cases, a person may be held legally liable for the violation of the first. However, even if moral provisions violated by a person are not criminalised, it is the first step to a criminal future. At first, criminals level moral provisions, consider themselves higher than the requirements of social relations, and later immoral habits transform into conflicting, unlawful ones.

When describing the moral and psychological properties of violent criminals, scientists note that these are people without strong beliefs and with situational behaviour. Such people desire to satisfy their aspirations immediately, regardless of others and social provisions of communication. They are characterised by "social alienation, low tolerance, anger, egocentrism, etc." [29, p. 89].

The issue of psychological health is interesting, considering the issue under study. Thus, if a person has significant mental disorders, it is no longer possible to consider the person a criminal, as such a person may be declared insane by the court. For example, according to a study by O. Bepal, "86% of perpetrators had no data on mental disorders; 6.2% were registered for mental disorders (including as a result of substance use); 5.9% had mental disorders (were not registered) and only 1% had previously been in a mental health care facility" [7, p. 107].

The propensity of persons with mental disorders to commit violence against family members is noted by foreign scientists. However, the general picture is different from that illustrated in the works of Ukrainian scientists. Thus, T. Labrum and P. Solomon note that almost half (47%) of all respondents reported that they were victims of violence committed by their relatives with

mental disorders from the beginning of the disease [30, p. 2955]. Therewith, studies by other foreign scientists note that the risk of domestic violence by persons with mental disorders may be exacerbated during the pandemic since such people experience interruptions in treatment as a result of social distancing and additional stress factors [31, p. 1057].

In addition, people who are in emotional tension and stress, and consume drugs, alcohol are more exposed to domestic violence. For example, the literature indicates that the chances of experiencing such violence where one or both partners had alcohol problems are higher compared to relationships where neither partner had alcohol problems [6]. Other factors that cause domestic violence, in addition to alcohol, include problems with drug use [2], economic uncertainty and stress associated with sudden poverty [32; 33].

Conclusions

Thus, domestic violence in Ukraine is mainly committed by middle-aged men, repeat offenders, largely uneducated or with a complete secondary education, with a low level of emotional intelligence. Such persons often use the family model they observed in their childhood. Currently, the main triggers for domestic violence are legal nihilism, economic and political reasons (low level of material security, war, coronavirus).

To prevent and counteract domestic violence, several measures should be implemented. The priority in this matter is to study the forensic properties (characteristics) of the persons committing this crime. This set of features is developed by several factors, which is why the work supports the opinion of those scientists who distinguish between criminal-legal, socio-demographic and moral-psychological features. After all, it is by knowing them that the essence of such a person can be identified, and a "portrait" of the criminal can be established.

In addition, currently, considering the war in Ukraine, it seems appropriate to investigate the impact of participation in hostilities on the propensity to commit domestic violence, using the experience of other countries to develop methods of prevention in this area. After all, full-scale military actions will have an adverse impact on Ukrainian society.

References

- [1] Da Cal Seixas, S.R., de Moraes Hoefel, J.L., Machado, M.K., Consoli, G., & de Souza Nascimento, W.E. (2021). Sustainable development goals and women: An initial reflection on domestic violence in times of a pandemic crisis. In W. Leal Filho (Ed.), *COVID-19: Paving the way for a more sustainable world* (pp. 143-162). Cham: Springer. doi:10.1007/978-3-030-69284-1_8.
- [2] De Souza Santos, D., Bittencourt, E.A., de Moraes Malinverni, A.C., Kisberi, J.B., de França Vilaça, S., & Iwamura, E.S.M. (2022). Domestic violence against women during the COVID-19 pandemic: A scoping review. *Forensic Science International: Reports*, 5, article number 100276. doi:10.1016/j.fsir.2022.100276.
- [3] Niriella, M.A.D.S.J.S. (2022). Gender-based violence and COVID-19: Legislative and judicial measures for protection and support of the women victims of domestic violence in Sri Lanka. In S. Aladuwaka, B. Wejnert, & R. Alagan (Eds.), *Systemic inequality, sustainability and COVID-19 (research in political sociology, Vol. 29)* (pp. 89-107). Bingley: Emerald Publishing Limited. doi: 10.1108/S0895-993520220000029010.

- [4] Colagrossi, M., Deiana, C., Geraci, A., & Giua, L. (2022). Hang up on stereotypes: Domestic violence and an anti-abuse helpline campaign. *Contemporary Economic Policy*. doi: 10.1111/coep.12571.
- [5] Labrum, T., Newhill, C., Simonsson, P., & Flores, A.T. (2022). Family conflict and violence by persons with serious mental illness: How clinicians can intervene during the COVID-19 pandemic and beyond. *Clinical Social Work Journal*, 50(1), 102-111. doi:10.1007/s10615-021-00826-8.
- [6] Abramsky, T., Watts, C.H., Garcia-Moreno, C., Devries, K., Kiss, L., Ellsberg, M., Jansen, H.A., & Heise, L. (2011). What factors are associated with recent intimate partner violence? findings from the WHO multi-country study on women's health and domestic violence. *BMC Public Health*, 11, article number 109. doi: 10.1186/1471-2458-11-109.
- [7] Bepal, O.L. (2019). *Criminological characteristics and prevention of crimes against life and health of children committed in the family* (PhD thesis, Classic Private University, Zaporizhzhia, Ukraine).
- [8] Kuznetsov, M.G. (2019). *Domestic violence: Criminological characteristics and prevention* (PhD thesis, Interregional Academy of Personnel Management, Kyiv, Ukraine).
- [9] Lishchuk, N.O. (2020). *Violent actions against women: Causes and prevention* (PhD thesis, Lviv University of Business and Law; Lviv Polytechnic National University, Lviv, Ukraine).
- [10] Mytnyk, U.M. (2021). *Criminal law and criminological principles of combating domestic violence in Ukraine and the European Union* (PhD thesis, Kyiv University of Law of the National Academy of Sciences of Ukraine; V.M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, Kyiv, Ukraine).
- [11] Bepal, O.L. (2018). Socio-demographic characteristics of persons who have committed domestic violence against children. *Information and Law*, 1 (24), 159-163.
- [12] Bepal, O.L. (2017). Some features of the criminological characteristics of persons who have committed domestic violence against life and health of children. *Law Forum*, 4, 24-28. doi: 10.5281/zenodo.1145511.
- [13] Mytnyk, U.M. (2019). Criminological characteristics of the perpetrator of domestic violence. *Law and Society*, 1, 139-143.
- [14] Law of Ukraine No. 2229-VIII "On Preventing and Combating Domestic Violence". (2017, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-19#Text>.
- [15] Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.
- [16] Decree of the President of Ukraine No. 398/2020. "On Urgent Measures to Prevent and Combat Domestic Violence, Gender-Based Violence, Protection of the Rights of Victims of Such Violence". (2020, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/398/2020#Text>.
- [17] Code of Ukraine on Administrative Offenses No. 102-11. (1985, April). With changes and additions No. 1423-IX. (2022, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/80731-10#Text>.
- [18] Stasiuk, N.A., & Yara, O.S. (2021). Problematic issues of prevention and counteraction to domestic violence by the prosecutor's office. *Law. Human. Environment*, 12(4), 126-133.
- [19] Gega, V.O., & Penkova, T.I. (2020). Criminal-legal characteristics of domestic violence. *Scientific Notes of the International Humanities University*, 32, 7-10.
- [20] Lymarenko, Yu. (2020). Criminological characteristics of the person who committed domestic violence. *Knowledge, Education, Law, Management*, 6(34), 1, 246-247.
- [21] Bezgacheva, I.E. (2020). Domestic violence: Special features of the offender. In *Scientific trends of post-industrial society: Materials of the international scientific conference* (Vol. 2, pp. 33-38). Rivne: International Center for Scientific Research.
- [22] Holovkin, B.M. (2004). *Criminological problems of premeditated murders and grievous bodily harm committed in the domestic sphere*. Kharkiv: Nove slovo.
- [23] This year, the number of complaints of domestic violence increased by 45% compared to last year. (2021). *Official website of Ministry of Social Policy of Ukraine*. Retrieved from <https://www.msp.gov.ua/news/21013.html>.
- [24] On registered criminal offenses and the results of their pre-trial investigation. (n.d.). *Official website of the Office of the Prosecutor General of Ukraine*. Retrieved from <https://gp.gov.ua/ua/posts/pro-zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2>.
- [25] Denisova – about domestic violence: This year 20% of appeals came from men. (2021). *Ukrinform*. Retrieved from <https://www.ukrinform.ua/rubric-society/3357139-denisova-pro-domasne-nasilstvo-cogoric-20-zvernen-nadijslo-vid-colovikiv.html>.
- [26] Laksono, A.D., & Wulandari, R.D. (2022). Violence against pregnant women in Indonesia. *Iranian Journal of Public Health*, 51(6), 1265-1273.
- [27] Konstantinova, N. (2021). 65 % of Ukrainian men as children were victims of domestic violence – a poll by Amnesty International. *Radio Liberty*. Retrieved from <https://www.radiosvoboda.org/a/ukrainski-choloviky-zhertvy-domashnioho-nasyilstva/31328625.html>.
- [28] Golina, V.V., & Golovkin, B.M. (2014). *Criminology: General and special parts*. Kharkiv: Pravo.

- [29] Topchiy, V.V. (2015). Criminological characteristics of the perpetrator. *European Perspectives*, 5, 85-91.
- [30] Labrum, T., & Solomon, P.L. (2017). Rates of victimization of violence committed by relatives with psychiatric disorders. *Journal of Interpersonal Violence*, 32(19), 2955-2974. doi: 10.1177/0886260515596335.
- [31] Czeisler, M.É., Lane, R.I., Petrosky, E., Wiley, J.F., Christensen, A., Njai, R., Weaver, M.D., Robbins, R., Facer-Childs, E.R., Barger, L.K., Czeisler, C.A., Howard, M.E., & Rajaratnam, S.M.W. (2020). Mental health, substance use, and suicidal ideation during the COVID-19 pandemic – United States, June 24-30, 2020. *Morbidity and Mortality Weekly Report*, 69(32), 1049-1057. doi: 10.15585/mmwr.mm6932a1.
- [32] Barbosa, J.P.M., Lima, R. de C. D., Santos, G. de B.M., Lanna, S.D., & Andrade, M.A.C. (2021). Interseccionalidade e violência contra as mulheres em tempos de pandemia de covid-19: Diálogos e possibilidades. *Saúde e Sociedade*, 30(2). doi: 10.1590/s0104-12902021200367.
- [33] Hussain, H., Hussain, S., Zahra, S., & Hussain, T. (2020). Prevalence and risk factors of domestic violence and its impacts on women's mental health in Gilgit-Baltistan, Pakistan: Domestic violence and its impacts on women's mental health. *Pakistan Journal of Medical Sciences*, 36(4). doi: 10.12669/pjms.36.4.1530.

Основні криміналістичні властивості особи, яка вчиняє домашнє насильство в Україні

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Анотація

Актуальність теми дослідження зумовлено змінами в суспільних відносинах, модифікацією кримінологічної природи осіб, що вчинили домашнє насильство в Україні, зокрема накладають відбиток зовнішньополітичні та соціально-економічні зміни в Україні та світі. Метою дослідження є з'ясування основних соціально-демографічних та морально-психологічних властивостей особи, яка вчинила домашнє насильство. Основні методи, що використовувалися в статті, – структурно-системний, який дав можливість визначити типові властивості особи, що вчиняє домашнє насильство, та статистичний метод, який дав змогу вивчити емпіричну базу, що стало одним з основних джерел інформації про таку особу. У статті проаналізовано кримінально-правові властивості особи, що здійснює домашнє насильство. Зауважено, що хоча й певна частина правопорушень не отримує належної правової оцінки, проте в Україні спостерігається і позитивна тенденція до збільшення реалістичності статистики щодо вчинення цих злочинів. Обґрунтовано пропозицію щодо необхідності модифікації системи покарань, зокрема йдеться про встановлення суворіших санкцій для злочинців-рецидивістів. У статті запропоновано частіше застосовувати як профілактичні заходи бесіди з психологом. Проаналізовано соціально-демографічні властивості особи, яка вчиняє домашнє насильство в Україні. На основі статистичних даних зроблено висновок про збільшення кількості жінок, які здійснюють домашнє насильство; зокрема, це пояснюється складною економіко-політичною ситуацією в країні та соціальними процесами. Зауважено, що кривдники успадковують кримінальну поведінку своїх батьків (або одного з них), почасти є вихідцями з неблагополучних сімей, з низьким освітньо-культурним рівнем та складним матеріальним становищем. Проаналізовано морально-психологічні властивості особи, яка вчиняє домашнє насильство в Україні. Зауважено, що на поведінку особи впливають як моральні норми та цінності, так і правосвідомість, зокрема, якщо вона деформована, то це може бути додатковим стимулом для вчинення злочину. Практичне значення цієї статті полягає в тому, що її положення допоможуть у подальших наукових дослідженнях щодо криміналістично-правової характеристики домашнього насильства в Україні, зокрема її наукова новизна може стати підґрунтям для нових напрямів дослідження не лише у сфері юриспруденції, але й для розвідок в інших галузях суспільних наук

Ключові слова: насильство, злочин, соціально-демографічні властивості, морально-психологічні властивості