Physical Domestic Violence as one of the Types of Domestic Violence with Special Emphasis on The Republic Of Macedonia

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Abstract

The subject of this paper is analyzing the physical domestic violence as one of the types of domestic violence with special emphasis on Republic of Macedonia. The physical violence as one of the types of domestic violence is considered to be one of the most common types of violence that occurs within the family. This type of domestic violence, in practice, can be manifested in many ways and forms. Proper understanding of these forms of physical domestic violence is necessary in order to build a prevention and eradicate system for this type of violence, as well as to establish the reasons for its occurrence. The findings and the results from this paper are of particular significance for the entire society in order to identify the actions that can be subsumed under the subject of physical domestic violence.

Key words: Violence, Family, Domestic violence, Aggression, Physical violence.

Introduction

Domestic violence is a complex problem faced by all countries without exception. The complexity of this phenomenon occurs as a result of the damaging and enormous consequences that raise with the domestic violence, primarily for the family, and then for the society as a whole. Also as a phenomenon, the domestic violence is everlasting and constant challenge for many scientific disciplines such as criminology, sociology, criminal-legal, psychology etc. All of this is to determine it in phenomenological sense, i.e. to determine its manifestation forms, to detect the most common factors that encourage this negative phenomenon in society to happen and also to establish appropriate systems and mechanisms for victims’ protection from domestic violence.

The phenomenon of domestic violence is everlasting, in fact it is in continuous following of man and society. With its manifestation forms and characteristics, the domestic violence cannot connect with particular race, culture, religion or any other social circumstances and characteristics. Because of this, for the domestic violence it is said that has characteristics of an universal phenomenon, phenomenon that exists everywhere, phenomenon that doesn’t recognize the country borders, phenomenon that in its phenomenological forms is international and universal. In the many crime typologies that are made in the professional literature, the domestic violence stands out as a separate type of crime that belongs to the group of violent crime or crime of violence (Ignatovic, 2005).

For defining and determining the term of domestic violence, primarily should be defined the general term of violence as a phenomenon, because in the basis of the domestic violence as phenomenon lays the violence. There are various definitions in the literature that define the general term of violence differently. In the crime literature, the general term of violence is defined as acts of committing certain criminal acts by some persons where exactly those persons want to achieve some goal through such execution of these crimes. This objective is achieved by a specific attack on the victim from the perpetrator of the violence or specific threat to the victim from the perpetrator.

Similar definition of the general term of violence by underlining the moment of concrete threatening or concrete threat is given in the definition of the World Health Organization. By this definition, violence is a phenomenon that is committed by a person or a group of people towards a person or a group of people with concrete health threatening or a concrete threat. Within this definition
of the World Health Organization, characteristically for the violence is that the definition doesn’t point out the goal of the act of violence, but it points out the consequences from the violent act. So, as consequences that occur because of the violence is the self-destructive action to persons’ own personality, mostly it comes about actions that cover cases of suicide, actual hurting of one person or group of people by threatening their health, occurrence of fatal consequences to the psychological health of the persons that are victims of the violence, impeding future development as well as any other form of injury or threat that the victim tolerates (Krug, Dahlberg, Mercy, Zwi and Lozano, 2002).

Because the domestic violence, as the term indicates happens within the family, it is necessary to define the term family as well in order to recognize the characteristics of this community where this negative social phenomenon occurs. The determination of the terms violence and family should allow determination of the term domestic violence, as phenomenon that covers these two general terms.

Murdok defines the family as a group that functions in the society and receives characteristics of a social group by itself and becomes recognizable by several elements. The main elements by which this social group differs from the other social groups is that it forms so that the persons within the family can live together, can cooperate from economical or existential point of view as well as to ensure reproduction of humankind. Also, for full determination of the family, Murdok states that it is about adults that have different genders and who meet all of the aforementioned functions within the family (Murdok, 1995).

Tonovski defines the family as social group that by its characteristics from historical aspect represents one of the oldest social groups, as well as a social group that is the most important for the society. As main reasons for the formation and the functioning of the family, he cites the biological and social reasons through which the reproduction and the existence of the family members happens (Tonovski, 2000).

According to Aceski, family represents a universal social institution and category that accomplishes certain goals. These goals that are accomplished by the family are not narrowly specialized, but on the contrary they are of fundamental nature and have general character. Several elements are important for determining the family as a social group, full inclusion of the persons within the family, their full activity and participation in order to achieve its goals, high level of understanding and solidarity, as well as establishing emotional relations and connections (Aceski, 2013).

By its phenomenological forms, the domestic violence is a type of crime that constantly expands its bounds of occurrence and according to the World Health Organization it is considered as one of the most widespread forms of violence (The World Health Report, World Health Organization, 2005).

There are many definitions that try to determine the broad subject of the domestic violence. Arifi determines the domestic violence as a phenomenon that by its characteristics can be categorized in those typologies of crime that cover the acts of violence, i.e. is within the frames of violent crime. According to him, the domestic violence is a phenomenon that, from historical perspective, exists from always (Arifi, 2013).

The violent crime is a theme that is quite emotional because it deeply penetrates in the moral and physical integrity of the person, crime which is present constantly everywhere, in the electronic media, print media, crime that causes reaction among all society members, not just the victim (Megwayer, Morgan and Rayner, 2010).

According to Gelles, the domestic violence comprehends the acts and actions that are taken from one person to another person within the family and these actions and acts mean causing harmful consequences for the victim of domestic violence. The author opted for a broad definition of domestic violence by which can be defined actions of physical harm, actions and acts that mean endangering or hurting the mental health of the victim, this type of action he also calls emotional aggression because they act on the psyche and emotions of the victim, as well as the actions and acts that mean taking sexual activities aimed to hurt the victim of domestic violence (Gelles, 1998).
The types of domestic violence are mostly determined by some criteria through which the classification and categorization of the types of domestic violence are made. As main criteria that are taken into consideration during the determination of the type of domestic violence are the ways and modalities of committing the domestic violence as well as the consequences for the victim of domestic violence. So, according to the different ways of committing the domestic violence and the various effects that occur as a result of it, its types can be physical violence, psychological violence and sexual violence. Within these types of domestic violence, special attention attracts the physical domestic violence, and therefore it will be a subject of detailed analysis and elaboration.

Methods of research

For the purposes of this research will be used several methods in order to make proper and complete analysis of the problem that is subject of concern. In this regard will be used the following methods: normative method, historical - legal method, content analysis, inductive method, deductive method and the synthesis method. All of these methods will be used from their aspect in order to get the full picture of physical domestic violence in Republic of Macedonia. Through the methods and methodological procedures will make development of the theoretical thoughts and attitudes in general for the physical domestic violence.

Results and analyses

Characteristically for Republic of Macedonia is that there isn’t separate incrimination of the domestic violence through one criminal offence, through one legal entity through which all acts of domestic violence would be included, but on contrary, the legislator decided to incriminate the individual types and forms of domestic violence through separate incriminations under the Criminal Law of Republic of Macedonia. These incriminations are integral part of different chapters of the Criminal Law of Republic of Macedonia, so the physical violence as a form of domestic violence is covered within the criminal acts over life and body, psychological violence as a form of domestic violence is covered and incriminated within the criminal acts over freedom and human rights and sexual violence as a form of domestic violence is covered and incriminated within the criminal over sexual freedom and sexual morality (Gruevska-Drakulevska, 2013).

The physical violence, as type of domestic violence, is considered that is one of the most abundant types of violence that happen within the family. According to the legal determination, physical violence is also called bodily violence, and it is fulfilled through various acts of physical force through which the victim of the domestic violence ends up with some kind of health problem (Law on Prevention, Protection from Domestic Violence, Official Gazette of Republic of Macedonia No. 138/2014, 33/2015, 150/2015).

This type of domestic violence, in practice, can be manifested in different ways and forms. Most common manifestations of this type of violence in the literature and in practice are actions of hitting the victim by using physical force, slapping, hitting punches, actions that mean pulling the hair of the victim, stabs on victim’s body, raping, throwing objects towards the victim in order to disrupt his/her physical health, breaking items etc.

According to Mihov and Friscic, the physical violence within the domestic violence is manifested through throwing various objects towards the victim, plucking and pulling the hair of the victim, causing burns on victim's body, actions of strangling and all other ways that inflicts damage to some family member from another family member (Mihov and Friscic, 2008). Part of the wide range of activities through which the physical violence within the family is carried out are determined by Caceva, Friscic and Mishev. According to them, the serious forms of kicking the victim, scalding and biting the victim are led under the broad term of physical violence (Chacheva, Friscic and Mihsev, 2006).

Under its characteristics, the physical violence that occurs within the family, implies two circumstances. The first according to which it is about violence over a specific person that is executed
by a certain force, usually physical, and second that it is about violence over a specific person executed by serious threat to use force over the victim of the domestic violence (Life in shadow, Research Report, 2008).

This type of domestic violence is dangerous because it is widespread and happens very often in reality. It shows constantly new forms of perpetration, and therefore there cannot be made accurate determination of all actions that mean committing domestic violence, i.e. what does the perpetrations of physical violence within the family mean. The reactions of the people that are victims of this type of physical domestic violence are different. Some of them decide to report it to the competent authorities so they can prevent further physical and bodily harm, while some of them decide for the worst choice, not talking to anyone about the physical domestic violence and by no means reporting it to the competent authorities in order to prevent future acts of physical domestic violence.

In order to reveal this type of domestic violence, physical violence, additional problem is the way the violence is executed by the abuser. In fact, in most cases, the abuser causes a disorder on victim’s health, injuries that are not visible, so they are hardly noticed by the general public.


... On 19.10.2010 at about 16:00 PM, in the family apartment located on Str. __________ in __________, they physically hurt and violated the health of the victim __________ while performing domestic violence that followed by previous quarrel between the defendant __________ and his married wife __________, physically assaulted her by hitting her with slaps and punches on her head, pulling her hair and clothes, then he took a belt and start hitting her on her body, because of which she fell on the floor and reacted with weeping, as a result of which intervened the mother of the defendant __________, the witness __________, she called her son, the defendant __________ by telephone, because of which at 16:15 PM he came to the apartment and physically assaulted the injured __________, he hit her with punches in the face, as a result of which she fell on the floor with body injuries, expressed in the form of a concussion, dents in the head, hematoma in the left side of the face, scratches on the left side of the face, shoulder and back and violated the health expressed in the form of having trauma, dizziness, headache and nausea.

With the abovementioned actions the accused __________ and __________, both from __________, committed a crime - injury from Article 130, paragraph 2 in conjunction with paragraph 1 under the Criminal Law, so according to these articles, as well as articles 3, 4, 7, 29, 30, 31, 32, 33, 39, 48, 48-a, 49 and 50 under the Criminal Law, the court pronounces alternative measure... (Judgment of the Basic Court Skopje I, XIX C. No. 1181/12 from 24.09.2013).

As it can be noticed from the presented example in the actions of the accused and found guilty, there are covered most of the ways of committing physical violence within the family, such as hitting punches, slapping, pulling hair, dragging clothes etc. There can also be noticed the particular consequences towards the health of the injured, such as concussion, dents in the head, hematoma in the area of the left side of the face, scratches on the left side of the face, shoulder and back.

**Conclusion**

The domestic violence is a serious problem not only for the family within which it occurs, but a problem for the society as a result of its destructive and serious consequences it causes. According to
its phenomenological characteristics it appears in all countries and societies, unable to extract a general rule for its act from territorial point of view. The efforts of the theorists in terms of the shapes, types, factors and causes of domestic violence in general, can only help in terms of establishing a valid system for prevention and protection against this kind of violence, from domestic violence.

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