



DOMESTIC VIOLENCE IN FAMILIES AND THE FIGHT AGAINST IT

Ganiev Shukhrat Nabievich

Independent Researcher at the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan

Tel.: +99898 573-73-07

<https://doi.org/10.5281/zenodo.15173904>

Abstract. The article focuses on domestic violence in families and efforts to combat it, the concept of domestic violence, family as the foundation of life, the legal basis for combating domestic violence, and scholarly perspectives on the issue.

Key Concepts: Family, combating domestic violence in families, its legal foundations, the concept of domestic violence.

In our country, as in developed countries worldwide, all human rights and freedoms are enshrined in national legislation, including the prohibition of domestic violence and protection from violence, torture, cruel, inhuman or degrading treatment or punishment.

Article 76 of the Constitution of the Republic of Uzbekistan states: "The family is the fundamental unit of society and is under the protection of society and the state. Marriage is based on the traditional family values of the Uzbek people, the voluntary consent and equal rights of the spouses. The state creates social, economic, legal, and other conditions for the full development of the family"[1].

Indeed, as President Sh.M. Mirziyoyev emphasized, "We must further strengthen the foundations of the family, which is sacred to us, create an atmosphere of peace, tranquility, harmony and mutual respect in homes, and infuse spiritual and educational work with concrete content"[2].

The family is the cradle of values that ensure the continuity of life and generations, a unique fortress for nurturing future generations. Therefore, the family has been considered sacred by our people since ancient times and will remain so. After all, the future of the people and the nation is closely tied to the family. Every person is born and grows up in a family. In a democratic state governed by the rule of law and a just civil society, the family constitutes a unique social unit. This characteristic of the family is reflected in its connection to societal interests and its social functions. There are many exemplary families in our society. When we speak of an exemplary family, we envision enlightened fathers and mothers who have built family relationships based on spiritual values and raised good and moral children. Their existence serves as a model for others.

So what is domestic violence? Domestic violence refers to the aggressive treatment and use of force by someone close to a person. Usually, such aggression is carried out through physical (beating), sexual, psychological pressure (intimidation, insult, disregard) or economic (control of money, material resources and pressure through them).

Simply put, domestic violence is when one person endures pressure and violence due to dependence on another person in the family, despite the disruption of relationships in the family.

However, unfortunately, along with these families, there are also families with a negative social environment that negatively affect child-rearing. At the March 2020 session

dedicated to the "Activities of the Commission on Women's Issues," the UN Secretary-General's report was published, in which it was noted that "violence against women continues to be a widespread phenomenon"[5].

According to the World Health Organization, one in three women in the world, i.e., 35% of women, experience physical or sexual violence throughout their lives, 30% of women reported experiencing physical or sexual violence in one form or another by cohabitants throughout their lives, and 38% of murders committed against women were committed by their close partners, i.e., men[4].

Consequently, the effectiveness of measures to identify and eliminate the causes and conditions leading to cases of harassment and violence against women should be implemented at the regional level.

"Development Strategy of New Uzbekistan for 2022-2026," approved by the Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. 60. It is no coincidence that the 69th goal pays special attention to supporting women, their active participation in public life, creating an atmosphere of intolerance towards harassment and violence against women in society, and ensuring the rights and legitimate interests of women. The Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System of Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Women and Children" of 2023 literally marked a turning point in the prevention of crimes of domestic violence. In particular, the Law No. ZRU-829 of April 11, 2023, "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System of Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Women and Children"[6], also lays the foundation for preventing harassment and violence against women and children, improving the moral and ethical environment in families, and enhancing our country's position in international indices related to children's and women's rights.

This Law introduced a new Article 1261 into the Criminal Code. According to it, Article 1261. Domestic (household) violence: means obstruction of the exercise of the right to property, education, healthcare and (or) labor, intentional damage to property and personal belongings committed against a spouse, former spouse, a person living together on the basis of one household, or a person having a common child, as well as humiliation of the honor and dignity of these persons in a way that led to deterioration of their health, intimidation, isolation from close relatives[7].

The family environment influences the formation of inhuman qualities in a person. This indicates that individuals living in an unhealthy family are distinguished by their behavior and conduct compared to others. This, in turn, creates criminogenic situations that ensure the commission of domestic violence in the family. Criminological literature indicates that more than 60% of crimes against the individual were committed as a result of domestic criminal violence motivated by domestic violence.

According to M.Kh. Rustambaev, physical inviolability should be considered the object of other acts of violence not related to harm to the person's health[8].

In our opinion, any crime encroaching on the health of a person can also encroach on social relations that protect the honor and dignity of a person. The peculiarity of torture is that it not only causes physical or mental suffering to the victim, but also always leads to the humiliation of the person's honor and dignity.



Usually, dignity is understood as a person's inner attitude towards themselves, their characteristics, qualities; honor is understood as a social assessment of a person's social, spiritual qualities[8]. The victim of torture is subjected to physical or mental suffering and lose confidence in themselves and their capabilities, feeling helpless towards the person who tormented them.

R.D. Sharapov recognizes the organism of another person, namely tissues, joints, their physiological functions, and mental experiences (psyche) [9] as the subject of violent crimes.

According to the Russian criminologist Yu. M. Antonyan, in unhealthy families, criminals are 9-10 times more likely than in comprehensively healthy families. The influence of an unhealthy environment in such families necessitates the formation of conflicts, disagreements between family members, or antisocial traits in the individual. The formation of aggression in the individual leads to family conflicts (quarrels, conflicts), learning from domestic violence, setting an example in criminal behavior with violence (drunkenness, cruelty), not resisting the factors of domestic violence in the family, and others [10].

Analysis shows that when studying domestic violence committed in the family, it was established that the main part of the causes of crimes against the life and health of a person is the result of disagreements and intolerance in the family. It should be noted that a dysfunctional family requires more attention, educational and preventive supervision, as well as special social and legal protection compared to other categories of families in need of social protection. Because leaving this category of families unattended and neglected directly leads to minors being raised in these families entering the path of crime.

The criminogenic factors that determine and ensure the commission of domestic violence in the family are inextricably linked and are the result of negative habits arising from an unhealthy lifestyle in the family. It is known that a person as an individual is formed in the family, and in the process of socialization, whether the family has a positive or negative influence on the individual, it must form a certain social image of him. The family environment, along with its influence on the formation of personality, ensures the process of development of spiritual and moral qualities and characteristics in it.

In conclusion, it should be noted that family upbringing is an important process that combines national-spiritual values and methods of national upbringing. It is in families that love for the Motherland, humanity, and adherence to the rules of morality and law in society are taught. Therefore, if we want to see our country among developed nations, we must pay serious attention to creating a healthy environment in families.

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