

The Domestic Violence in Romania and Methods for Dealing with the Phenomenon

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ABSTRACT: Domestic violence represents a common problem in society nowadays. In Romania, this issue tends to expand from one generation to another, although the methods for dealing with this current are various in number and complexity, with special reference to the psychological ones. The central factors which give rise to this type of aggressive behaviors are the following: low financial status of the families, social status differences, educational gaps, toxic characters and so on. Within the variety of methods for tackling with the debated subject we can name the legal sanctions applied by the state with the help of the coercive force, the psychotherapy sessions and collective therapy. The article is proposing an extensive analysis in regards to the domestic violence. The paperwork will describe the current legislation of Romania for this issue, the roots of this problem and ways of countering it, all of this while taking into consideration the present social and economic development of the state. In the same manner, it is necessary to observe the reasons why the victims refuse to address their situations to the competent authorities.

KEYWORDS: domestic violence, the coercive force of the state, concept, definition, tackling, victim, psychotherapy, material situation

The origins and effects of violent behavior in society

In our current society violence is, without a doubt, condemned and condemnable because it is born from psychological reasons. Upon looking into these motifs from a socio-economical perspective, we can deduct that they represent a danger for the organization and the order of the general collective. In the same manner, they have a negative impact on the rights and freedoms of the people, attributes which are guaranteed by the laws and the Constitution (The Constitution of Romania, The European Convention for Human Rights, The Chart of Fundamental Right of the European Union, Edition 10th, 2018, Title II, Article 15, alignment 1).

Violent conducts, however they may be manifested and regardless of the targets (other people, objects, animals), originate from a psychological realm based on different needs such as the protection of he/she`s property, the actions of defending physical integrity or life in general or the protection of moral and cultural beliefs. We can safely say that this foundation of needs have been present since the dawn of our species.

In order to exist, every living creature requires to firstly satisfy its nutritional needs, therefore in the beginning humans were hunters and gatherers. However, the predator could sometimes become the prey and this led to the necessity of self-defense against animals, natural catastrophes or other humans. The individual had to develop several behavior inclined towards aggression and violence in order keep the dangers at a distance. This conduct evolved into the core of existence and survival.

As our civilization evolved on an economic and social plan, the hyper-aggressive archetype lost its reason for existing. It became a toxic element for the objectives which was created to assist in the process of development. Nowadays the state has banned such manifestations in order to preserve social coexistence. The repression is conducted by the institutions through the coercive force of the state (Zlate 2000, 90).

Taking into consideration the above information, we can state that violence is a dangerous type of conduct which consists of threats with a certain negative action or, based on each case, it can be composed of unlawful and immoral acts, and the target is usually represented by either a

physical person or a family member of that subject of law. Also, in the sphere of potential targets we can include a material object, an entire legal entity (for example, company buildings selected for terrorist acts). The main objective of the illegal act is to create a state of fear for the victim in order for him/her to do, not do a certain operation which could have been completed in the absence of the constrain. In the same time, from this consequence of bringing another person into a state of panic, the aggressor could want to obtain a material benefit or different favors. (Mitrache and Mitrache 2014, 190).

The concept of domestic violence and the factors which can create it

With reference to the domestic violence, it is defined by the current legal stipulations in Romania as any violent action or non-action on a physical, sexual, psychological, economic, social or spiritual term committed with intention which is completed in a family climate or between two husbands as well as between two ex-partners, being irrelevant if the aggressor lives or has lived in the past with the victim (Law No. 174/2018 which modifies and completes Law No. 217/2003 for the prevention and tackling of the domestic violence, Article no. 3). In accordance with the definition, the domestic violence has the following elements:

The psychological element consists in the propagation of a state of fear to the victim or to the members of the targets family with the purpose of imposing the authors will and personal domination. This can be done by any methods.

The physical element includes the potential injuries inflicted to the victim's body or to the bodies of his/hers closest friends/family members. Based on this line of thinking, sexual and other degrading activities can be brought into this component.

The economic element is formed around the interdiction addressed to the target or his/her family in regards of performing any form of entrepreneurial activity.

The social element refers to the imposed isolation asked from the aggressed subject of law. This isolation can have the main requirement of not making any contacts with friends, family members or other determined persons.

The spiritual element assumes the discredit of morally and metaphysical achievements, due to ethnic, cultural or religious reasons.

Factors which can influence the creation of violence are many. However, some of them present a higher importance value in the current social context. In this way, we can talk about the poor financial status of a family, the different economic position of a life partner, the lack of education for one husband or both, or the discrepancy between their cultural and spiritual beliefs. All of these componence serve in generating a domestic violence episode sooner or later, if left undealt with.

Generally, the domestic violence is done by the male husband in order to ensure the control over his wife or his child. Several causes for the toxic actions of the male partner can be: jealousy (resulted from a low-self-esteem or the unaccepted current social status); lessons not taken into consideration from the elder members of the family; excessive consumption of drugs and alcohol (Mitrofan 992, 78).

Methods of tackling with domestic violence

By methods of tackling we can understand the means which offer the possibility of redemption to the persons which had to suffer from these kind behaviors or the ones who committed them. In other terms, it is a way of rebalancing the social reports and a direction to be followed in order to get rid of the violence. In worst case scenarios, the methods can be punishments applied according to the legal norms with the use or the coercive power.

In Romania, solutions for dealing with the phenomenon are the sessions of collective therapy or restricted psychotherapy meeting which serve to defuse the tension accumulated between the life partners.

Collective therapy assumes the participation of several individuals (groups or families) in a restricted space, placing them in a circle in order for all of them to be visible by the other members and to uphold a feeling of equality. Each patient has the right to take the word when his turn arrives and he can share the experience, feelings or pain through which he/she is going. After the problem is exposed, everyone tries to come up with advices or solutions.

Psychotherapy meetings represents another method for prevention or treatments by which a person, a couple or a family asks to be helped by a psychotherapist. This is done in order to avoid any possible bad scenarios and to solve any current issues.

Conventional treatments cannot solve most of the domestic violence cases due the gravity of the actions already completed and unfortunately, most of the time the subjects having to appeal to the law enforcing institutions. Possible sanctions as a result of the intervention of the state in the matter can be from the civil law domain (divorce) or the criminal law part (restriction orders, sentences to prison) (Popa 2008, 236).

Dealing with domestic violence with the help of criminal law

The Romanian criminal law makes a distinction between the juridical object and the material one in regards of the crime defined as “family violence.”

The juridical object is composed from a central special object – “the life and the social relations in accordance to the right to live of the family member, respectively the physical integrity or health of the family member and the social relations in accordance to it” (Udroiu 2018, 84) and a secondary one – “social relations regarding good coexistence within the family” (Udroiu 2018, 84). The material object consists of the” body of the injured person who has the status of an alive family member” (Udroiu 2018, 84).

Romania’s criminal law stipulates several sanctions against family violence, proportional to the gravity of the illegal act consumed. In this manner, killing a family member is punished by a prison sentence from 10 to 25 years and for the same crime done in the aggravated form the duration is changed to life sentence or to 15 to 31 years in jail (New Criminal Code. New Criminal Procedural Code, 2014, The Special Part, Title I, Chapter I, Article 188 – 189).

Simply hitting a family member, excluding self-defense cases, is sanctioned by 3 months to 2 years of prison (New Criminal Code. New Criminal Procedural Code, 2014, The Special Part, Title I, Chapter II, Article 193, alignment 1).

Injuries done to the body of the victim comes with a possible consequence of 2 to 8 years of jail (New Criminal Code. New Criminal Procedural Code, 2014, The Special Part, Title I, Chapter II, Article 194, alignment (1) – (3)).

Not every case represents a domestic violence scenario, some of them are situations in which the offender committed the facts out of necessity to defend his own physical integrity or even his own life of the attacks from a family member (Grădinaru 2018, 12).

Conclusions

In general terms, domestic violence represents a severe social problem which grows from one generation to another and leaves a deep mark on our society’s way of life. It emanates a unpleasant influence over the social relations regardless of their level.

In Romania, due to its geo-historical factors especially the constant invasions and wars for defending the homeland, this issue of violence was present since the formation of the modern state. Lack of educational efficiency helped with the propagation of this phenomenon.

Today, the state has a deep implication the fighting and preventing domestic violence by offering the population conventional methods to recreate and reinforce the social relation in the context of traditional families and also by putting into attention the possibility to make an appeal to the coercive for of the institutions in order to have the criminal law sanctions applied.

Despite all of this, many of the victims choose to endure these unlawful and immoral acts due to either economic causes such as financial sustenance, or because of the fear for the opinions expressed by others. A person can choose to take the abuse also to ensure that he/she or the partner is still present in the life and educational process of a child, although the absence of the abusive parent can prove to be a step forward for the offspring.

Even if the state applies severe sanctions to such toxic behaviors, sanctions which could have a high level efficiency and correctitude, they cannot replace a normal and healthy development of our civilization. This growth can only be the result of diligent and carefully applied education.

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