
Theoretical explanations of violence in marriage and partner relationships and international legislative incorporation

Danijela Puhača¹ and Nenad Bingulac²

¹Novi Sad City Assembly, City Administration for Education,
Novi Sad, Serbia

²Faculty of Law for Commerce and Judiciary, Novi Sad, Serbia

Article Information*

Review Article • UDC: 343.55:343.9

Volume: 20, Issue: 3, pages: 162–178

Received: June 30, 2023 • Accepted: October 18, 2023

<https://doi.org/10.51738/Kpolisa2023.20.3r.162pb>

Author Note

Danijela Puhača  <https://orcid.org/0009-0003-7484-7001>

Nenad Bingulac  <https://orcid.org/0000-0003-1187-7054>

We have no known conflict of interest to disclose.

Corresponding author: Nenad Bingulac

E-mail: nbingulac@pravni-fakultet.info

* Cite (APA):

Puhača, D., & Bingulac, N. (2023). Theoretical explanations of violence in marriage and partner relationships and international legislative incorporation. *Kultura polisa*, 20(3), 162–178, <https://doi.org/10.51738/Kpolisa2023.20.3r.162pb>



© 2023 by the authors. This article is an open-access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

Abstract

The family has always been the basic cell of social life. The aim of this research is to point out some very important theoretical issues and how and to what extent they have been implemented in positive European legislation. Bearing in mind the aforementioned, the work is divided into two parts, the first of which deals with theoretical issues, starting with the consideration of the theory of sociological orientation, and at the end of this part, looking at aspects of feminist explanations. In the second part of the paper, the most important international documents on protection from violence in the family, in marriage and partner relationships were considered through the United Nations, the Council of Europe and the European Union.

Keywords: domestic violence, violence in marriage, violence in partner relationships, criminal law, international regulations

Theoretical explanations of violence in marriage and partner relationships and international legislative incorporation

Introductory review

In the conditions of increasingly pronounced alienation of people from each other and dehumanization in the era of globalization (See more: Bjelajac, 2014), various forms of sociopathic behavior come to the forefront. Widespread violence is increasingly manifesting itself in family and partner relationships, both in the real world and in the digital/virtual world. This violence generates deep and long-lasting psychophysical traumas in the victims and their children, and the number of victims increases dramatically from year to year. In most cases, women are the victims who are threatened psychologically, physically, sexually, or economically. Male violence against women often occurs, and the perpetrators lack an understanding of security culture. Victims of domestic and partner violence often remain silent and lose the opportunity to seek help and escape the violence, precisely because of the lack or absence of security culture, which also includes the "art of living" (See more: Bjelajac & Zirojević, 2014). Domestic violence, regardless of how it manifests itself (whether as violence in partner relationships, marital or extramarital violence, violence against children, violence against parents, etc.), is a phenomenon that in recent years has attracted increasingly significant doctrinal and media attention (Krstinić, Počuča & Sančanin, 2023). Violence in the family, marriage and partner relationships occasionally becomes extremely dominant in all types of professional and public discussion due to media exposure, but even when there is no such media attention, it does not subside. We emphasize that it is extremely dominant with complex causes but also with no less complex solutions. Bearing in mind the high level of the dark figure that varies in less urban and urban areas, this problem is not easily solved and requires constant theoretical and certainly practical consideration.

In support of the aforementioned, the Law on Prevention of Domestic Violence as its goal (Article 2) foresees that it regulates the organization and actions of state bodies and institutions in a general and uniform manner and thereby enables effective prevention of domestic

violence and immediate, timely and effective protection and support for victims. domestic violence.

Violence in marriage and partner relationships is a very complex phenomenon spread on several fronts. We observe it individually, as a partner, socially. The development of theoretical explanations about violence in marriage and partner relationships ranged from the search for causes in biological and neurological properties, in individual characteristics and in individual behavior, through the analysis of numerous factors of culture and the general social system, to feminist explanations.

Theories of sociological orientation

General systems theory views marital violence as a systematic, continuous element of social interaction, rather than as a product of individual pathology. Strauss, for example, relying on the results of his own research, believes that the causes of violence against women in marriage should be sought in the very structure of society and its family system. In doing so, he singles out several main factors that operate within that system. These are: the family, as a social group with a high level of conflict; high level of violence in society; family socialization, i.e. raising children with the help of violence; cultural norms; and, sexist organization of society. Children learn in early childhood that violence is connected with love and that if something is particularly important, then it justifies the use of violence. Also, the use of violence creates a moral right for them to use violence themselves. However, Strauss does not believe that these indirect lessons form a model for later behavior towards one's own children, but that they become a basic part of the personality and his worldview, which is generalized to other social relationships, especially to the relationship between husband and wife. In addition, cultural norms justify and allow the use of violence by husbands, and the sexist organization of society and its family system are one of the most important factors that influence the high level of violence against women in marriage. (Tošić, 2016, p.18)

If one person possesses numerous social, economic or personal resources, he is all the more in a position to control and issue orders,

and to use force against others. Thus, a man who performs a job for which he is paid little and is socially valued, may choose violence in order to achieve, or maintain, his dominance in the family. Women who are economically dependent on their husbands are more likely to leave, even when they suffer violence.

Bullies believe that the violence they perpetrate is justified, normal, deserved and allowed.

Feminist explanations

Feminist explanations of marital violence arose as a critique of existing theories based on feminist practice, emphasizing patriarchy as a concept that creates and maintains inequality between men and women. (Vasiljević, 2005, p.110) Therefore, the categories of sex/gender, power, influence, which are crucial for understanding partner violence (especially theories of resources, incompatible statuses and conflicts) have been modified. Adopting the concept of social inequality, control and power and violence, as the last resource to ensure the subordination of women, feminists emphasize that it is not a conflict between equals, but a struggle for the power of unequals in advance, because the positions of women and men are socially, institutionally, ideologically and individually set asymmetrical, that is, the status of women depends on the status of men and reflects a multiple relationship of subordination. (Yello, 1996, p.51) The issue of power and control is integrated in the famous "Duluth model", according to which in the famous "point of power and control", power and control are located at the very center, and around are the techniques used to preserve power and control: coercion, intimidation, isolation, humiliation, economic violence, sexual abuse, male privilege. Feminists see a key role in understanding all forms of violence against women (they do not use the terms "violence in the family", "violence in marriage", because they divert the focus from the concept of male coercion/violence against women), in the social construction of gender, in which dominance (power) of men in the family is part of a wider system of power, which is in line with the "Duluth model". It follows from the above that the abuser takes control over the victim. The concept of control through coercion is complemented by the theory "on the cyclical nature of

violence", according to which the violent relationship between a husband and his married or extramarital partner goes through three phases: the tension phase - where minor incidents of violence occur; both partners do not take those events seriously, and the female victim denies the violence and does everything to avoid it, and often looks for the culprit of the violence within herself; in the second phase - the phase of acute violence, abuse of a physical or sexual nature occurs. The third stage - the stage of reconciliation and love, comes immediately after the abuse, the abuser expresses remorse for the violence he committed, they believe they love their victims, and the victim has a guilty conscience, a sense of guilt and fear for the future of the abuser, if she ends the relationship with him. (Walker, 1979, p.55-68)

However, the lack of this approach to looking at violence in partner relationships is primarily reflected in the fact that feminist-oriented authors do not analyze other forms of domestic violence, they do not even use that term, but concentrate exclusively on women as victims of violence. They completely ignore the individual characteristics of the actors of violence, as well as violence committed by women. (Yello, 1996, p. 83-88)

Nevertheless, the fact that feminist explanations of violence in partner relationships had a strong impact on the perception of violence against women, both on the international and national level, and on the social apparatus to take the necessary preventive measures to protect women from violence, cannot be disputed.

International documents on protection against violence in the family, in marriage and partner relationships

In the continuation of the research, international documents on protection against violence in the family, in marriage and in partnerships adopted by the United Nations, the Council of Europe and the European Union will be pointed out. The implementation of the documents that will be discussed below represent the sublimite of the current legislative struggle, i.e. protection against domestic violence, and a significant part of them were conceived on certain theoretical frameworks that we discussed in the first part of the paper.

United Nations

The Universal Declaration of Human Rights from 1948 guaranteed freedom and equality in dignity and rights of all people, both men and women (Articles 1 and 2), and stipulated, among other things, that everyone has the right to life, freedom and security (Art. 3). International Covenant on Civil and Political Rights (General Assembly UN. International Convention on Civil and Political Rights) in art. 2 prohibits discrimination, and requires States to ensure the equal right of men and women to enjoy the rights provided for in the Covenant. In art. 17 regulates the right to private and family life. This provision is particularly significant, because privacy and non-interference in family life has long been an argument for state inaction, or toleration of domestic violence. However, when the provisions of the mentioned article are analyzed, the conclusion is clearly reached that the right to privacy and family life is not inviolable. It is protected against arbitrary and illegal interference, which is the basis for intervention in a family where there is violence. Art. 23 regulates the right to family life, and defines the family as a natural and basic cell of society, which has the right to protection from society and the state. States are obliged to take all necessary measures to ensure equality in the rights and duties of spouses in relation to marriage, duration of marriage and in case of divorce. Similarly, the International Covenant on Economic, Social and Cultural Rights (General Assembly UN, International convention on Economic, Social and Political Rights.) in art. 10 requires states to provide protection and assistance to the family, as the basic and natural cell of society, especially for its establishment, and while it is responsible for the upbringing and support of the children it cares for.

Namely, given that violence in the family, in marriage and partner relationships is seen through the prism of violence against women, for the first time at one of the most significant and influential conferences held in Nairobi in 1985, violence against women was presented as a form of discrimination and violations of basic human rights became more visible, and within its framework more and more attention was paid to domestic violence. The conference in Nairobi was preceded by two world conferences on women: in Mexico City in 1975, which was declared by the General Assembly in 1972 as the International Women's Year, while

at the same conference the Decade for Women (1976-1985) was declared, and the other in Copenhagen in 1980. The key themes of these conferences were equality, peace, development. We should also mention the World Conference held in Vienna in 1993, which, within the framework of the concept of human rights, discussed the specifics of the realization or violation of women's rights, and also touched upon the issue of violence against women in the public and private sphere.

The UN Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 (entered into force on September 3, 1981). The basic motive for the adoption of this Convention was based on the fact that despite all previous international instruments for the protection of gender equality, factual inequality between men and women remained. (Pajvančić, Petrušić, and Jašarević, 2010: 37) It requires states to take all necessary measures to eliminate discrimination against women, especially in marital and family relationships, which are traditionally structured and provide a suitable basis for various forms of violence. Obligations regarding the provision of equal right to marry, equal right to choose a spouse, and marriage of free will and with full consent, equal rights and responsibilities in marriage are also foreseen. Article 5 of the Convention stipulates the obligation to take appropriate measures to change social and cultural customs regarding the behavior of men and women, in order to eliminate all prejudices, as well as common and any other practice based on the understanding of the inferiority or superiority of one or the other sex, or the traditional role of men or women. There is no doubt that the monitoring mechanism for the implementation of the Convention, the Committee for the Elimination of All Forms of Discrimination Against Women (Committee of The Elimination of Discrimination Against Women), which was established in 1982, is of great importance, which monitors the implementation of the Convention, the fulfillment of obligations, reviews national reports and makes recommendations in connection with certain issues from the Convention.

The Committee for the Elimination of All Forms of Discrimination against Women is in General Recommendation no. 19 of 1992, completed the definition of discrimination against women, adding that it includes "violence based on the difference between the sexes, i.e.

violence that is directed against women, or violence that affects women to a greater extent than men". Violence means "acts that cause physical, mental or sexual pain and suffering and threats of such acts, coercion and other forms of organizing freedom". The committee paid special attention to domestic violence, giving it the quality of "one of the most insidious forms of violence against women that prevails in all societies." Its typical manifestations are: beating, rape and other forms of sexual violence and psychological violence. States are recommended to take effective measures to combat violence against women, and when it comes to domestic violence, it is necessary to adopt specific legislation on domestic violence, providing criminal sanctions for perpetrators of violence, civil remedies, preventive and protective measures against domestic violence, as well as the provision of special protection and support services, and the training of employees in those services.

The Council of Europe and the European Union

One of the main tasks of the Council of Europe is the protection of human rights, and violence in the family, in marriage and partner relationships undermines the basic values on which the Council of Europe rests.

As part of the protection of human rights (including victims of domestic violence), the most important document of the Council of Europe is the European Convention for the Protection of Human Rights and Fundamental Freedoms. Art. 7 stipulates that everyone has the right to respect for private and family life, apartment and correspondence. Public authorities shall not interfere with the exercise of this right, unless it is lawful and necessary in a democratic society in the interest of national security, public safety, or the economic benefit of the country, for the prevention of disorder and crime, for the protection of health and morals, or for the protection rights and freedoms of others. The European Convention on Human Rights allows the intervention of the state in the family, if there is violence in it, which represents a violation of the rights and freedoms of others.

On May 11, 2011, the Council of Europe adopted the Convention on Preventing and Combating Violence against Women and Domestic

Violence, which for the first time separates and determines domestic violence separately from violence against women, and in this way highlights its uniqueness and danger. The Convention stipulates that member states are obliged to conduct research, collect and support the collection of data on all types of violence provided for in this Convention. It is also planned to make the collected and processed statistical data available to the public, raise awareness about domestic violence, organize educational programs on the equality of women and men, non-violent conflict resolution in partner relationships, organize professional training for competent experts who deal with victims of violence, the organization of preventive programs and work with perpetrators, the existence of a sufficient number of safe houses for the accommodation of victims, especially when it comes to women and children, the establishment of a non-stop SOS free line, and the existence of a series of civil law measures, as well as the obligation of member states to take a series of measures to incriminate acts such as: female genital mutilation, forced marriage, forced abortion and forced sterilization, sexual harassment. Also, the Convention provides that the procedure for domestic violence must be regulated, from the very report, prosecution ex officio, conducting the investigation, the urgency of the procedure, the prohibition of the possibility of alternative ways of resolving disputes, the circumstances that have to be considered as aggravating, when it is passed decision on criminal sanction. The establishment of the Expert Group for the fight against violence against women and domestic violence (GREVIO) is also planned, which will monitor the implementation of the Convention by the member states.

Other documents of the Council of Europe, which are more specifically related to the prevention of violence in the family, in marriage and partner relationships, are resolutions and declarations, which express the position of the members of the Council of Europe on a certain issue, or recommendations that are not binding and belong to the so-called soft law, because they contain guidelines that should be applied by the legislators of the member states, when adopting national regulations at the national level.

Recommendation R (85)4 of the Committee of Ministers of Member States on Domestic Violence defines the family as the basic

organizational unit of a democratic society, and all its members enjoy protection from domestic violence. It is emphasized that domestic violence affects women and children the most. States are recommended to inform the public about the prevalence, seriousness and specificity of domestic violence, to provide professional training for all those responsible for combating domestic violence, to organize, encourage and support the work of services whose task is to provide assistance to victims of domestic violence, to take the necessary measures to limit or bans on the freedom to physically punish children in the family. Psychosocial counseling of abusers should be a general rule, especially when the abuser agrees to undergo the supervision of social, medical-social and probation services.

When Recommendation R (90) 2 on social measures related to domestic violence, the Committee of Ministers calls on member states to take general measures (reforms of the social and health care system, work, culture and education, etc.), and special measures (information and education about the causes, the prevalence of violence, the existence of assistance and protection programs, etc.). The availability of counseling centers, "crisis centers" and therapy programs for abusers is also necessary. It is also recommended to promote the care of children and the non-application of humiliating treatments towards children. When it comes to violence against women, it is recommended to provide economic assistance, especially when dependent on the abuser, establishment of safe houses, assistance from lawyers, psychologists, experiential support groups. In case the woman returns to the abuser, the social worker should monitor the development of the situation. It is also recommended to educate officers who work with victims and abusers about domestic violence and the characteristics and needs of victims and abusers.

In Recommendation 1450 (2000) on violence against women, 1450 (2000) expressed great regret over the increase in violence against women in the member states of the Council of Europe, which violates their basic human rights, namely: the right to life, safety, dignity, physical and psychological integrity. It is proposed to adopt a law that sanctions all forms of domestic violence, criminalization of marital rape, ensuring greater flexibility in terms of access to justice, and in terms of the

availability of various procedures for the actions of state bodies ex officio, in camera hearings, etc., as well as organizing educational programs for members of the police, judiciary, establishing centers and shelters for victims of violence, organizing campaigns to raise awareness about the unacceptability of violence against women, and promote gender equality.

Recommendation 1582 (2002) on domestic violence against women points out that domestic violence should be treated as a political and public problem, and as a violation of human rights. It is necessary for the member states of the Council of Europe to investigate, prevent and punish all acts of domestic violence and to provide protection to the victims of such violence. Also, the importance of developing strategies for community intervention at the local level is emphasized, which is aimed at coordination and cooperation between state authorities and the mobilization of financial and human resources in the fight against domestic violence, calling on people to be more responsible. It is also recommended to provide special financial support to non-governmental organizations and women's associations, which work with victims of domestic violence, improve statistics on violence, on which a clear picture of the nature and prevalence of domestic violence would be based, and create an appropriate policy to combat violence.

Recommendation Rec (2002) 5 for the protection of women from violence is the first international instrument that proposes a global strategy for the prevention of violence and the protection of victims, covering all types of gender-based violence. The establishment of research centers, including those at the university level, is also recommended. The cooperation of health, social and educational institutions is also necessary, in order to act against violence with a coordinated action. Emphasis is placed on preventive, educational activities, so that boys and girls receive upbringing and education without cultural patterns, prejudices and stereotypes about gender roles. A special section is dedicated to the media, local planning for the protection of victims, criminal and civil proceedings, and programs for the prevention and treatment of violent offenders.

One of the legally binding documents, which should improve the position of victims of domestic violence, is the Directive on the right of EU citizens and their families to move and reside freely on the territory

of the member states. (European Parliament and the Council. Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States) Article 13 paragraph 2 provides for the possibility for victims of domestic violence to retain their right to reside in the EU in case of divorce.

From 2000 to 2003, the DAPHINE program against violence against women, children and youth was implemented. As part of the DAPHINA initiative, two reports were prepared: "Uncovering hidden data on domestic violence in the EU" and "Towards a common European framework for monitoring progress in combating violence against women". DAPHINE II program lasted from May 2004 until the end of 2008, and DAPHINE III lasted until 2013.

In 2007, the Council of the European Union adopted the Recommendation on preventing harm and promoting safety, which calls on states to take steps to prevent intentional harm, especially to women and children within the family. In April 2009, the European Parliament adopted the Declaration on the "Say No to Violence against Women" campaign. Also, the Resolution adopted by the European Parliament on April 5, 2011 on the priorities and policy of the European Union to combat violence against women is also very significant. (Resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women) As a new segment of the European Union's policy in the fight against violence, it points out that violence against women is undoubtedly the most severe form of gender-based violence, but also that violence in partner relationships towards others victims - children, men and the elderly is also a hidden phenomenon that should be investigated and should not be ignored. The European Union continued its activity in the fight against domestic violence, as shown by the Resolution of the European Parliament of February 25, 2014 with the recommendations of the Commission for the fight against violence against women.

Concluding considerations

Bearing in mind the high level of the dark figure when it comes to violence in the family, marriage and partner relationships, this form

of socially unacceptable behavior, and therefore criminally responsible behavior, manifests itself every day in different ways and in different intensities. The goal of this research is to point out some very important theoretical issues and how and to what extent they were implemented in positive European legislation and thus indirectly in all domestic legislation in Europe. Bearing in mind the aforementioned, the work is divided into two parts, the first of which deals with theoretical issues, starting with the consideration of psycho-biological explanations, then considering the theory of sociological orientation, and at the end of this part, looking at aspects of feminist explanations. In the second part of the paper, the most important international documents on protection from violence in the family, in marriage and partner relationships were considered through the United Nations, the Council of Europe and the European Union.

Bearing in mind the entire theoretical and legislative consideration of the issue of domestic violence, we can see that violence in the family, in marriage and partner relationships is a factor in the weakening of the family and society as a whole. The obligation of the state is therefore to promote family life without violence. Adequate application of the Family Law and the Criminal Code of the Republic of Serbia, monitoring of current statistical data, work to reduce the dark figure and achieve preventive action. We are of the opinion that with a certain correction of the repressive measures, a certain positive step forward can be made.

References

- Bjelajac, Ž. (2014). Alijenacija čoveka u eri naučnotehnološkog razvoja i globalizacije kao uzrok porasta i raznolikosti organizovanog kriminala [Alienation of man in the era of scientific and technological development and globalization as a cause of the increase and diversity of organized crime]. *Kultura polisa*, 11(25), 385–396
- Bjelajac, Ž., & Zirojević, M. (2014). Bezbednosna kultura u eri globalizacije [Security Culture in the Era of Globalization]. *Kultura polisa*, 11(23), 77-99.

Committee of Ministers of the Council of Europe. Recommendation 1450(2000) on Violence against Women in Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16783&lang=en>

Committee of Ministers of the Council of Europe. Recommendation R (85)4 on Violence in the Family (1985). <https://rm.coe.int/16804f120d>

Committee of Ministers of the Council of Europe. Recommendation R (90)2 on Social Measures concerning Violence within the Family, 1990. https://www.arch.ms.gov.pl/Data/Files/_public/ppwr/akty_prawne/miedzynarodowe/rekomendacja-nr-r-90-2-.pdf

Committee of Ministers of the Council of Europe. Recommendation Rec (2002)5 on the protection of women against violence. <https://wcd.coe.int/ViewDoc.jsp?id=280915&Site=CM&BackColorInternet=F3C3C3&BackColorIntranet=EDB1&BackColorLogged=F5D383>

Committee of Ministers of the Council of Europe. Recommendation 1582 (2002) on Domestic Violence against Women. <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta02/EREC1582.htm>

Committee of The Elimination of Discrimination Against Women www.ohchr.org/EN/HRBodies/CEDAW/Pages/Introduction.aspx

Council of European Union. Recommendation of 31 May 2007 on the prevention on injury and the promotion of safety (2007/C164/01) <http://www.childsafetyeurope.org/publications/europeanpolicy/info/council-recommendation.pdf>

European Parliament and the Council. Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>

European Parliament EU. Resolution on the current situation in combating violence against women and any future action. www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2006-0038&format=XML&language=EN

- European Parliament. Resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014IP0026>
- Fourth World Conference of Women. Beijing Declaration and Platform for Action 1995. <http://www.un.org/womenwatch/daw/beijing/beijingdeclaration.html>
- Krstinić, D., Počuča, M., Šunčarić, Đ. (2023). Domestic violence – the position of the child in violence suffered by the parent as a victim. *Pravo – teorija i praksa*, 40 (2), 1–16, <https://doi.org/10.5937/pr2302001K>
- General Assembly UN. Declaration on the Elimination of Violence against Women A/RES//48/104, 20/12/1993.
- General Assembly UN, International Convention on Economic, Social and Political Rights. www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx
- General Assembly UN. Universal Declaration on Human Rights. <http://www.un.org/en/documents/udhr>
- General Assembly UN. International Convention on Civil and Political Rights www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
- Pajvančić, M, Petrušić N i Jašarević S. (2010). Komentar zakona o ravnopravnosti polova, Udruženje građana Centar modernih veština, Beograd.
- Tošić, D. (2016). Etiology of violent behavior, *Glasnik Advokatske komore Vojvodine*, vol. 88, iss. 1, 17-31.
- Yello K. (1996), Through a Feminist Lens: Gender, Diversity, and Violence: Extending the Feminist Framework, *Current Controversies on Family Violence*

Teorijska objašnjenja nasilja u braku i partnerskim odnosima i međunarodno zakonodavno inkorporiranje

Danijela Puhača¹ and Nenad Bingulac²

¹Skupština grada Novog Sada, Gradska uprava za obrazovanje,

²Pravni fakultet za privredu i pravosuđe, Novi Sad

Sažetak

Porodica je odavak bila osnovna ćelija društvenog života. Cilj ovog istraživanja je da se ukaze na pojedina teorijska veoma značajna pitanja i na koji način i u kojoj meri su ona implementirana u pozitivno evropsko zakonodavstvo. Imajući u vidu pomenuto, rad je koncipiran u dva dela i to prvi koji se bavi teorijskim pitanjima i to počevši od razmatranja psihobioloških objašnjenja, zatim razmatranje teorije sociološke orijentacije i na kraju ovog dela sagledavanje aspekta feminističkih objašnjenja. U drugom delu rada razmotreni su značajniji međunarodni dokumenti o zaštiti od nasilja u porodici, u braku i partnerskim vezama posmatrano kroz Ujedinjene nacije, Savet Evrope i Evropsku uniju.

Ključne reči: nasilje u porodici, nasilje u braku, nasilje u partnerskim odnosima, krivično pravo, međunarodne regulative