



Criminality of Domestic Violence: Frequency, Protective Measures and Legal Treatment according to the Legislation of the Republic of Kosovo

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Abstract

The concept of domestic violence includes those actions that are taken against a family member, affecting the well-being of normal functioning by causing fear and exercising control. The purpose of the paper is to provide summarized data regarding domestic violence based on current theories provided by various studies. The paper also aims to analyze the legal treatment of this crime, including the punishments for the perpetrators as well as the protective measures against the victim. The criminal offense of domestic violence has marked a significant increase in cases, including light bodily injury, which has marked a relatively slight increase. Contempt of the court constitutes the third criminal offense which within the three-year period has also marked a relatively easy increase. The criminal offense of assault has marked a marked decrease in terms of prevalence during the discussed periods, while the remaining offenses such as threat, grievous bodily injury, child abuse or abandonment, as well as violating family obligations have not had any noticeable change in terms of their spreading.

Keywords: *Domestic Violence; Legal System; Protective Orders; Protective Measures*

Introduction

The right to a dignified life, physical and mental integrity as well as the guarantee of free movement are some of the rights proclaimed by various legal acts which guarantee their inviolability whether in ordinary or not ordinary situations. The undertaking of criminal acts obliges state bodies to take appropriate actions in the direction of their detection and prevention. Practically, the limit of the scope of applicability of the individual's freedom or right goes up to the point that it does not infringe the freedom or the right of another, regardless of the family relationship or closeness, on the contrary, it incriminates a criminal offense. One of the forms of criminal behavior that violates human dignity and affects the disorder and abnormal functioning of family relationships is the crime of domestic violence.

The purpose of this paper is to first approach the criminality of domestic violence as a global disaster with devastating consequences in terms of healthy family relationships by analyzing the nature of certain forms of domestic violence as well as the negative effects that come from theirs. The paper tries to provide the clearest possible understanding regarding the concept of domestic violence, relying on the current theories offered by various studies on the phenomenon of domestic violence. The paper aims to provide a general overview with summary data regarding the punishments offered by the legal system of the Republic of Kosovo and the most suitable measures for the protection of victims. Also, through this paper, an attempt is made to enrich the research literature with data that show the spread over the years of criminal offenses committed within family relationships as well as protective orders issued by the competent authorities.

Through this work, the following hypothesis is attempted to be verified:

H1: Criminal offenses committed within family relationships in the Municipality of Prizren have increased from year to year, while the number of protective orders compared to the number of criminal offenses committed is relatively small.

As such, the paper aims to serve as a valuable contribution to the field of justice by facilitating the research work of other researchers in creating new research on the criminality of domestic violence. The work tries to provide statistical data on the spread of the phenomenon of domestic violence during certain periods in the Municipality of Prizren, which can be used as a reference source in future research on this phenomenon, whether at the local or national level, as well as more broadly.

Methodology

For the collection of the necessary data, the statistical method was used in the first instance, in which case the request was submitted to the Regional Police Directorate in Prizren. Theoretical analysis as a method is used in connection with the consultation of other studies to present the necessary elaborations on the concept of domestic violence and its specific forms. The comparative method was used to interpret the statistical results through which the findings for the number of criminal offenses committed within the family during the years 2019-2022 were compared.

The Notion and Understanding of Domestic Violence

The spread of crime and criminal behavior as a negative and dangerous phenomenon manifests itself in different forms and ways through which the legal interests of the respective society are harmed or endangered. Society or the state in particular always continuously builds mechanisms and instruments as efficient as possible in preventing the spread of criminality.

Despite the fact that people enjoy rights guaranteed and proclaimed by various acts in the field of justice, often these rights and in this specific case physical integrity, security and freedom can be violated and endangered by various behaviors and actions, and one of them is domestic violence.

Seen from the general point of view, the criminality of domestic violence means or includes those actions taken by one member of the family directed towards the other member or members of the family, which violate the physical integrity as well as the psychological well-being, the consequences of which are quite serious. both for physical and mental health. So, it is those aggressive behaviors that appear in different ways and that affect the disruption of the normal and healthy functioning of relationships within the family.

The World Health Organization defines domestic violence as the use of power or force with the purpose of threatening themselves, with the purpose or intent against any other individual, group of individuals or an entire society, which may thereby cause a harm or injury to people, psychological trauma, developmental imbalance, death or deprivation. (Krug et al., 2002). Based on this, we can say that domestic violence is the use of force, physical, verbal or sexual aggression by an individual against other family members, which causes physical damage or psychological trauma, having a negative impact or destructive effect on family relationships.

The definition given by the World Health Organization regarding domestic violence, based on who the offensive actions are aimed at, divides domestic violence into:

- Violence directed against oneself;
- Interpersonal violence, directed at a group of individuals and
- Collective violence, directed at certain communities.

Violence directed against oneself or the consequences that come from such a situation indicate the problems or psychic obstacles that certain individuals possess. Such a category of society in a way are less or not at all protected, since self-attacking or self-harming actions are carried out personally by them in a situation of loneliness, turning into passive subjects of certain forms of violence against themselves. According to a definition given by Crosby et al., (2011) self-directed violence includes violent behaviors such as acts of suicide where the consequence may be fatal or non-fatal, intentional self-harm without suicidal intent. On the other hand, although they do not constitute actions or behavior in the sense of undertaking the act, suicidal ideas are included because of the connection they have with violence directed against oneself.

Unlike the first category of violence where the behaviors are directed at oneself, interpersonal violence now attacks a second person by violating his material goods protected by relevant laws. This form of violence can be directed within a narrow family circle, the victims of which are members within the family. According to Rosenberg et al. (2006) interpersonal violence is classified as domestic violence and community violence. Domestic violence is then categorized according to the victim who may be a child, an intimate partner or an elderly person. However, violence in the community is divided according to two types of perpetrators, known and unknown perpetrators. Such separation includes sexual assaults by strangers and violence in institutional settings such as schools, workplaces, prisons, etc. In this way, the most endangered category are those victims who are subjected to violence and sexual harassment in the workplace, as they are reluctant to report such criminal behavior for fear that they may face the loss of their job.

Collective violence as another sub-division of violence based on the concept given by the WHO, incorporates other features or specifics which, as the name itself indicates, is a form that includes a large number of organized people motivated by circumstances or motives different. Such groups undertake offensive actions or direct harmful and destructive force against others. Regarding collective violence in the publication made by Krug et al., (2002) the violence in question that is committed to uplift certain social groups includes hate crimes, mob violence and terrorist acts, while political violence includes violent conflicts and state violence committed by larger groups and economic violence includes those attacks that are carried out for the purpose of economic benefits, including disruption of economic activity as well as obstacles to access to essential services. From this we can derive a narrower division of collective violence which includes violence in the social sense, political violence as well as economic violence.

We cannot find a universal definition of the concept of domestic violence, since the relevant organizations and institutions define it in different ways with distinctive elements but also with common

features. A unique and single definition for such a global disaster would be difficult and limiting since the negative impact and consequences of this crime are quite severe, and any person can be a victim regardless of age, gender, educational level or economic level. The commonality of all possible notions of the criminality of domestic violence is always the undertaking of intentional offensive actions in the physical or psychological sense to intimidate the other as well as the continuous efforts to exercise control and maintain power over the other.

4. The Subjects of the Crime of Domestic Violence

In the commission of criminal offenses or criminal behavior, at least two subjects appear in completely opposite positions. The first subject is the person who undertakes offensive or damaging actions against another, while the second subject is the person to whom the consequence is caused as a result of committing the crime. The legal-criminal literature defines the person who undertakes risky actions as the active subject of the criminal action, while the person, whose right or interest is violated as a result of the risky behavior, is treated as the passive subject of the criminal offense. In relation to the above discussion, Kambovski & Zejneli (2018) define that "the active subject of the criminal offense can be any physical person who is capable of undertaking any action, regardless of gender or age" (p. 84).

The Law on Protection from Domestic Violence (2010) of the Republic of Kosovo defines domestic violence as intentional action or inaction by an individual towards another individual with whom he is or has been in a family relationship in the past, as well as perpetrators or victims of domestic violence can be presented to persons who:

- Are or have been engaged,
- Are or have been married,
- They are or have been in a cohabitation,
- They have a common house,
- They are related by blood, marriage, adoption, adoption or guardianship, including parents, grandparents, children, brothers, sisters, etc.
- They share same children.

The issue of the criminality of domestic violence is a dynamic phenomenon which, depending on the society, undergoes growth, even in some cases enormous growth, where in most cases the victims of this crime are women, while in family relationships in general in the position of the perpetrator of such a crime includes persons of the male gender. From this we can observe that in the position of those facing devastating consequences are the most sensitive category of society, starting with children, women and the elderly.

Empirical studies and research related to the spread of this phenomenon speak clearly about the fact that domestic violence can also be considered gender-based violence since the most frequent victims of such deviant behavior are women by men. According to a research initiative undertaken by the Agency for Gender Equality, which was carried out by the Kosovo Women's Group Network, it appears that domestic violence in Kosovo is committed by men or partners against women and girls (Agency for Gender Equality, 2011).

A similar problem as in the Republic of Kosovo occurs in many other countries despite the European civilizing influence on social and institutional efforts to fight and prevent domestic violence. Based on research on the prevalence of crime for England and Wales in 2020 it appears that about seven-point three percent of women translated into numbers one million six hundred thousand women have been victims of domestic abuse much more than men who about three-point six percent, or seven hundred and fifty-seven thousands of them have been subjected to family abuse (Office for National Statistics, 2020).

5. The Nature of Certain Forms of Domestic Violence

Events and tense situations between family members increase the feeling of fear and insecurity as a result of which the individual can very easily be subjected to physical or mental abuse. The situation worsens even more when, due to fear or a sense of shame, such a crime is not reported to the competent authorities, deepening the dark or undetected number of this crime. Such an unreported crime enables, or better said, allows the perpetrator to use violence in a systematic and continuous manner, increasing the chances of fatal consequences for the victim.

According to the World Health Organization, domestic violence can be:

- Physical;
- Psychological;
- Sexual;
- Deprivation or negligent. (Krug et al., 2002).

The first form of violence, as the name itself indicates, includes those actions that physically attack the victim, intentionally causing physical injuries, whether light or serious, affecting the increase in fear caused by the perpetrator. Regarding physical violence always directed within family members, Slabbert & Green (2014) say: "Physical abuse can be either controlled or impulsive and consists of physical attacks. These attacks result in injuries ranging from bruises, burns, burns and stabbings to internal injuries, cracked ribs or broken bones. Repeated blows to the head can cause serious head injuries that often go undetected and untreated" (p.237).

The psychological nature of domestic violence is completely different from the first form of violence. Psychic offensive actions now do not physically attack the victim, but violate and provoke the psychological well-being of the person and that such a form of domestic violence is often difficult to detect since the consequences are not visible as in the first form, but the same are manifested secretly within the inner nature of the victim. According to the Organization for Security and Cooperation in Europe (2018), psychological violence is those behaviors whose consequences are psychological suffering by facing the feeling of fear, threats and various insults with the purpose of humiliation, as well as restrictions on freedom of movement and isolation with the justification of pronounced jealousy or with the purpose of exercising control.

The third category of domestic violence according to the WHO division is one of the most serious forms of violence that the victim can face. Such behavior includes those degrading and criminal acts that violate one of the most sensitive human rights, such as sexual integrity. The victim in this case is subjected to the improper acts of the aggressor, being forced by the latter to engage in sexual activities without her consent, usually under the threat of using force or causing fear. The Criminal Code of the Republic of Kosovo foresees several criminal offenses that violate morality and sexual integrity, starting *with rape, sexual assault, degradation of sexual integrity, sexual relations within the family*, etc. (Criminal Code of the Republic of Kosovo, 2019).

Regarding the seriousness of such a crime and the problems that the victims may face, especially when children and minors appear as victims, Halili (2007) explains in more detail in his book *Criminology*. According to him, the victims of such a crime together with the close circle due to shame do not admit that such criminal acts have actually occurred and such criminal behavior is not reported to the competent bodies for fear that the reporting of such events enables third parties to discover and comment on sexual violence in the public, which would increase even more the psychological consequences for the victim (Halili 2007).

Neglect represents another nature of the criminality of domestic violence which consists in the now passive actions of the parent or guardian against family members or other persons who are responsible for their care. The head does not take adequate actions or fails to provide or meet the basic needs of that category who, due to age or health problems, are unable to meet the needs in question such as food, clothing, medications or health care personally under the dependence of nobody. Such a category can include children, the elderly, people who have health problems in the physical sense or mental health problems, situations that undoubtedly make it difficult to live and provide for the needs. According to an article published by the Child Welfare Information Gateway (2019) about recognizing the signs and symptoms of neglect, neglect can be physical, medical, educational and emotional in nature.

6. Legal Treatment of Domestic Violence

In the guide published by the Organization for Security and Cooperation in Europe (2018) regarding the role and importance of journalism in relation to reporting domestic violence, it is noted that: "domestic violence is recognized in the international legal framework as a violation of three primary rights of man as *the right to life and safety of the person* (Article 3 of the Universal Declaration of Human Rights...), *the right to equality* (gender-based violence is recognized as a form of discrimination by the Convention on the Elimination of All Forms of Discrimination against Women), *the prohibition of torture* (the Committee against torture has confirmed that domestic violence is a form of torture)" (p. 5). This includes, in general terms, what the international standards determine regarding the punishment of the crime of domestic violence through various acts of importance in the field of justice.

As a start, before moving on to the legal treatment of the criminality of domestic violence, it is important to emphasize the approach offered by the Constitution of the Republic of Kosovo in guaranteeing some basic human rights that are precisely related to the crime in question as an inevitable phenomenon in society. As the highest juridical-political act of a country among many rights, it guarantees *the right to life, the right to personal integrity, prohibits any form of torture and prohibits any illegal deprivation of liberty* (Constitution of the Republic of Kosovo, 2008). These rights, as well as many other rights, are guaranteed and regulated in a general way by the constitution, while the more specific treatments of these issues are regulated by separate laws.

Institutions with legal competence and responsibility, starting from the police, prosecutor's offices, courts and other institutes, are obliged to prevent and fight the crime of domestic violence by treating with full seriousness the relevant cases that we can all face, a situation that in the first place, it includes addressing the case to the police authorities and then the investigation by the prosecutor and the punishment of the perpetrator by the court.

The legal system of the Republic of Kosovo includes a series of legal provisions that refer to the criminalization of domestic violence and the protection of victims, starting with the *Criminal Code of the Republic of Kosovo*, according to which criminal offenses directed against the family are foreseen, the *Criminal Code of Procedure* with which chronologically regulates the undertaking of procedural actions by the judicial bodies, the *Juvenile Justice Code* which provides treatment and protection in those cases where the child is the victim, as well as the *Law on Protection from Domestic Violence* whose purpose is to prevent this crime and the protection of victims through the imposition of various protective measures.

Before the changes that the Criminal Code of Kosovo suffered in 2019, domestic violence was not foreseen as a separate criminal offense, but violent behavior towards family members was foreseen in other criminal offenses which were sanctioned when they were committed as consequence of domestic violence such as: light bodily injury, grievous bodily injury, harassment, rape, etc. To better understand such a situation, we can analyze the criminal offense of **harassment** from Article 186 of the Criminal Code, which was in force until 2019. The provision in question determines when this offense is

committed against the person with whom the perpetrator is in a relationship family will be punished more severely than when it is committed against an individual with whom there is no family relationship (Criminal Code of the Republic of Kosovo, 2012). This means that whenever the perpetrator has committed a criminal offense against a family member, an offense that violates human dignity, bodily and sexual integrity or personal safety is sanctioned and counted as part of the crime of domestic violence.

After the entry into force of the new Criminal Code of Kosovo with possible amendments in April 2019, domestic violence is envisaged as a separate criminal offense. According to this act: "*anyone who commits violence or physical, psychological or economic abuse with the purpose of violating the dignity of another person within a family relationship, is punished with a fine and imprisonment of up to 3 (three) years*" (Criminal Code of the Republic of Kosovo, 2019, pg.99).

In the following paragraphs of Article 248 of the Criminal Code of Kosovo, which provides for the criminal offense of domestic violence, in addition to the forms of violence mentioned above (physical, economic and psychological abuse), the fourth form of violence is now added as it is violence or sexual abuse. However, despite this division between certain forms of theft, the sanction remains the same as in the first paragraph, fines and imprisonment for up to three years (Criminal Code of the Republic of Kosovo, 2019). The legal-criminal literature in general, in the case of measuring the punishment against the perpetrator by the court at the end of the criminal procedure, determines that the court takes as a basis some of the circumstances that influence the punishment to be lighter or heavier and then whatever a criminal offense committed against persons with whom the perpetrator is within the community of family relations, will be considered an aggravating circumstance.

In the instruction issued by the Supreme Court of Kosovo regarding the legal definition and treatment of cases of domestic violence in Kosovo according to the laws in force, it is emphasized that in the first paragraph of the provision discussed above, the purpose is mentioned, which consists in the violation of the dignity of the member within the family relationship, while the purpose of committing the crime is not mentioned at all in the next paragraph. According to this instruction, the first paragraph may contain the features of a more serious offense which show that the offense was committed continuously against the victim to achieve the purpose of the offense such as the violation of dignity. Based on this instruction, in those cases where the elements for any basic criminal offense are not met, including the intensity of violence or lack of evidence, the qualification of that case will be made according to the provision of Article 248 of the Criminal Code of Kosovo. (Supreme Court of Kosovo, 2020).

7. Protection of the Victim Through Protective Orders

Confronting and confronting such a crime, especially when offensive behaviors are exercised continuously, threatening and damaging safety, personal freedom, as well as physical or sexual integrity, forces the victims to direct their actions towards the authorities that offer protection from this negative phenomenon, one of them being the Kosovo Police.

Presenting cases of domestic violence to the responsible authorities is the first step in preventing the spread and combating this crime. The Kosovo Police is obliged to handle every reported case related to domestic violence or the violation of protective orders and that under reasonable suspicion of committing criminal offenses of this category, arrests the possible perpetrator in accordance with legal provisions and related to the case compiles the corresponding report on the commission of the crime, a copy of which is sent to the victim or his legal representative. (Law on Protection from Domestic Violence, 2010).

The Law on Protection from Domestic Violence (2010) has as its primary purpose the prevention of this phenomenon through the measures provided for in this law, paying special attention to the

sensitive category such as children, the elderly and persons with disabilities. The law aims to fulfill this purpose by issuing protective orders which are:

- Protection order;
- Emergency protection order and
- Temporary emergency protection order.

The first two orders are competent to be issued by the court whose jurisdiction extends to the municipality where the applicant has his domicile or residence. Requests for said orders can be submitted by the victim, the victim's lawyer, the victim's defender and when the victim is a minor the request can be submitted by the representative of the Social Work Center (Law on Protection from Domestic Violence, 2010).

The court pronounces the request for protection order within a period of fifteen days from the day of its acceptance. Whereas, the request for emergency protection order, given that the nature of the case may be more serious since it has forced the victim to request this order, the court must consider it within twenty-four hours from the day of its acceptance. During the consideration of requests, the court holds hearings in which the victim and the perpetrator of violence participate. The representative from the Center for Social Work can participate when the request is submitted by a person under the age of eighteen or lacks the capacity to act or when acts related to domestic violence have an impact on this last category (Organization for Security and Cooperation in Europe, 2012).

The protective order can be issued within a time limit of twelve months, this term can be extended for a while but not exceeding twenty-four months, and when the emergency protective order is issued in the decision to issue it, the court must determine the date of the hearing for its authentication, which must be within the period of eight days from the day of its pronouncement. On the date of the hearing for the confirmation of the protective order, the court can decide its termination or can pronounce the protective order (Law on Protection from Domestic Violence 2010).

Regarding when the court pronounces the protection order or the emergency protection order, the Law on Protection from Domestic Violence (2010) states that: "the competent court pronounces the protection order or the emergency protection order, in cases where it suspects that the perpetrator of the violence inevitably endangers safety, the health or well-being of the protected party and the person with whom the protected party has a family relationship and who must be protected by means of a protection order or an emergency protection order" (p. 8).

Unlike these two orders discussed above which are pronounced by the court, the order for temporary emergency protection is pronounced by the head of the regional unit of the Kosovo Police in cases where there are reasons to believe that the perpetrator has committed or will commit the crime and when the perpetrator poses an unavoidable risk to the victim's health and well-being. So, it is about those requests that are presented to the Kosovo Police outside the working hours of the courts. The decision to issue this order defines the measure taken by the head of the regional police unit, its duration, the warning that the violation of the order constitutes a criminal offense and the clarifications that after the expiration of this order, the party can submit a request for an order emergency protection. The time limit of this order expires at the end of the next day when the court is open (Law on Protection from Domestic Violence, 2010).

The protective measures that can be imposed through these three orders and which the police are obliged to implement are: *the protective measure of psychosocial treatment, the protective measure of prohibiting approaching the victim of domestic violence, the protective measure of prohibiting the disturbance of persons exposed to violence, the protective measure of leaving the apartment, house or*

other living space, the protective measure of accompanying the victim of violence, the protective measure of medical treatment against addiction to alcohol and psychotropic substances, the protective measure of taking the thing and the property protective measures (Law on Protection from Domestic Violence, 2010).

8. The Frequency of Criminal Offenses Committed Within Family Relationships According to the Kosovo Police

The Kosovo police as a competent authority for law enforcement is the first address to which many citizens in the position of the victim present various criminal behaviors and sometimes seek protection from such degrading and destructive actions for society. Since the Kosovo Police is the first door for addressing criminal offenses, the Law on Police (2012) among many other defined duties that are mainly related to the maintenance of order and security, the prevention of danger and criminal actions, also defines another obligation such as the registration of the number of reported criminal offenses and their proceedings.

The Kosovo Police, specifically the Regional Police Directory in Prizren, has provided the statistical report on the cases of criminal offenses committed within family relationships in the Municipality of Prizren during the years 2019, 2020, 2021 and 2022, respectively the six-month period of the latter, which report given in tabular form looks like below:

Table no. 1: Statistical data according to the Regional Police Directory in Prizren

Criminal offenses committed over the years				
Criminal offenses	2019	2020	2021	2022/ VI-month period
Threat	24	25	22	12
Assault	41	10	12	4
Light bodily injury	27	33	40	28
Grievous bodily injury	3	2	1	1
Domestic violence	94	105	129	73
Contempt of court	4	8	11	3
Mistreating or abandoning a child	1	1	1	0
Violating family obligations	2	0	1	0

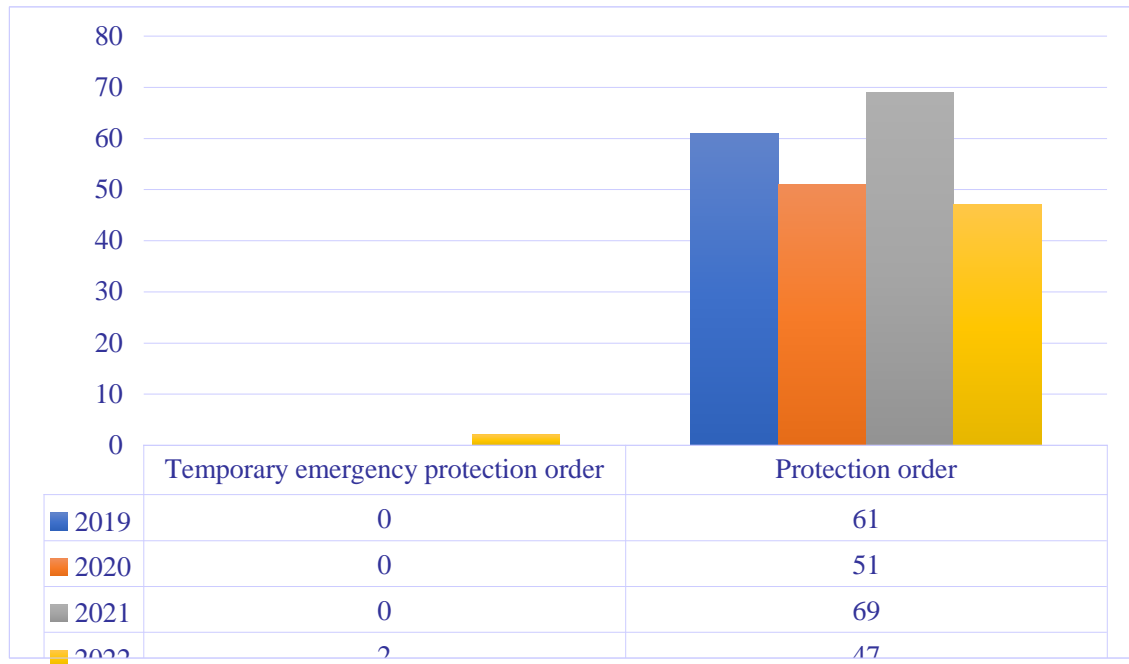
From the data provided, it appears that during 2019 the most widespread form of criminal offense reported to the police is domestic violence with a total of ninety-four cases. The second and third form of the most widespread criminal offenses after domestic violence, according to the report in question, is the criminal offense of assault with a total of forty-one cases, respectively that of light bodily injury for which the relevant authorities have registered twenty-seven cases reported. The fourth of the most widespread types of criminal offenses during this year is threat, with a total of twenty-four reported cases. Contempt of the court constituted the fifth numerically most widespread type of criminal offense during 2019, accompanied by the criminal offense of grievous bodily injury. Meanwhile, the less expressed acts during this period are the violation of family obligations and the mistreatment or abandonment of the child.

Based on the statistical report regarding the spread of criminal offenses committed within family relationships during 2020, we can observe that the criminal offense of domestic violence appears as the most reported offense during the period in question with a total of one hundred and five cases. Light bodily injury constituted the second most widespread type of criminal offense, with a total of thirty-three cases. The third and fourth type of criminal offenses that have been reported the most are the criminal offense of threat with a total of twenty-five registered cases, respectively the criminal offense of assault for which the relevant authorities have registered ten cases. During the above-mentioned period, contempt of court is presented with a total of eight recorded cases. Meanwhile, the criminal offense of grievous bodily injury and child abuse or abandonment, as well as no case reported for the criminal offense of breaching family obligations, remain the least expressed during this year.

The Regional Police Directorate in Prizren has provided statistical data regarding the spread of the above-mentioned criminal offenses during the period of 2021. From this report, it results that the criminal offense of domestic violence and the criminal offense of light bodily injury are presented as the most expressed works during this period. The third form of criminal offense reported to the relevant bodies is the criminal offense of threat with twenty-two reported cases. The fourth and fifth type of the most widespread offenses is the criminal offense of assault with a total of twelve cases, respectively eleven cases registered cases of the criminal offense of contempt of court. The least reported crimes, based on the respective report, turn out to be grievous bodily injury, child abuse or abandonment with one reported case each.

The Kosovo Police, as the authority responsible for the execution and enforcement of the law, in addition to the annual reports regarding the registration and further processing of registered criminal offenses, prepares other reports in order to monitor the criminal situation in the country. In this regard, the responsible directory has provided the six-monthly report of 2022 with adequate data showing the number of criminal offenses committed within family relationships. During the first six months of 2022, the offense for which the directory has accepted the most cases is the criminal offense of domestic violence with a total of seventy-three accepted cases. The second most widespread offense after domestic violence is the criminal offense of light bodily injury, for which twenty-eight cases have been reported. The criminal offense of threat represents the third form of criminal offense with a total of twelve registered cases. The less pronounced forms of criminal offenses during this period are grievous bodily harm, contempt of court and the criminal offense of assault. During the six-month period of 2022, no case of the criminal offense of child abuse or abandonment and that of violation of family obligations was reported.

In addition to the statistical data regarding the types of criminal offenses that were committed during the relevant periods, the police also provided a report on protection orders during the years 2019-2022, which is presented below:



Graph no. 2: Statistical data regarding the issuance of protective orders

From the data that refer to the issuance of protective orders based on the requests submitted by subjects who are presented as victims of criminal offenses, we note that during 2019 a total of sixty-one protective orders were issued, while in the same period no emergency temporary protective orders was registered.

During 2020, the police confirm that fifty-one protective orders were issued by the entire court, while no case was registered regarding the issuance of emergency temporary protective orders.

According to the report with statistical data that refer to the issuing of protective orders whose purpose is to protect the victim through various restraining measures against the perpetrator, during the year 2021 a total of sixty-nine protective orders issued by the court were registered, while during in the six-month period of 2022, a total of forty-seven protective orders were issued. During this six-month period, two temporary emergency protection orders were issued by the head of the regional unit of the Kosovo Police.

Conclusions

Through this research, an attempt has been made to collect data in an authentic way, so that the results of the work are concise and sufficient to present a comprehensive overview of the phenomenon of criminality of domestic violence, the nature of specific forms of violence in the family as well as the negative consequences that affect the breakdown of order within family relationships. An attempt also has been made to create the most summarized data regarding the treatment or legal aspects offered by the current legislation of the Republic of Kosovo to domestic violence, punishments for this crime and protective measures aimed at protecting the victims of such a crime.

This research shows that different studies carried out by international organizations define domestic violence in different forms and ways, which notions differ from one another, but what is

common to all definitions is the offensive behavior undertaken by the perpetrator with the aim of intimidation or exercising control over another.

Based on research carried out by various initiatives and networks, this study shows that domestic violence can also be considered gender-based violence, since according to these researches in Kosovar society, in most cases, domestic violence is committed by husbands or partners against women or girls. Looking in general, the main factors that influence the female gender to result in a higher number in the position of passive subjects of the criminality of domestic violence may be in the first place the traditional gender order of the division of roles between men and women, continuing with the dominant role of the man towards the woman, which affects and forms the feeling and the inferior position of the woman in the family and social environment.

In the international legal sphere, domestic violence is also considered as a violation of some human rights such as the right to life and security as well as the right to equality, while the Committee against Torture confirms that domestic violence is a form of torture.

The study shows that in the Criminal Code of Kosovo, which was in force until April 2019, domestic violence was not considered a separate criminal offense, while after the changes made to the said code, domestic violence is now a separate criminal offense, especially for which the perpetrator is sentenced to a fine and imprisonment of up to three years. Regarding the new criminal offense, the Supreme Court in the published instruction has clarified the situations that will be able to be treated in accordance with the provision that provides for domestic violence as a new criminal offense. If there are no elements for any basic offense and lack of adequate evidence, then the case will be treated as domestic violence. In this regard, if a member of the family injures another member, but the latter does not undergo treatment and as a result does not have a medical report, in such situations it will be considered that the criminal offense of domestic violence has been committed. On the contrary, if the injured party has valid evidence, then the concrete case will be treated according to the provision that provides for light or grievous bodily injury as a criminal offense, while the fact that it was committed within family relations will be considered as an aggravating circumstance in the case of measurement of the punishment.

The paper shows that from year to year the criminal offense of domestic violence has marked a significant increase in cases, including light bodily injury, which has marked a relatively slight increase. Contempt of the court constitutes the third criminal offense which within the three-year period has also marked a relatively easy increase. The six-month period of 2022 clearly shows that the criminal offenses mentioned above are constantly increasing, since they reach almost the same number of prevalence as in the one-year periods of 2019-2021. The increase in cases of this nature is justified by the fact that Kosovar families in recent years have faced various economic crises, which have caused severe psychological conditions, especially in men, since in the majority of cases, male persons are presented in the role of the head of the family. The criminal offense of assault has marked a marked decrease in terms of prevalence during the discussed periods, while the remaining offenses such as threat, grievous bodily injury, child abuse or abandonment, as well as violating family obligations have not had any noticeable change in terms of their spread during these years.

The number of protective orders issued by the court compared to the number of criminal offenses committed is relatively small, which proves that the victim, due to insecurity and fear of the perpetrator, after the notification of the case and the request for a protection order can be exercised against her even greater violence. During all these periods, only two temporary emergency protection orders have been issued by the head of the regional unit. In such a situation, the undetected number of this crime increases, the victim is subjected to systematic violence, the consequences can be fatal for the victim, and the perpetrator's power over the victim increases.

As such, the research supports the hypothesis in which it is emphasized that criminal offenses committed within family relationships in the Municipality of Prizren have increased from year to year, while the number of protective orders compared to the number of criminal offenses committed is relatively small.

Research tends to serve as an open source through which other researchers can enrich it with new data treated more deeply. In conclusion, it can be noted that the research work has provided valuable information that remains authentic regarding the spread of the crime of domestic violence. The results obtained through the methods used have significantly achieved the objectives and effects of this research.

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