

Victim and Active Subject of the Crime of Violence in Family Reflected in the Criminal Code of the Republic of Moldova

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Abstract : Ensuring accessible and functional justice is one of the priority objectives of judicial reform, and protecting the family against any acts that may harm its existence is one of the first priorities that have determined the need to defend the social order. In this context, the correlative approach of the victim and the aggressor becomes relevant as a subject of the crime of domestic violence. Domestic violence is a threat of physical, moral, or material harm, externalized now or in the past, or its provocation, which is characterized by a constant tendency to escalate and a high probability of repetitiveness in the relationship between the social partners, regardless of their legal status or domicile. Studying the legal support to identify the particularities of the victim and the subject of the crime of domestic violence facilitates the identification of the determinants of this crime, therefore, the development of means to prevent domestic violence. The scientific research has been effectuated on the base of the proper and authentic empirical data obtained from the analysis of the judicial practice in the matter of domestic violence, as well as being based on the most recent scientific issues in the field of the Substantive Criminal Law and other branches of science (criminology, psychology, sociology, pedagogy). As a result of the study performed, there have been formulated conclusions and interpretations able to be used in the science of the Substantive Criminal law, as well as in the practice of application of the legal norm in the matter of domestic violence.

Keywords : family violence, victim, crime, violence

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