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Preventing Domestic Violence Under Martial Law in Ukraine

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Abstract

The issue of domestic violence is one of the most common violations of human rights in modern times. No nation is exempt from this issue. However, the conflict and its aftermath have only exacerbated the situation and complicated it, although domestic violence has long been a serious and widespread problem in Ukrainian society. Therefore, research and analysis of this harmful social phenomenon is necessary to successfully combat domestic violence, especially in light of martial law. The combination of statistical data collection and analysis, analysis, synthesis, induction and deduction, dialectical and analytical approaches, abstraction, and generalization formed the basis of the methodology of the research. This study aims to analyze the current situation and statistics surrounding domestic violence in Ukraine during the period of war, to discuss the problem of preventing domestic violence under martial law, and to give recommendations for strengthening the laws governing this area.

Keywords: Domestic Violence, crime prevention, military personnel, martial law, national security

Abstrak

Masalah kekerasan dalam rumah tangga merupakan salah satu pelanggaran hak asasi manusia yang paling umum di zaman modern. Tidak ada negara yang luput dari masalah ini. Namun, konflik dan akibatnya hanya memperburuk situasi dan memperumitnya, namun kekerasan dalam rumah tangga telah lama menjadi masalah serius dan meluas di masyarakat Ukraina. Oleh karena itu, penelitian dan analisis terhadap fenomena sosial yang merugikan ini diperlukan untuk berhasil memerangi kekerasan dalam rumah tangga, terutama dalam konteks darurat militer. Kombinasi pengumpulan dan analisis data statistik, analisis, sintesis, induksi dan deduksi, pendekatan dialektis dan analitis, abstraksi dan generalisasi menjadi dasar metodologi penelitian. Penelitian ini bertujuan untuk menganalisis situasi terkini dan statistik seputar kekerasan dalam rumah tangga di Ukraina selama periode perang, membahas masalah pencegahan kekerasan dalam rumah tangga di bawah darurat militer, dan memberikan rekomendasi untuk memperkuat undang-undang yang mengatur bidang ini.

Kata Kunci: *Kekerasan dalam rumah tangga, pencegahan kejahatan, personel militer, darurat militer, keamanan Nasional*

Introduction

The concept of equality is supported by modern democratic states in several areas, including family relations, but the problem of stopping and preventing domestic abuse is not properly addressed. Analysing security issues in the nation, community and family is extremely important today. Every year, the police receive numerous reports of domestic violence. Unfortunately, domestic violence is a problem faced by many Ukrainians. During the conflict, this type of offence has not become less significant. Unrest in society can lead to domestic violence, the death of a loved one or work, forced relocation, psychological stress and forced relocation.¹

One of the main concerns of Ukrainian governmental and legal policy before the conflict was to prevent and end violence between spouses. Due to the tensions and changes in the social structure of the population, there is a general perception that domestic violence is not as widespread as it used to be, and as a result, the government does not need to take proactive measures. However, the problem of domestic violence has worsened due to the more than two full-scale invasions and more than a decade of war that Ukraine has experienced. The number of people living abroad who are at risk of violence and human trafficking is growing, even as many families have been broken up. Millions of Ukrainians have also experienced homelessness or internal displacement. Increased family tensions and disputes are the result of economic losses, unemployment, and homelessness, which contribute

¹ Yuliia Khrystova, et.al., "Experience of Individual Northern European Countries in Providing Protection of Justice (Criminological Aspect and Criminal Law Aspect)," *Syariah: Jurnal Hukum dan Pemikiran* 24, No. 1 (2024). Emin Najafli, et.al., "Ensuring Human Rights in Ukraine during Introduction of Martial Law: Constitutional and Administrative Aspect," *Syariah: Jurnal Hukum dan Pemikiran* 24, No. 1 (2024).

to conflict and violence. The need to outlaw domestic abuse is therefore becoming more and more crucial. Family members who experience domestic violence have detrimental effects on their physical and mental health and need to be rehabilitated.² In this regard, Sethi, a representative of the World Health Organization's (WHO) Regional Office for Europe's Department of Violence and Injury Prevention, stated that each nation should create a strategy for preventing violence and injuries, which should be backed by legislation, based on WHO data on the effects of domestic abuse.³

It is important to remember that minors are also victims of domestic abuse, which has worse repercussions than it does for adults. Any purposeful or inadvertent act against a child by an adult, community, or state is termed child abuse because it negatively affects the kid's physical and mental development.⁴ This was declared as early as 1985 at a WHO summit in Switzerland.⁵ The President of the WHO Office in Ukraine, Everard, also called attention to the "adverse childhood events" that give rise to domestic abuse of kids.⁶ As a result, domestic violence is a major issue in the world, affecting one in four children who experience physical abuse and its aftereffects, one in ten who encounter sexual abuse, and one in three who have been the victim of early emotional trauma.⁷ Maintaining security in the framework of domestic and family relationships is one of the state's most urgent issues, which requires a strategic assessment of the family protection strategy in Ukraine, which combines criminal law, criminology and criminal executive activity. For this reason, this study is important.

Numerous academics have examined the problem of domestic violence, with Miloradova and Dotsenko concentrating on the issue of domestic violence during the conflict in Ukraine.⁸ Researchers identified three main approaches to analysing this problem: socio-cultural, systemic family and individual psychological. They also mentioned elements like fear, losing one's job, being forcibly relocated, and others

² Mursyid Djawas, et.al., "Creating Family Resilience in Indonesia: A Study of "Marriage Guidance" Program in Aceh and South Sumatera", *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022), p. 299-324.

³ N. V. Smetanina, "Crime displaying in modern Ukraine: issues of criminology classification.", *Recht der Osteuropaischen Staaten* 2 (2019), p. 83-86.

⁴ Sukendar, et.al., "Women's Access to Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (2023), p. 602-628.

⁵ V. A. Shatilo, et.al., "Prospects for state and individual responsibility in cases of aggression in the context of Russia's armed aggression against Ukraine", *International Criminal Law Review*, 23 no.4 (2023), p. 626-641.

⁶ Farida Ulvi Naimah, et.al., "Internalization of Local Traditions in Child Marriage from the Perspective of Maqasid Al-Usrah", *El-Mashlahah* 14, no. 2 (2024), p. 237-258.

⁷ O. M., Yaroshenko, et.al., "COVID-19, the global financial crisis, and the regulation of labor migration", *International Journal of Legal Information* 50, no. 3 (2022), p. 121-132.

⁸ N. E. Miloradova, and V. V. Dotsenko, "International and domestic experience of combating domestic violence during the war", Kharkiv: Kharkiv National University of Internal Affairs, 2023.

that led to the rise in violence during the conflict. Dyakur investigated how the conflict in Ukraine affected the frequency of domestic violence.⁹ He discovered that this issue, which shows up as physical, sexual, psychological, or financial violence in families, among relatives, or between cohabitants, is frequently made worse by war. Researchers also emphasized that domestic violence can involve former or current partners, even if they are not in a marital relationship, and may include threats of such violence.

Kravchenko examined the problem of domestic violence from a theoretical, analytical, and practical standpoint.¹⁰ The task included an introduction, three chapters and conclusions. The topic and the research methods' applicability were explained in the introduction. The first section covered the theoretical and methodological aspects of the problem and its legislative regulation. The second section described the results of an empirical study among students of the National University Chernihiv Polytechnic'. Practical suggestions for stopping and opposing violence, particularly in the context of military aggression, were the focus of the third section. The paper's conclusions emphasized the flaws in the legal system and the general public's ignorance of the issue of domestic violence.

Semikop studied the problem of domestic violence against children during the war in Ukraine.¹¹ The author pointed to the growth of this problem during the conflict, despite the decrease in official statistics. The author analysed the factors that lead to an insufficient response of state bodies and institutions to violence. Attention was focused on children who faced violence during the war, especially during online learning. Research and changes in legislation were proposed, including embassies and consulates of Ukraine among the actors that counter domestic violence. In their 2023 study, Botnarenko and Hrynkiv examined psychological violence as a type of domestic abuse.¹² In particular its content, public danger during the war, and scientific and legislative approaches to its prosecution. They described the specifics of this type of violence, identifying its impact on the psyche and the purpose of its direction. An alternative interpretation of psychological violence is put forth, highlighting the need for more study in this field and offering suggestions for strengthening the theoretical and legal framework for combating it.

To thoroughly study the situation and provide recommendations for the prevention of domestic violence under martial law, a variety of approaches and methods were combined to form the basis of the research methodology. Data

⁹ M.D. Dyakur, "Preventing domestic violence in times of war. In Freedom, security and independence: legal dimension", *In Proceedings of the 13th International Scientific and Practical Conference*, (Kyiv, 24 February, 2023), p. 327-329.

¹⁰ O.V. Kravchenko, "*Peculiarities of identification and response to cases of domestic violence during the war*", Chernihiv: Chernihiv Polytechnic University, 2022.

¹¹ Semikop, N.V. "Problematic aspects of preventing and countering domestic violence against children during the war in Ukraine", *Legal Scientific Electronic Journal*, no. 8 (2022), p. 351–353.

¹² I. A. Botnarenko, and O. O. Hrynkiv, "Psychological violence as a form of domestic violence", *Journal of the Kyiv University of Law*, No. 2, (2023), p. 104-109.

collection and analysis: identifying key trends and dynamics of change by analyzing available statistical data on domestic violence in Ukraine during the conflict. Analysis is the process of thoroughly examining available data, literature, statistics and other sources of information to identify key details, patterns, and causes of domestic violence in armed conflict.

In addition to summarising the findings, synthesis also involved careful analysis and systematization of the data to highlight different aspects of the problem of domestic violence during armed conflict. Through this process, we were able to build a comprehensive understanding of the problem, taking into account multiple perspectives and methodologies, and identifying the key elements that require the most attention when formulating solutions. The ability to consider not only the individual components of the problem but also their connections and impact on the wider context of the conflict and society as a whole was a crucial component of the synthesis.

Deduction and induction are the processes of drawing generalizations from specific facts and data using the inductive method and applying general rules and principles to specific circumstances using the deductive method. The dialectical approach considers the problem of domestic abuse as a dynamic process in conflict, taking into account the interconnections and inconsistencies between its various aspects. Analytical method: breaking down information into its parts to identify important aspects of the problem and make cause and effect relationships more understandable.

Based on the data analysis, the process of abstraction and generalization involved the methodological identification of important concepts, patterns, and trends. The primary objectives of this process were to ascertain the primary factors and causes that lead to the occurrence of domestic violence during the conflict and to develop workable strategies and preventative measures. The results of the study were summarised, which allowed us to create sound recommendations for improving legislation, creating policy programs launching social initiatives to reduce the prevalence of domestic violence during armed conflict, and strengthening protection and support for victims.¹³ By employing these techniques, we were able to carry out a thorough examination of the issue of domestic abuse within the framework of armed conflict and create practical countermeasures.

Preventing Domestic Violence

Regrettably, despite the persistent efforts of the global community, there has been no decline in the quantity of violent crimes in recent years. Any act of violence is thought to be both a serious violation of human rights and an aberrant form of

¹³ Nur Faizah, "The Spiritualization of Domestic Violence in the Digital Era: Examining the Cathartic Role of Religious Institutions in Empowering Victims", *De jure: Jurnal Hukum dan Syar'iah* 15, no. 2 (2023), p. 251-267.

behavior that disrupts the normal progression of social connections.¹⁴ It is important to remember that domestic violence is becoming far more common during martial law. This is brought on by a higher stress level, unpredictability, economic hardships, and other elements that exacerbate people's psychological conditions.¹⁵ Additionally, victims may find it challenging to get the support and assistance they need due to movement limitations and other martial law-related constraints. In these situations, it is critical to make sure victims receive enough support and protection and to increase public awareness of the problem of domestic abuse.¹⁶

The fundamental principle of state policy regarding civil and human rights is defined in Article 3 of the Constitution of Ukraine: "A person, his or her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value.¹⁷ Human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is accountable to the individual for its activities. Affirming and ensuring human rights and freedoms is the main duty of the state.'

In the context of the current military events, our country is experiencing significant socio-economic changes, including the criminalization of many aspects of everyday life. In this process, the family and household sector is no exception, as it has been a hotbed of illegal activity, which has led to a drop in living standards a rise in the population experiencing poverty, and a weakening of the infrastructure supporting life, including healthcare, education, culture, among others.

Recalling the figures from prior years, the National Police of Ukraine reports that 113,403 of the 141,814 appeals received in 2019 came from women. On the other hand, in 2020, the police received 208,748 calls, of which 87% were from women, which is 32% more calls from women than in the previous year. In 2021, the police received 144,394 calls, which is 31% less than in the previous year. These statistics are also reflected in research conducted by the Ukrainian Women Lawyers Association 'JURFEM' (report on the results of monitoring of judicial practice 'On the commission of domestic violence against a child (Article 173-2 of the Code of Administrative Offences)' (JURFEM, 2021).

The COVID-19 pandemic is unavoidably linked to the decline in domestic abuse reports in 2021 compared to 2020. The disease spread quickly throughout the population in 2020, prompting the imposition of quarantine measures and forcing people to spend a longer period together in their shared homes than usual. Because of the uncertainty surrounding their circumstances, people probably experienced

¹⁴ O. V. Haltsova, and P. M. Fivkin, "Special criminological measures to prevent violent crime in the military sphere", *Legal Scientific Electronic Journal*, no. 7, (2022), p. 310-313.

¹⁵ O. V. Haltsova, "Determinants of violent crime in the military sphere", *Legal Scientific Electronic Journal*, no. 7, (2022), p. 303-309.

¹⁶ O. P. Dzyoban, and P. M. Fivkin, "Conceptualization of security contradictions in the postmodern era: phenomenological aspect. Information and Law", *Scientific Professional Journal*, 48, no. 1 (2024), p. 22-35.

¹⁷ Verkhovna Rada of Ukraine, "Constitution of Ukraine", Retrieved (1996), from: <https://zakon.rada.gov.ua/laws/show/254k/96-bp#Text>.

aggression and a general change in mood (financial situation, work, household chores). In 2021, there was a decrease in the number of domestic abuse reports, as the world began to gradually recover from the pandemic and ease quarantine restrictions. This is most likely the result of people working more offline than online and gradually returning to their normal routines.

However, as soon as society in Ukraine got back to normal, a full-scale war broke out in 2022, posing new difficulties. Due to the resources and public attention to the armed conflict and all its attendant circumstances - The problem of domestic abuse is becoming less and less relevant in today's world.¹⁸ Nonetheless, official data supplied in response to a request by the National Police of Ukraine indicates that 244,381 reports of domestic violence were received in 2022—a 40% increase over the previous year (144,394) and 15% more than in 2020 (208,748) and 41% more than in 2019 (141,814) (National Police, 2022). The figures collected show that domestic violence in Ukraine under the control of the military regime is still a problem, and its prevalence in society is undeniable. We believe that the armed conflict exacerbates the problem of violence, as variables that can contribute to domestic violence include hostility, disruption of daily routines and the need to adapt to new conditions.

One of the key private law principles is the principle prohibition of domestic violence, which is guaranteed by both national legislation and international instruments.¹⁹ Among them, it is worth mentioning the UN Declaration on the Elimination of Violence against Women of 20 December 1993, which enshrines the concept of ‘violence against women’, it is suggested to be interpreted as any form of gender-based violence against women that harms them physically, psychologically, or sexually, as well as the mere threat of such an act, coercion, or denial of their freedom, in both public and private settings. The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women's Article 1 defines "violence against women" as conduct that is motivated primarily by gender. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which was approved in Maputo, Mozambique, on July 11, 2003, has a definition of violence against women that is more inclusive and places emphasis on economic injury in addition to physical, sexual, and psychological harm. In the context of children, violence can also include neglect, as defined by the Committee on the Rights of the Child in its General Comment No. 13 (2011). This approach is correct, as children, especially young children, suffer enormously from a lack of care and attention from parents or other authorised persons.²⁰

¹⁸ N.E. Miloradova, and V.V. Dotsenko, “Gender Equality Strategy”

¹⁹ Musleh Harry, et.al., “Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java”, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024), p. 1526-1546.

²⁰ A. Kourti, et.al., “Domestic violence during the COVID-19 pandemic: a systematic review”, *Trauma, Violence, & Abuse* 24, no. 2 (2023), p. 719-745.

The Beijing Declaration and Platform for Action was established in 1995 alongside to the UN Declaration on the Elimination of Violence Against Women, which affirmed the approach that it is crucial to promote gender equality, including by eliminating violence against women. On European integration of Ukraine, it is crucial to consider EU norms on women's and children's protection, particularly with regard to gender-based violence. The Istanbul Convention, which came into effect in Europe in 2011, was signed by the EU in 2017. Currently, the EU also has several directives that promote equality between women and men, including inside the criminal justice system (especially crime prevention and the rights of victims of crime). For instance, an EU regulation that establishes basic requirements for the rights, support, and protection of victims of all crimes has reinforced victims' rights at every level of the criminal justice system.

The EU Strategy for Gender Equality for 2020-2025 was adopted, which should implement comprehensive steps to help and shield victims, stop and eradicate gender-based violence, and prosecute offenders. The terrible facts showing that 33% of women in the EU are victims of sexual or psychological abuse and 22% of women are victims of violence from their partners serve as justification for the strategy.²¹ The Strategy emphasizes the importance of effective prevention of violence, which can be achieved by promoting the growth of peaceful relationships and educating boys and girls about gender equality from a young age.²²

A multidisciplinary approach is also necessary for services and actors including the criminal justice system, victim services, offender programs, and social and health services. The Commission approved a draft directive on March 8, 2022, with the goal of addressing domestic abuse and violence against women. This proposal contains rules for the protection of victims and proposes to increase accountability and guarantee adequate defense against violence, whether it's experienced offline or online. Sexual assault, including rape, female genital mutilation, marriage by force, forced abortion or sterilisation, human trafficking for sexual exploitation, stalking, sexual harassment, femicide, hate speech and gender-based crimes, and various forms of online violence ('cyberviolence') are recognized as crimes under the Directive), including the exchange or manipulation of intimate material, cyberstalking.²³

In armed conflict, assaults toward women and children, including all forms of sexual violence, was condemned by the UN Security Council in Resolution 1888 (2009), adopted on 30 September 2009. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which went into effect on November 1st, was approved by Ukraine on June 20, 2018, during

²¹ The European Commission. (2020). Gender Equality Strategy. Retrieved from https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

²² G. Gulati, and B. D. Kelly, "Domestic violence against women and the COVID-19 pandemic: What is the role of psychiatry?", *International Journal of Law and Psychiatry*, p. 71.

²³ R. F. Nassoba dan S. S. Samanik, "Domestic violence issue as seen in the memoir brutally honest by melanie brown", *Journal of Linguistics and Literature*, 3 no. 1(2022), p. 1-10.

the conflict. Despite the ratification with significant reservations, namely that our state has the freedom to refuse to align national law with the Convention, considering Article 9 of the Constitution of Ukraine and Part 2 of Article 19 of the Law of Ukraine 'On International Treaties', the provisions of the Istanbul Convention are still applicable and will take precedence in case of inconsistency between a national legal act and an international norm, as the latter will have priority application.²⁴

Since 2018, the national legislation of Ukraine has undergone fundamental changes about accountability for domestic abuse. Thus, as stated in Article 126-1 of the Criminal Code of Ukraine, there is criminal culpability in addition to administrative liability for situations of systematic domestic abuse. Thus, according to the National Police of Ukraine, in 2022, 2080 criminal proceedings were registered, which is only 17% less than the number of registered criminal proceedings in 2021 (2500) and 32% less than in 2020. At the same time, in 2022, 582 of the 2080 registered criminal proceedings were closed, leaving 1498 criminal proceedings, of which 84% were women victims.²⁵

As a result, the data on criminal proceedings initiated in 2022 under Article 126-1 of the Criminal Code of Ukraine (domestic violence) did not differ much from the previous year. This provision is still in force today and is actively used in cases of systematic domestic violence, most of which involve women.²⁶ Ukraine recognised the problem of domestic violence at the state level as early as 2001, when the laws of Ukraine 'On Protection of Childhood' and 'On Prevention of Domestic Violence' were adopted based on the provisions of the Constitution of Ukraine and the UN Convention on the Rights of the Child. These legislative acts define concepts such as 'violence' and 'victim of violence' and introduce the term 'protective order', but the need to introduce legal norms that meet modern international and The Law of Ukraine "On Preventing and Combating Domestic Violence" was adopted in response to European norms, broadening the scope of those tasked with stopping and preventing domestic abuse.²⁷

The laws that are in effect now, particularly the Law of Ukraine of 07.12.2017 'On Preventing and Combating Domestic Violence', define domestic violence. Domestic violence, according to Article 1 of the law, is defined as any act (or omission) of sexual, psychological, physical, or financial violence committed within the family, within the residence, between relatives, between former or current spouses, or between other people who live together in the same family but are not related to each other or married to each other. It also includes threats of such acts.

State-level responses and remedies against domestic abuse are established in several legal act provisions. The Code of Administrative Offenses of Ukraine, the

²⁴ L. Mshweshwe, "Understanding domestic violence: masculinity, culture, traditions", *Heliyon*, 6, no. 10, (2020).

²⁵ National Police, "Traffic accident statistics in Ukraine for 2022", (Retrieved 2022). from: <https://patrolpolice.gov.ua/statystyka/>

²⁶ M.D. Dyakur, "Preventing domestic violence in times of war"

²⁷ Verkhovna Rada of Ukraine, "About preventing and combating domestic violence", (Retrieved 2017), from <https://zakon.rada.gov.ua/laws/show/2229-19#Text>

Criminal Code of Ukraine, the Decree of the President of Ukraine of September 21, 2020, No. 398 "On Urgent Measures to Prevent and Combat Domestic and Gender-Based Violence, Protect the Rights of Victims of Such Violence," the Resolution of the Cabinet of Ministers of Ukraine of February 24, 2021, No. 145 "State Social Programme for Preventing and Combating Domestic and Gender-Based Violence," and the No. 1544 currently govern, in particular, the mechanisms, programs, and measures to prevent and combat domestic and gender-based violence.²⁸

It was up for debate for a long time whether or not Ukraine would ratify the Istanbul Convention, the first legal instrument requiring it to fortify its legal framework against assault on women. Ukraine, as one of the signatories of the Istanbul Convention, signed it on 07 November 2011, and only on 21 June 2022 did Ukraine ratify it, which means that Ukraine is changing its legislation and approaching accession to the European Union. This statement outlines a list of acts that should be criminalised, including, inter alia, physical, psychological, economic and sexual violence and characterizes violence against women as an infringement on basic human rights and an example of discrimination based on gender.

The Istanbul Convention provides gender equality, protection against all types of abuse and discrimination against women, and measures to help and shield all victims of violence in times of peace as well as war. The premise of this agreement is that, in order to effectively address domestic abuse, the public, state, and local authorities must collaborate. Domestic violence is not a private issue. The creation of specialized services for women and girls who have suffered from domestic violence was made possible by the ratification of the Istanbul Convention.²⁹

In order to support victims of domestic abuse, a number of specialized services have been set up in Ukraine. These services include victim shelters, medical and social rehabilitation facilities, hotline centers for preventing and combating domestic abuse, mobile social and psychological support teams, etc. Furthermore, on December 7, 2017, the Law of Ukraine "On Prevention and Combating Domestic Violence" was ratified. The Law of Ukraine 'On Preventing and Combating Domestic Violence' has already laid down many tools to combat domestic violence that are in line with European standards and the Istanbul Convention. In particular, it provides the national police with the authority to issue an urgent restraining order against the perpetrator, maintain preventive records of perpetrators, conduct preventive measures, monitor the perpetrator's compliance with a special measure, etc.³⁰

Examining the problem of domestic abuse in Ukraine, we would like to highlight the fact that victim complaints are rising despite appropriate legal and regulatory assistance. As a result, we believe that all relevant organisations should

²⁸ Miloradova, N. E., "*Domestic violence during the war: factors of increase and characteristics of victims' appeal*", Vinnytsia: KhNUVS, 2023.

²⁹ T. V. Chabajovsky, "*Combating domestic violence in the conditions of war*," Kyiv: National Academy of Internal Affairs, 2022.

³⁰ N. E. Miloradova, "*Domestic violence during the war*"

continue to focus their efforts on reducing domestic violence. Effective prevention of domestic violence in times of war also requires a quick and effective response to cases of domestic violence, as well as identifying the direct causes of the perpetration and the emergence of this phenomenon in society.

The victim must first assert her right to protection to successfully stop domestic violence once it has already begun.³¹ By the law, this privilege provides the victim with certain opportunities and possibilities. The latency of domestic violence in Ukraine is one of the problems that needs to be recognised and addressed. Due to conditions caused by the conflict, victims do not report crimes to the authorities.³²

One of the difficulties in stopping domestic abuse is that because of obstacles brought about by the conflict, victims of domestic abuse do not always seek legal counsel.³³ These obstacles include the victim's self-leveling of the issue, i.e., "not the time"; the necessity of resolving other pressing issues, such as security, housing, employment, children, a new place of residence, a new environment, etc.; the victim's stay in the combat zone or temporary occupation (where they are unable to access basic services offered in the territory under Ukrainian control); traveling outside the state to an environment where the language is not spoken; and a lack of knowledge about the nation's response to domestic violence. Stated differently, the security situation in Ukraine in the event of an armed assault is contingent upon several factors, including the country's proximity to the theater of hostilities.³⁴

The quantity of appeals made by victims of domestic abuse to law enforcement is influenced by these factors. Another problem is that the targets of domestic violence are usually more vulnerable segments of the population,³⁵ including young people, the elderly, mothers with young children, and people who are financially dependent on their abuser. Because of this, one of the unique features of the right to be shielded from domestic abuse is that it can be used at the initiative of third parties as well as at the victim's request. An immediate restraining order may be granted at the victim's request or at the suggestion of an authorized National Police of Ukraine employee following a risk assessment, as stated in Article 25(4) of the Law of Ukraine "On Preventing and Combating Domestic Violence".

In addition, anyone who has witnessed an offence can also apply to the authorities, in addition to the victim. However the domestic violence prevention

³¹ Mulida Hayati and Nuraliah Ali, "Husband's Sexual Violence: Protection Rights for Wives in Terms of Islamic and Indonesian State Law", *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 21, no.1 (2021), p. 65-81.

³² S. V. Korogod, and O. O. Pashchenko, "Domestic violence", *In Proceedings of the 4th International scientific and practical conference "Modern problems of science, education and society"* (Kyiv, 19-21 June 2023), p. 1129.

³³ Adi Syahputra Sirait, et.al., "Assessing Criminal Penalties in Marriage Law: a Comparative Study of Policy Frameworks within Indonesian and Malaysian Legislation", *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024), p. 255-270.

³⁴ O.V. Kravchenko, *Peculiarities of identification and response...*

³⁵ Atikah Rahmi and Hotma Siregar, "Community-Based Recovery for Sexual Violence Victims: The Case of Hapsari", *AHKAM: Jurnal Ilmu Syariah* 20, no. 1 (2020), p. 1-18.

system also includes other measures. A wide network of institutions and groups works in this area.³⁶ Statistical data received in response to a request from the National Police of Ukraine shows that in 2022, 52,189 appeals were received from women victims. This is only 22% of the total number of appeals (244,381). According to the data received, 174,190 appeals were received from persons who appealed to law enforcement agencies on behalf of victims of domestic violence. As a general rule, anyone with knowledge of alleged offences has the right to report them to law enforcement.³⁷

According to this information, victims and those advocating on their behalf are reporting crimes to law enforcement, pointing to a progressive change in Ukrainian society from the belief that domestic abuse is a personal problem to a more grounded sense that "my house is on the edge". Ukrainian society no longer looks at domestic violence through the prism of someone else's family; instead, it does not ignore these cases and works to help victims through public awareness of the problem, media coverage, active public engagement on the topic, and, of course, the legislative work of MPs.

Narratives such as 'you know he's nervous', 'it's her fault' and others, which essentially place the blame for what happened on the victim, are increasingly disappearing from society. There is a possibility that society has become more aware of the problem of violence, which is not exclusive to one family. This is supported by the data on the number of people who apply to law enforcement agencies on behalf of victims, as mentioned earlier.³⁸

Preventing Domestic Violence Under Martial Law in Ukraine

The following measures should be taken to move closer to solving the problem of domestic violence in Ukraine, especially during the war. It is essential to carry out continuous educational initiatives to increase public knowledge of domestic abuse, its repercussions, and victims' rights to safety. Lectures, workshops, the distribution of instructional materials, etc., may fall under this category. Develop campaigns and initiatives aimed at putting a stop to domestic abuse, such as those that promote gender equality, foster the emotional and social development of families, impart dispute resolution skills, and devise workable solutions.³⁹

³⁶ L. R. Nalyvaiko, et.al., "Topical issues of combating violence in Ukraine in the conditions of war," In: O. M., Volokitenko. *Science under martial law: searches, problems, prospects development*, (2023), p. 19, Dnipro: Dnipropetrovs'k State University of Internal Affairs.

³⁷ National Police, "Traffic accident statistics in Ukraine"

³⁸ N.V. Semikop, "Problematic aspects of preventing and countering domestic violence against children during the war in Ukraine", *Legal Scientific Electronic Journal*, no. 8, (2022), p. 351–353.

³⁹ O. Chornomaz, *Domestic violence against the background of current events: a collection of materials*, Kyiv: Dragomanov Ukrainian State University, 2024.

Social projects contribute to a decrease in the incidence of domestic violence.⁴⁰ Poland serves as an example in executing social initiatives like "I love." I adore, but I don't hit. I respond, "I adore." I don't yell," and "I'm in love." Time is on my side. Social communication by itself is a very powerful weapon in the battle against violence against women and children, and it also serves to highlight the unique importance of the family in human life.⁴¹ These programs support the prevention of violence, foster healthy interpersonal connections, instill tolerance, respect for authority, the importance of compassion, and educate participants about the detrimental effects of violence that can be mitigated with the assistance of qualified specialists. Ukraine must move in this way as well.⁴²

Improving access to legal aid for victims will also be facilitated by the establishment of mobile counseling centers in the areas closest to the conflict zones. This will reduce obstacles to justice due to limited access to legal aid. The moment for legal system reform has come. Support the police and other law enforcement organizations' efforts to combat domestic abuse in a successful manner. Training officers, creating specialized domestic violence units, establishing rapid response protocols and strengthening cooperation with other agencies and groups should all be part of this. Reducing barriers to justice and legal aid for marginalized groups is crucial; this can be achieved, among other things, by providing them with additional protection and support.⁴³

It's critical to give victims of domestic abuse enough assistance and defense. This should entail setting up centers for survivors, offering guidance and legal assistance, and ensuring that they have access to housing, healthcare, and other social services.⁴⁴ It is also important to involve international partners and organisations in supporting and developing measures to combat domestic violence and to share experiences and best practices with other countries. The Global Partnership to End Violence Against Children programme works with global organisations, governments and civil society groups to reduce violence against children, including

⁴⁰ Khoiruddin Nasution, "Menghapus Kekerasan dalam Rumah Tangga dengan Kajian Normatif-Yuridis: Analisis Interdisipliner dengan Pembedaan Nash Objektif dan Temporal", *Juris: Jurnal Ilmiah Syariah* 17, no. 1 (2018), p. 35-46.

⁴¹ O. O. Volodina, V. V. Haltsova, & S. O. Kharytonov, "Social danger of domestic violence and the need for rehabilitation of its victims", *Widomosci Lekarskie*, 12, no. 2, (2020), p. 2895-2901.

⁴² R. I. Tashian, Y. S. Tavolzhanska, O. V. Tavolzhanskyi, S. V. Grynchak, and N. V. Smetanina, "Scientific doctrine as a source of law in international law and legal systems of the world", *Revista Juridica Portucalense*, (2023), p. 232-252.

⁴³ Nita Triana, "Urgency Critical Legal Studies Paradigm For The Protection Of Women Victims Of Domestic Violence In The Divorce Case", *Syariah: Jurnal Hukum dan Pemikiran* 18 no. 2, (2018), p.167-191.

⁴⁴ M. S. Syromyatnikova, "Problematic aspects of preventing and countering domestic violence in Ukraine during the war" Kharkiv: Kharkiv National University of Internal Affairs, 2023.

domestic violence, by developing strategies and sharing experiences and resources.⁴⁵ Another example is the Spotlight Initiative of the European Union and the United Nations. Through governmental involvement, educational campaigns, and assistance for human rights organizations, this program seeks to end violence against women and girls, including domestic abuse.

Legal changes are also necessary to address domestic and cyberviolence in the larger framework of social security and wellbeing. Guidelines for safeguarding victims of violence and addressing violence in the European Union are outlined in the Directive of March 8, 2022, on the prevention of violence against women and domestic abuse. But with the development of technology, it is also necessary to change the laws to meet the requirements of the modern world.⁴⁶

In our opinion, the need to protect against this kind of threat is demonstrated by the recognition of cyberviolence as a type of violence that can occur both online and offline. This includes cyberstalking, which can take many forms, such as following a victim through social media controlling a device, or stealing personal data using a range of technologies. The amendments to the Law of Ukraine ‘On Preventing and Combating Domestic Violence’ and the Law ‘On the Basic Principles of Ensuring Cybersecurity of Ukraine’ aim to include provisions relating to cyber violence, thus providing an adequate legal framework to protect citizens from these threats. They also provide mechanisms to respond to cyber violence, including the protection of personal data and interference with technological processes that could be used to control or harass victims. Enacting such legislation is a critical first step in guaranteeing public safety and rights protection in the contemporary information age. These measures can help reduce the incidence of domestic violence and improve the situation.

Conclusion

In contemporary democracies, the question of equality in all areas of life - including family dynamics - is gaining importance. Domestic violence is still an issue, though, particularly in times of armed conflict. The disturbance of social interactions during armed conflict may contribute to a rise in domestic violence. It is necessary to review and revise the state's position on this issue, especially in light of the hostilities and how they affect family dynamics. Article 3 of the Ukrainian Constitution lays forth the core principles of the state's human and civil rights policy, even if the conflict and other current issues have made this a more important concern. Data indicates a rise in domestic violence incidents, particularly during the conflict, which calls for prompt attention and response from the community and government. Since 2018, Ukrainian legislation on liability for domestic violence has undergone

⁴⁵ Fahrudin Ali Sabri, "Resistance Strategies of Madurese Moslem Women against Domestic Violence in Rural Society", *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no.1 (2021), p.1-23.

⁴⁶ I. A. Botnarenko and O. O. Hrynkiv, "Psychological violence as a form of domestic violence," *Journal of the Kyiv University of Law* 2, (2023), p. 104-109.

significant changes. One notable change is the introduction of criminal liability for cases of domestic violence that occur regularly. There has been an upsurge in criminal cases under this article, according to recent data. In particular, in 2022, 2080 cases were registered, with the majority of victims being women. However, not every case results in a conviction, which indicates that additional steps are needed to address this problem. One of the legislative actions intended to further safeguard women and give them the assistance and support they require when they become victims of abuse is the adoption of the Istanbul Convention. To help victims of domestic violence, Ukraine is actively trying to create and fund specialised services, such as shelters, call centres, medical and social rehabilitation facilities, and mobile social and psychological support groups. The 2017 Law of Ukraine ‘On Preventing and Combating Domestic Violence’ establishes several tools to combat domestic violence in line with the Istanbul Convention and European standards. However, despite this, the growing number of victim complaints indicates the need for further research in this area. In particular, it is crucial to address cases of domestic violence during the conflict and make sure that this problem is effectively prevented and addressed in society. It is important that victims can exercise their right to protection, that society recognises the seriousness of the problem and that those who need help receive it. In order to address the issue of domestic abuse in Ukraine, particularly during the conflict, a number of actions must be implemented. It is crucial to raise public awareness through educational initiatives and campaigns that help victims of violence and promote human rights. In addition, it is critical to provide mobile counseling services, make legal assistance accessible, and restructure the criminal justice system. Organisations and partners in the international arena should be actively involved in promoting and creating policies to combat domestic violence. Legislative changes are needed to recognise cyberviolence as a form of threat and to ensure adequate protection of citizens in this context. By putting these policies into practice, domestic violence incidents may be decreased and the nation's circumstances can be improved.

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