



Spouse Abuse against Women and Preventive Strategies Based on Related Social Theories

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Abstract

The purpose of this research was to study spousal abuse against women and strategies to prevent it based on social theories. The study population consisted of all juridical laws related to abused women. The research sample included Family Protection Law on women who were abused by their husbands. The research design was descriptive-analytical, and data collection was carried out through documents and libraries. All available sources including books, articles, and digital data, also were used. Data were reviewed by analytical method. The results showed that the current laws, including the Islamic Penal Code adopted in 1392 and the Family Protection Law adopted in 1391 have not taken steps to differentiate criminal protection of the wife, and the wife in this law was deprived of similar criminal protection to the husband. Also, the legislative criminal policy, in ignoring some harmful behaviors against the wife, such as non-payment of dowry, domestic violence, sexual violence, and violence, required a serious review through special criminalization and the intensification of the husband's punishment; because the factor of kinship is one of the aggravating factors in crimes against the physical integrity in crimes in the field of family.



Extended abstract

Introduction: The phenomenon of spousal abuse against women does not belong to a particular race, culture, and society but is a global problem that also was emphasized by the World Health Organization. The phenomenon of spousal abuse, which is usually done with the previous intention and plans to violate the rights of the spouse, and in the international arena, to fight against this universal phenomenon, many international laws and documents were adopted by countries, including the Convention. Any discrimination against women, the Declaration on the Elimination of Violence against Women, the Declaration of the International Conference on Women, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women to be considered as such documents. Harassment is mentioned, including the Holy Prophet (PBUH) said: in a narration: "A man who hurts his wife prays and, no good deed accepted from him and he is the first person who enters the fire of hell." Family Protection Law, Constitution and Civil Law Regarding the rights and duties of the couple, it has guaranteed criminal and legal enforcement, including non-payment of alimony to the wife and non-registration of permanent marriage, the subject of Articles 53 and 49 of the Family Protection Law, or criminalizing it due to fear and damage According to Article 1115 of the Civil Code, Johnny does not need the wife to live in a shared home, and also according to Article 1117 of the Civil Code, the husband can forbid the wife from a profession or industry that is contrary to family interests or her or the wife's status. All laws related to spousal abuse have been legislated and approved in connection with the regulation of marital relationships and criminalization of this issue, plays an important role due to the importance of educating the children and the development of the family and society, and any physical or psychological harm Spouse abuse can lead to disruption of the family and create a serious challenge, and as a result, a law that reduces spouse abuse. The purpose of this research was to study spousal abuse against women and strategies to prevent it based on social theories.

Method: The study population consisted of all juridical laws related to abused women. The research sample included Family Protection Law on women who were abused by their husbands. Descriptive-analytical research design and data collection was done through documents and libraries. All available sources including books, articles and digital data were also used. Data were reviewed by analytical method.

Result: The results showed that the current laws, including the Islamic Penal Code adopted in 1392 and the Family Protection Law adopted in 1391 have not taken steps to differentiate criminal protection from the wife and the wife in this law is deprived of similar criminal protection to the husband. Also, the legislative criminal policy, in ignoring some harmful behaviors against the wife, such as non-payment of dowry, domestic violence, sexual violence and violence, requires a serious review through special criminalization and intensification of the husband's punishment; Because the factor of kinship is one of the aggravating factors in crimes against physical integrity in crimes in the field of family.

Conclusions: The results of this study showed that women are more vulnerable than men to men, both physically and mentally, so the phenomenon of spousal abuse against women is more. Subject laws and non-criminal prevention are not complete, so this phenomenon



requires the following measures: Establishing support centers and training in socializing and providing legal awareness before violence is the most effective and valuable role in reducing violence-related crimes. Governments - and at the head of the judiciary and the legislature - and non-governmental organizations, by informing and promoting ideas and norms in the public and private media (in the case of promoting the status of women), can achieve far more than the passage of laws. It is desirable to obtain. Utilizing internal tools and strengthening the belief and moral values of the general public, Prevention of violence requires the organization of all different institutions of society. Because passing various laws alone, without convincing judges of the importance of the matter or without reforming the mental structure of criminals, will not be a deterrent. Accordingly, the minimum work for the judiciary is to create an educational environment in prisons and related institutions and to use experienced psychologists and professors to shape the personality of criminals to prevent the recurrence of these crimes. Training courses should be performed in schools to remind people of life skills and the need to learn them. Cooperation and cooperation and partnership should be emphasized to men and women; correcting the wrong economic, cultural and social structures is another factor that can prevent all kinds of violence. Many of these problems will be solved if these things are considered obligatory. Establishment of special judicial authorities to deal with spousal abuse with differential procedure Establishment of a legal protection circle in the case of harassment Evidence to prove a specific criminal case - To prevent spousal abuse and to solve problems related to marital disputes, it is recommended that family counseling centers be free and accessible, and due to their greater mastery in terms of the sociology of those areas Codification of a special law by determining the cases of spousal abuse.

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