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DOMESTIC VIOLENCE AND ITS REPERCUSSIONS ON EMPLOYMENT-RELATED REPUTATION

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Abstract: *In the paper, the authors aim to present and scientifically explain how criminal liability—or convictions for offenses involving elements of domestic violence, along with the associated primary unit—affect the perpetrator’s subsequent life trajectory and their future employment-related rights. A fifteen-year analysis of convictions for domestic violence crimes, which will include minors and adults, reveals the current state of the researched problem, together with the trends in the development of the observed phenomenon. The authors will highlight the most common criminal sanctions imposed for domestic violence offenses—both in cases involving minors and adults—and will ultimately explain how prior convictions or criminal records for such offenses impact employment opportunities. The authors started their research from the assumption that the first community in which a person finds their place is the family or some other community that performs the function of a family. This raises the question of whether individuals who commit domestic violence are able to function normally in other social environments—particularly in the workplace, where they spend most of their time—without engaging in further misconduct, such as mobbing. Using relevant databases of the Statistical Office of the Republic of Serbia and other available documents, the latest literature related to this issue, and applying various scientific methods, the authors have proven the thesis that people who are prone to acts of violence in their closest social community - such as the family, have a high degree of tendency to commit violence in the workplace, school environment - regardless of age.*

Keywords: *domestic violence, criminal liability, working capacity, work liability, adults, minors*

1. INTRODUCTION

The family is the primary community for every individual—the environment in which people develop into healthy and rational persons, first encounter and understand their rights and obligations, and form their initial sense of attachment, justice, and well-being [4]. This community, as we know it today, has undergone changes in its form, characteristics,

and consequently its purpose [63]. In recent times, it has been subjected to pressures from many directions; however, we believe that none of these challenges can undermine it as profoundly as the acts of violence that occur within it [71]. This is why we are deeply concerned by the data released by the official authorities of the Republic of Serbia indicating that every third marriage ends in divorce [38]. Violence is not always the reason for divorce,

but in 99% of cases some kind of violence is the reason for divorce - economic (financial) violence [2], sexual violence, psychological violence, and finally physical violence [8].

If we consider the extent of violence present within families and broader environments, and if we ourselves have been participants—whether actively or passively—in such act[12], we must ask the following question: can individuals truly set aside the impact of that violence when functioning within other types of collectives [15], (workplace, educational settings, etc.) or do they inevitably carry these negative experiences with them, letting their effects appear in new activities and relationships?[10]. The problem of domestic violence has been recognized by the state, which has undertaken a series of measures to preserve the family and implemented numerous social programs to support families. Yet, one question remains unanswered: have we, as a state and society, reacted too late [20]? Have we allowed this problem to go too far into all social structures, including the youngest members? This was precisely why the authors initiated the research on this topic, and the findings presented later in the paper are alarming. [70].

The research included both adults [40] and minors, firstly in order to obtain a more detailed picture of the prevalence of domestic violence, secondly to determine how prevalent other crimes in this area are in relation to domestic violence [21], and thirdly to see the level of violence among minor perpetrators of criminal acts - more precisely, to include in the research the group of perpetrators of criminal acts [14] who are at least fifteen years old and legally eligible for employment. Finally, an analysis of the criminal sanctions most often imposed for domestic violence was conducted [19], in order to establish the degree of responsibility of the judiciary for the recurrence of this criminal offense [61]. We did all this in order to understand where such a “wave of violence” [7] originates and to identify where it begins[22] as well as to explore ways to prevent it [72].

In addition to the current situation regarding domestic violence, we were interested in

determining the cause-and-effect relationship between violent behavior [59], or the commission of the criminal offense of domestic violence, and the inability to obtain or maintain employment in certain fields [3].

2. THEORETICAL AND LEGISLATIVE FRAMEWORK

According to the currently valid positive legal regulations in the Republic of Serbia, a family is considered a community consisting of “spouses or former spouses; children, parents and other blood relatives, and persons in in-law or adoptive relationship, or persons who are foster parents; persons who live or have lived in the same family household; extramarital partners or former extramarital partners; persons who were or are still in an emotional or sexual relationship with each other, or who have a child together or a child is about to be born, even though they have never lived in the same family household.” In modern law, definitions of family are rare, because it is difficult to legally define the concept of a phenomenon that is not static and is influenced by numerous factors outside the legal domain. In social theory [1] definitions of family, however, are frequent and numerous, but legal writers most often define family descriptively (by listing the members that make up the family) or operationally (by listing the functions that the family usually performs).

Available data indicate that domestic violence has very serious social and individual consequences and that its victims are most commonly women and children [41]. As victims [62] adult men can also come forward, but this happens very rarely. This claim is supported by data on the number of calls for help sent to organizations supporting victims of domestic violence [18], emergency support services and counseling centers for women and children affected by violence, available in nearly all major cities across Serbia. Research conducted in the past few years by members of women’s groups in Serbia and the Victimology Society of Serbia, confirms the conclusion that this is a complex and, above all, socially conditioned phenomenon [42].

Family Law of the Republic of Serbia defines the term domestic violence in Article 197. And in that sense, it defines the following: “Domestic violence is behavior by which one family member endangers the physical integrity, mental health or peace of mind of another family member. Domestic violence is considered to be, in particular: 1. inflicting or attempting to inflict bodily harm; 2. inducing fear by threatening to kill or inflict bodily harm on a family member or a person close to him/her; 3. forcing sexual intercourse; 4. inducing sexual intercourse or sexual intercourse with a person under the age of 14 or a helpless person; 5. restricting freedom of movement or communication with third parties; 6. insulting, as well as any other impudent, reckless and malicious behavior“ [43].

The Family Law also prescribes measures for the protection of the family in the following article. “Measures for protection against domestic violence are: 1. issuing an order to evict from the family apartment or house, regardless of the right of ownership or lease of the real estate; 2. issuing an order to move into the family apartment or house, regardless of the right of ownership or lease of the real estate; 3. banning approaching a family member at a certain distance; 4. banning access to the area around the place of residence or place of work of the family member; 5. banning further harassment of the family member” [44].

Alongside these regulations, criminal law also needed to ensure the protection of marriage and the family. Under the Criminal Code of the Republic of Serbia (2019), within the section aimed at protecting marriage and family, Article 194 provides that anyone who “endangers the peace, physical integrity, or mental condition of a family member through violence, threats to life or bodily harm, or through brazen or reckless behavior” may be sentenced to imprisonment ranging from three months to three years” [16]. If a weapon, dangerous tool or other means capable of causing serious bodily injury or serious damage to health is used during the commission of a criminal offense of domestic violence, the legislator has prescribed a more severe punishment than the basic form of the criminal

offense and has determined that the perpetrator shall be punished with a prison sentence of six months to five years. In the event that the aforementioned unlawful behavior results in serious bodily injury or serious damage to health, or the offense is committed against a minor, the legislator has determined a prison sentence of two to ten years. In the event of a more serious consequence, such as the death of a family member, a sentence of five to fifteen years is prescribed, and if the family member is a minor, a sentence of at least ten years in prison is prescribed.

The Criminal Code of the Republic of Serbia also stipulates a penalty for persons who violate a court-ordered measure of protection against domestic violence, which is a prison sentence of three months to three years and a fine, cumulatively.

During 2016, the state felt that domestic violence as an unacceptable form of behavior was spreading widely throughout the territory of the Republic of Serbia and was striving to destroy the most important social cell, so the legislator decided to adopt a special Law on the Prevention of Domestic Violence (2016). The aforementioned law regulates the prevention of domestic violence and the actions of state bodies and institutions in preventing domestic violence and providing protection and support to victims of domestic violence. It has a total of 39 articles that aim to “regulate the organization and actions of state bodies and institutions in a general and uniform manner and thus enable effective prevention of domestic violence and urgent, timely and effective protection and support to victims of domestic violence” [67].

According to this Law, domestic violence is considered “an act of physical, sexual, psychological or economic violence by the perpetrator against a person with whom the perpetrator is in a current or previous marital, extramarital or partnership relationship or against a person with whom he is a blood relative in the direct line, and in the collateral line up to the second degree or with whom he is a relative by in-laws up to the second degree or to whom he is an adoptive parent, adopted child, foster

child or foster parent or against another person with whom he lives or has lived in a common household” [67].

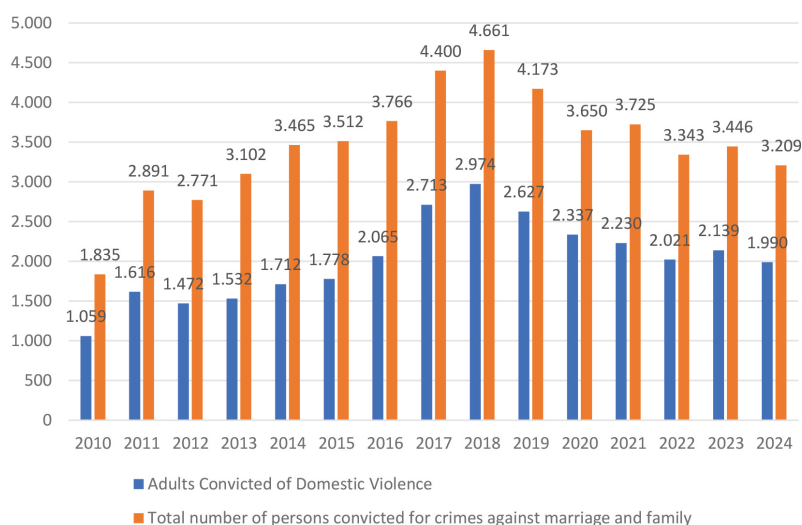
This law does not apply to minors who commit domestic violence, which is particularly interesting for our research and its final findings.

It should be particularly emphasized that this Law also applies to cooperation in the prevention of domestic violence during criminal proceedings for the following offenses defined in the Criminal Code: stalking (Article 138a); rape (Article 178); sexual intercourse with a helpless person (Article 179); sexual intercourse with a child (Article 180); sexual intercourse by abuse of position (Article 181); illicit sexual acts (Article 182); sexual harassment (Article 182a); pimping and facilitating sexual intercourse (Article 183); mediation in prostitution (Article 184); displaying, obtaining and possessing pornographic material and exploiting minors for pornography (Article 185); inducing a child to witness sexual acts (Article 185a); neglect and abuse of a minor (Article 193); domestic violence (Article 194); failure to provide support (Article 195); breach of family obligations (Article 196); incest (Article 197); human trafficking (Article 388); other criminal acts, if the criminal act is a consequence of domestic violence” [16].

3. EMPIRICAL RESEARCH

Our research began with an analysis of how many adults in Serbia were given final court sentences for domestic violence from 2010 to 2024. Namely, we wanted to determine how often criminal offenses against marriage and family are committed in the territory of the Republic of Serbia, and particularly the criminal offense of domestic violence. We collected data using a search of the Bulletin on Adult and Juvenile Perpetrators of Criminal Offenses - Reports, Accusations and Convictions, Statistical Office of the Republic of Serbia [23-37;45-58].

The collected data showed us that in the period of fifteen years analyzed, the highest percentage of criminal offenses against marriage and family each year was the criminal offense of domestic violence. In the fifteen years observed, 51,949 adults were convicted of criminal offenses against marriage and family, and of that number, 30,265 adults were convicted of domestic violence. Further analysis shows that, on average, 2,017 adults are convicted each year for the criminal offense of domestic violence—equivalent to roughly six individuals per day. This crime is also specific in that it should not be viewed as an individual number, but rather it should be analyzed through the number of victims of this crime. Therefore, the nature of this crime is not that the victim of the crime is an individual, but most commonly the entire family, which contributes to the increase in the number of victims of domestic violence. Here, we should certainly not ignore the fact that psychologists constantly appeal that “violence begets violence” and that people who grow up watching or experiencing violence have a much greater chance of becoming violent or of becoming victims of violence, believing that violence is a normal phenomenon – which we cannot agree with.



Source: author's illustration / Statistical Office of the Republic of Serbia (stat.gvo.rs)-Bulletins of the Republic Statistical Office (Year 2010-2024) [45-58]

Chart 1: Total number of adults convicted of domestic violence in relation to all adults convicted of criminal offenses against marriage and family in the period from 2010 to 2024 on the territory of the Republic of Serbia

To assess whether the penal policy corresponds to the severity of this offense, we analyzed all criminal sanctions imposed on the groups of offenders. During the observed period, the most frequently applied sanction was the suspended sentence. Out of 30,265 people, in 19,079 cases the court found it appropriate to impose a suspended sentence, that is, in 63% of cases. Based on all the above, we can conclude that the penal policy in the case of domestic violence crimes is unreasonably lenient.

Table 1: Overview of criminal sanctions imposed on adult perpetrators of domestic violence in the period from 2010 to 2024 on the territory of the Republic of Serbia

Year	Prison	Fine	Suspended sentence	House arrest	Community service and driver's license revocation	Court admonition	Educational measure	Found guilty, but acquitted
2024	739	7	1,005	213	18	1	3	4
2023	765	15	1,130	210	12	2	4	1
2022	676	6	1,125	183	25	1	4	1
2021	589	13	1,388	214	17	2	3	4
2020	669	6	1,508	138	12	1	3	0
2019	628	12	1,827	146	12	0	0	2
2018	768	8	1,998	166	19	4	4	7
2017	808	6	1,736	145	12	2	0	4
2016	620	17	1,301	102	15	2	0	8
2015	483	8	1,193	59	27	2	2	4
2014	634	13	1,041	0	14	4	4	2
2013	533	8	977	0	7	1	3	3
2012	436	33	970	0	15	9	6	3
2011	360	75	1,135	0	23	10	3	10
2010	236	55	745	0	4	8	2	9
Σ	8,944	282	19,079	1,576	232	49	41	62

Source: author's illustration / Statistical Office of the Republic of Serbia (stat.gvo.rs) - Bulletins of the Republic Statistical Office (Year 2010-2024) [23-37]

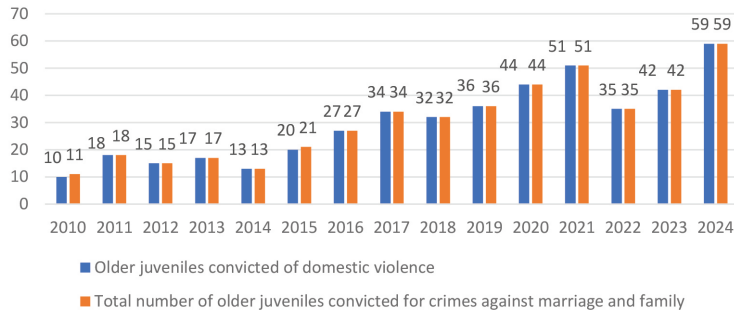
Given that employment may be established by individuals who are fifteen years old, in accordance with the Labor Law, which states that "persons who are at least fifteen years old" may be employed[66] we also included older minors in our research – that is, persons between sixteen and eighteen years of age, in order to obtain a more comprehensive understanding of

the research subject. Therefore, we investigated, over a period of fifteen years, final judgments relating to minors, in relation to the criminal offense of domestic violence. What is particularly interesting is that of all criminal offenses against marriage and family in all years of the observed period (except for 2010 and 2015 – only one individual committed a criminal offense other than domestic violence), all persons convicted of criminal offenses against marriage and family committed domestic violence. Therefore, the only criminal offense committed in the last fifteen years from this group of criminal offenses was exclusively domestic violence.

Over the past fifteen years, 453 minors have committed the crime of domestic violence. On an annual basis, a final judgment is issued against thirty minors, proving that they committed the crime of domestic violence. This data is particularly concerning given the traditions of the Serbian people and prevailing upbringing practices, where it is extremely difficult to imagine situations in which those closest to the offender—such as parents or relatives—would report their own child or family member for violence. Therefore, the number of reported and convicted offenders is far lower than the actual situation. However, what is particularly noticeable in the graphic representation of the crime of domestic violence committed by minors, is that in the last years of the observed period, this number has been growing, that is, it is the largest in comparison to all previous years. We must emphasize that the situation concerning the issue under investigation is highly alarming.

To obtain a complete, realistic picture, and determine whether minors have a chance to resocialize or relapse into criminal offenses, we have also analyzed the criminal sanctions imposed on minor perpetrators of domestic violence in the past fifteen years. In most cases, the court decided on an educational measure - a measure of increased supervision, in 236 cases out of a total of 453 (52%). Many theorists have noted that measures considered warnings for adults—such as suspended sentences and court admonitions—serve as increased supervision for minors. Consequently, it can be

concluded that even when addressing juvenile offenders, the penal policy and its implementation remain lenient and fail to achieve the intended resocialization.



Source: author's illustration / Statistical Office of the Republic of Serbia (stat.gvo.rs)- Bulletins of the Republic Statistical Office (Year 2010-2024) [23-37]

Chart 2: Total number of older juveniles convicted of domestic violence in relation to all juveniles convicted of crimes against marriage and family in the period from 2010 to 2024 on the territory of the Republic of Serbia

Table 2: Overview of criminal sanctions imposed on older juvenile perpetrators of domestic violence in the period from 2010 to 2024 on the territory of the Republic of Serbia

Year	Educational measures			
	Juvenile detention center	Warning and guidance measures	Enhanced surveillance measures	Institutional measures
2024	0	23	34	2
2023	0	19	21	2
2022	0	18	16	1
2021	0	13	30	8
2020	2	21	15	6
2019	0	13	22	1
2018	0	7	20	5
2017	0	18	15	1
2016	0	15	11	1
2015	0	7	11	2
2014	0	5	6	2
2013	0	4	9	4
2012	0	2	9	4
2011	0	5	9	4
2010	0	2	8	1
Σ	2	172	236	44

Source: author's illustration / Statistical Office of the Republic of Serbia (stat.gvo.rs)- Bulletins of the Republic Statistical Office (Year 2010-2024) [23-37]

As for adult perpetrators, it should note that for juvenile perpetrators of criminal acts, by committing such criminal acts and criminal acts of a violent nature, they cause incalculable consequences for passive subjects, which can affect their further social, family, and professional lives. Based on all the above, we can confidently claim that the phenomenon of domestic violence is worthy of research and a stronger social and institutional response to it.

4. DISCUSSION

In the previous section of this paper, we established the extent to which domestic violence constitutes a social, legal, ethical, and otherwise harmful phenomenon. It is now necessary to examine whether it has any repercussions on an individual's employment status.

To establish an employment relationship, a certificate is often required, which is proof that one has not been convicted, or that there are no criminal proceedings against the candidate for employment. Certain aspects of life and employment are simply incompatible with criminal behavior. For example, someone who is prone to forging documents cannot be employed to perform jobs where important documents are entrusted to the employee, and accordingly, a person who has been finally convicted of committing domestic violence cannot be employed and perform jobs in education, healthcare, social protection, etc. If the person was already employed, then this may lead to the termination of the employment contract.

Any criminal offenses that may reflect on the reputation of the institution or threaten the peace of mind of the rest of the team at work may be grounds for initiating disciplinary proceedings or terminating the employment contract, even if they are committed outside the workplace, because it is the obligation of every employer to ensure safety in the workplace.

In practice, it is not uncommon for partners or family members to be employed in the same organization. When a person convicted of domestic violence is ordered to avoid contact with

the victim or certain locations, this restriction can directly impede their ability to carry out work duties. In such cases, the employment contract may also be terminated, which can sometimes be the subject of abuse (due to base motives - jealousy, hatred, etc.) which is why employers must be especially careful [13].

It is also essential to improve and streamline existing regulations in this area. As a country striving for European integration, the Republic of Serbia should focus not only on harmonizing its judiciary with European standards but also on adopting best practices and advancing this aspect of society. European Union Directive 2024/1385 represents another step in the fight against domestic violence. This very directive mentions that domestic violence can have far-reaching and major consequences on working capacity, access to work, work performance, safety at work. Also, ILO Convention No. 190 sides with the victims of violence, and stipulates that the employer is obliged to develop protective measures, regardless of whether the violence is committed at the workplace or in the work environment, if it can affect the work process and disrupt the safety of the work environment. The need to harmonize legislation and ensure its effective implementation across the territory of the Republic of Serbia is also mandated by the Istanbul Convention, to which the country is a signatory.

5. CONCLUSION

The authors argue that in the Republic of Serbia, insufficient attention is given to the victims of domestic violence. We believe that the protection and assistance provided to these individuals are inadequate. In practice, the assessment by competent authorities (judges or prosecutors) that imposing a restraining order on a person or place would resolve the problem proves incorrect in approximately 90% of cases. This failure occurs for two main reasons: first, the perpetrator may be so determined to complete the criminal act that they disregard the imposed measure or its consequences; second, the victim may “forgive” the offender—voluntarily or under duress—after which, in a

significant number of cases, the act is repeated, often with far more severe consequences.

Economic dependence, societal condemnation, and difficulties in performing work-related activities are among the challenges faced by victims of this crime. This is why we advocate for changes in legal regulations to ensure that victims of domestic violence receive adequate support, rather than being left—as is often the case today—at the mercy of their employers. Victims should be afforded greater understanding and assistance from both their immediate and professional environments. They should be able to rely on measures such as flexible working hours, reassignment to another workplace to prevent further harassment, or paid leave whenever possible. In the Republic of Serbia, these measures have not yet been fully implemented, although there are indications of progress through the Law on Occupational Safety and Health. It is also necessary to supplement existing legislation with new provisions under the Law on the Prohibition of Discrimination to prevent potential discrimination against victims of domestic violence, as well as to guard against the abuse of legal principles related to this crime.

In addition to the listed types of support, free legal aid is especially important, as well as free psychological aid for both the victims of the crime of domestic violence and perpetrators of domestic violence, especially psychological aid as a preventive measure, as resocialization aid. In developed countries, such support is provided not only by the state but also by private corporations.

The role of the Center for Social Work in our country has been limited. This institution currently lacks the capacity to address such a complex problem effectively. We believe that its capacities—including physical space, technology, and personnel—must be significantly expanded. The state must recognize the importance and role of centers for social work.

Proposed changes and improvements to existing legislation should not remain solely at the legal level but must also be implemented through internal procedures, work regulations,

and employer protocols. As evident, this field is highly complex, extending beyond the scope of criminal and labor law to encompass human rights, social policy, constitutional law, psychology, ethics, and related disciplines. Furthermore, there are significant areas of abuse, such as false or exaggerated reports of violence, which are increasingly observed in practice [17].

The data presented in this paper are compelling and clearly indicate that immediate action is required to implement measures that ensure a comprehensive and effective approach to combating this phenomenon, which not only destroys families as communities but also harms the individuals within them. The rapid

increase in the number of minors who commit domestic violence indicates the seriousness of the problem and a series of omissions made in the initial stages of the lives of those individuals, the perpetrators of criminal acts. It must also be recognized that violence—whether in the family, workplace, school, or any other environment—takes on various forms. In addition to conventional manifestations, violence is increasingly perpetrated through information technologies. Special attention must be paid to this emerging dimension. The authors hope that the data presented in this paper will encourage every reader to reflect on and engage with this pressing issue.

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НАСИЉЕ У ПОРОДИЦИ И ЊЕГОВЕ РЕПЕРКУСИЈЕ НА РАДНОПРАВНУ РЕПУТАЦИЈУ

Резиме: У раду који је пред читаоцем аутори су покушали из епистемолошког угла објасне како то кривичноправна одговорност, односно осуђеност за кривична дела са елементом насиља у примарној припадајућој јединици, утиче на даљи ток живота насилника, као и на његова даља права у области рада. Петнаестогодишња анализа осуђености за кривична дела насиље у породици која обухвата малолетна и пунолетна лица, пре свега открива трендове развоја посматране појаве. У раду аутори на аргументовани начин скрећу пажњу научне и шире јавности на најдоминантније кривичне санкције које се изричу на кривична дела насиље у породици, како у категорији малолетних лица, тако и за пунолетна лица, На крају рада аутори научно објашњавају како претходна осуђиваност односно кажњивост за кривична дела утиче на заснивање радног односа. Аутори су истраживање започели од претпоставке да је прва заједница у којој човек нађе своје место управо породица. Поставља се питање да ли људи који врше насиље у породици, могу нормално функционисати без вршења кривичних дела у неком другој друштвеној групи – радном колективу у коме проводе највише времена, а да не врше кривична дела као што је рецимо мобинг. Коришћењем релевантних база података Републичког завода за статистику и осталих доступних извора који се односе на ову проблематику, уз примену одговарајућих научних метода, у раду је потврђена хипотеза да људи који су склони актима насиља у најужој друштвеној заједници - каква је породица, имају висок степен склоности вршења насиља и на радном месту, без обзира на узраст.

Кључне речи: насиље у породици, кривичноправна одговорност, радна способност, пунолетна лица, малолетна лица