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**CRIMINAL OFFENSE OF DOMESTIC VIOLENCE –
DETECTION, CLARIFICATION AND VERIFICATION**

Abstract: In this research study we are dealing with the following criminal offense: domestic violence, as well as its detection, clarification and verification. This is the topic which deals with the current situation that draws the attention of both local and global public, taking into consideration the fact that we are dealing with compromising the family as a unit, which represents the primary social group. The aim of this paperwork is to draw attention to the means of action which the Police uses to acquire evidence materials when it comes to the felonies mentioned above, as well as to shed light on the difficulties which arise as obstacles in this process. In this research study we have shown statistics data of the Department of Analytics of The Republic of Srpska Ministry of The Interior which are related to the number of committed criminal offenses regarding domestic violence in family communities, as well as the number of prosecutor orders to dismiss and withhold investigations for the time period 2021 to 2023, which could serve as the indicator of the realistic situation of this negative phenomenon in The Republic of Srpska.

Key words: *criminal offense, domestic violence, detection, clarification, verification.*

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INTRODUCTION

Nowadays, domestic violence is increasing drastically and it represents one of the biggest challenges that our current society is faced with, it is also acknowledged as a public health issue and high priority area of social acting (Fernández-González et. al., 2018:1). The main reason for this condition is based in the degradation of the family as a unit, considering that its influence is decreasing and that it no longer represents the basic foundation of a “healthy” society. This can be seen in the multiple researches which have shown that the relations between its members are often characterized by all forms of abuse and violence. Although we are discussing a criminal offense which endangers both physical and psychological integrity of an individual, there is an array of misunderstandings which prevent us from understanding the level of seriousness which domestic violence represents, some of them being: such actions rarely leave consequences to the children (unless they are the victims); they are caused by alcoholism, drug abuse and stress; the victims deserve to be treated in a bad manner; the perpetrator acts in a state of decreased level of consciousness and therefore he is not responsible for it; violence is most common among the poor, it happens to people from certain social, economic and cultural groups; most of these acts represent isolated incidents; leaving that family community brings salvation; in addition- certain forms of counseling represent the best means to solve the problem (Ignjatovic, 2010:107-108). These types of attitudes are misleading because we are talking about one very specific felony which requires a deeper analysis and a more serious approach when it comes to its prevention.

Domestic violence is a global issue which outgrows cultural, geographical, religious, social and economic boundaries, and it represents violation of human rights. For example, violence against women deprives women of their rights to participate fully in social and economic life. That fact causes numerous physical and mental health issues and in some cases it leads to death (Idris et. al., 2018:199; Pickover et al., 2017:96).

Namely, this criminal offense draws attention of multiple governmental and non-governmental organizations lately, as well as the attention of human rights activists, legislative bodies, social services etc. This clearly shows us that this represents such form of criminal offense described as extremely complicated and dependent on multiple factors. This behavior appears and exists in all countries, and it is not related to the degree of socio-economical progress. The manners in which the countries themselves react to this negative social phenomenon are different and they depend on a number of factors. Besides,

the cultural and traditional norms, as the most significant factors that influence the choice of type and manner in which the country reacts, carry the specific characteristics of this form of violence which stems from a special and close relationship between the victim and the perpetrator. It is the situation where, first of all, the persons involved were, or still are in most cases in a close emotional relationship. The present common ground is based on the fact that one's family is a private business of each individual, and that the issues which arise in it should be solved between its members. The standpoint mentioned above leads to victim's refusal to witness against the perpetrator, which later disables or slows down the inadmissibility. Furthermore, the situation becomes more complicated due to taking financial and material care of the children, the feelings of shame and humiliation, and often victim's own fears, her financial dependency, the fear of public opinion etc. (Markovic, 2007:209-210).

In relation to that, it can clearly be seen that clarification and verification of the criminal offense: domestic violence is a very complicated assignment when we take into consideration the fact that the prosecutors are facing multiple number of issues right at the beginning.

THE TERM “DOMESTIC VIOLENCE”

Speaking of domestic violence we are referring to the violence against partners (spouses or unmarried partners), children and elderly people (Markovic, 2018:67). The violence can be manifested in different ways: as physical, sexual, psychological, emotional, economical and spiritual violence. Physical violence manifests itself by hitting, kicking, pushing, slapping, hair pulling, inflicting bodily injuries (beating) etc. Sexual violence implies every sexual activity without consent: sexual teasing, unwanted comments, unwanted sexual suggestions, forcing someone to participate in or watch pornographic content, unwanted touching, painful and humiliating sexual act, forced sexual intercourse, rape and incest. Psychological violence refers to various forms of psychological maltreatment, verbal harassment, threats of using force, coercion to maintain a relationship and other forms of sexual coercions, imposing certain rules of behavior, isolation and control of the victim, humiliation and mocking in the family or public situations, continual verbal harassment based on personal traits, which are contributing to permanent and constant feelings of personal insecurity, undermining, mocking etc. One specific form of domestic violence is emotional violence which reflects itself as a long-term and permanent lack of love and affection, for example refusal, or to describe it more precisely - neglecting emotional needs of a family or family community

member. Economic violence implies restricting material means, conditioning financial support, disabling mutual sources of income etc. Spiritual violence refers to systemic mocking or destroying religious or cultural beliefs which endangers peacefulness of a family or family community member (Markovic, 2007:210-211; Markovic, 2018:66-67; Sukeri & Man, 2017:477). According to the data provided by The Republic of Srpska Ministry of the Interior during the pandemic period caused by Corona virus (COVID-19) which lasted since March 2020 until May 2023, the number of domestic violence cases in families and family communities has been doubled (Vrucinic, 2024). In the same study (Vrucinic, 2024) it is stated that the predictions based on the model of regression show that the value of domestic violence frequency is not decreasing but it neither surpasses the level reached in 2023, comparing it to years 2024 and 2025.

According to the definition of World Health Organization, violence amongst partners includes all behaviors in the framework of a partnership which causes physical, psychological or sexual injuries to one of the partners in that relationship. If the abuse is continuously repeated in one single relationship, such phenomenon is often called maltreatment (Krug et al., 2002:5). Domestic violence can occur in a form of a threat or use of physical, psychological and/or emotional violence; respectively any kind of violence against another person with intention of causing harm or applying control and power over them. The perpetrator belongs to the “domestic surroundings” of the victim: intimate partner, husband, ex intimate partner, family member, a friend or acquaintance. We consider friends or acquaintances of the family to be certain people who have a friendly relationship with the victim and who they often meet in the household surroundings. It is not crucial if the victim actually lives in the same household as the perpetrator or not when it comes to defining domestic violence; the term domestic violence is defined by the closeness of relations between the perpetrator and the abused victim. The most common victims of these criminal offenses are women, although men can be victims as well, but in that case the violence is usually psychological, where their mental health suffers due to the impact of such conditions (Birkley & Eckhardt, 2015:3). However, domestic violence most commonly affects women due to the culture of patriarchy, which affects their social and economic position in the society (Tsegay, & Tecleberhan, 2025:892). Different studies have estimated that between 10 and 35% of women experience domestic violence at one point in their lives (Flury, Nyberg, & Riecher-Rössler, 2010:24). For a longer period of time it has been stated that the violence against women has been the main obstacle for the equality, safety and women’s right to practice basic

human rights and freedom. This has been perceived as the universal issue of every country and it is present in all societies regardless of age, social class, education, income, religion, ethnicity or culture (Kisa, Gunor & Kisa, 2021:549). Most commonly in the attempts of justifying and explaining wife abuse two social perspectives are being used: the theory of resources and the theory of a relative resources. They suggest that the level of resources is the primary factor of wife abuse. Namely, that means that married men who have and can offer a small amount of resources (the theory of resources), or less amount of resources than their wives possess (the theory of relative resources) have a larger probability of using violence than those who are rich in resources. They utilize violence as a form of compensation for the lack of resources. Certain authors conceptualise violence as a form of resource similar to the material resource form. Therefore, violence or the threat of violence can be used as means of achieving obedience and submission and in that way they are compensating for the lack of material goods. Taking this into consideration, it is assumed that the smallest probability exists among those husbands with the largest amounts of material resources to be using violence, because their material resources are already providing them the obedience and submission of their partners. Violence or the threat of violence serve as an alternative to material resources as the foundation of power. Therefore, this theory leads us to the prediction that those husbands with the lower social status are more likely to use violence than those husbands with a higher social ranking. The theory of resources is supported by numerous studies which indicate that men with lower incomes, prestige and education are more likely to abuse their wives (Atkinson, Greenstein, & Lang, 2005:1137-1138).

Women abused by their intimate male partners have been reporting an abundance of physical and psychological consequences. A wide spectrum of health dangers comes as the result of direct violence against women or its long-term effects on her. There we can include injuries, death, as well as sexual, reproductive, mental and physical health issues (Afifi et al., 2011:613). It is well known that women who were exposed to domestic violence belong to a high-risk group when it comes to attempts of committing suicide (Kavak et al., 2018:574). Besides that, women suffer economic consequences as well. For example, some of them are financially dependent on their partners and can be faced with various obstacles if they abandon them. In that case, women are most likely to be left without roof over their heads and basic existential means (Baker, Cook, & Norris, 2003:754-755).

Lately, more attention has been brought to violence against children. In this part we are focusing on the cruel and humiliating forms of punishment,

neglect, sexual abuse, murders, and other forms of violence. World Health Organization has adopted a unique definition according to which abusing or molesting children includes all forms of physical and/or emotional abuse, sexual abuse, neglect or reckless acting, as well as commercial or other types of exploitation, which lead to real or potential decline of a child's health, endangering life, development and dignity by misusing family or guardianship relations of trust and power. Presented as following we have highlighted four specific types of actions performed, those are: physical abuse, sexual abuse, emotional abuse and neglect (Krug et al., 2002:59-60; Markovic, 2018:73-74). The research has shown that the children can be influenced both by direct and indirect victimisation. Namely, studies have also shown that many children of those women who were beaten were also direct victims of the perpetrator, enduring physical, psychological or sexual abuse by the same perpetrator who molested their mothers. Besides the direct victimization, in most cases of domestic violence, the children are exposed to indirect victimization as well as by observing the violence (Fernández-González et al., 2018:2). Various forms of violent behaviors towards the children, either psychological or physical forms of violence, have a large impact on the latter psychological personality development, and the process of their socialization. The researches have shown that such children later in life become aggressive towards their environment, their peers but also towards the adults. In most cases many of the children who performed sexual felony against another child have previously been the victims of sexual abuse. Also, in addition, it can not be concluded that the children who are the victims of any type of violence will necessarily become the perpetrators of the same types of felonies against others (Игњатовић, 1998:210; Марковић, 2007:213).

Also, nowadays more and more people are speaking up openly about the violence against elderly people. According to the definition of the International Network for the Prevention of Elder Abuse, this type of abuse represents one-time or repetitive actions or a failure to act, which appears in any kind of relations where trust is expected, therefore causing damage or distress to the elder person. In this case we observe physical abuse, psychological or emotional abuse, financial or material abuse, as well as sexual abuse. The perpetrators of these criminal offenses are subjects who take care of the elders, often their closest relatives (Krug et al., 2002:126-127; Markovic, 2018:77-78).

From all of the above it can clearly be concluded that domestic violence represents an extremely serious criminal offense which should be treated with special attention.

THE DETECTION OF DOMESTIC VIOLENCE

The criminal offense of domestic violence can be discovered in various ways, some of them being: by actions of Interior Affairs Department, open public speaking, reports of victims and other witnesses, self-reporting, anonymous and pseudonymous report, reports coming from the state or other institutions (education system, health system, public information system (media), non-governmental organizations etc.)

Police officers collect notifications on a daily basis, and that represents a meaningful mode of acquiring information and control if the criminal offense has already happened. With the aim of collecting information on the executed criminal offenses and the perpetrators of domestic violence, the Police force most often uses the informants (friends and acquaintance connections), that is, the subjects who voluntarily, without any personal interests or gain, occasionally provide the data on such events (Simonovic & Pena, 2010:25; Djurdjevic & Radovic, 2015:427).

Speaking publicly, is a very meaningful way of detecting that a certain subject is being a victim of domestic violence. It often happens that the rumors spread among people, for example, that certain person beats his wife or that a specific family is neglecting their child etc. (Simonovic, 2004:27).

The reports of the victims are one of the most reliable ways of finding out if the deed of domestic violence has been committed. That does not have to mean that all of those reports are true because we can run into situations when the victim files false reports in order to damage the reputation of the subject which she makes the accusations against (Simonovic & Pena, 2010:30). Although, to report this felony is not a simple matter for the victims who decide to take that step after numerous failed attempts to put an end to the violence. Even in these situations only a small number of victims turns to the Police, regardless if they feel that their lives are in danger (Blaney, 2010:354-355).

Criminal offense- domestic violence is reported often by the citizens who have noticed it when it was occurring, and they appear on the court as witnesses. Here, we are most likely to see the acquaintances and neighbors of the family members in whose household the act of domestic violence had happened, and in many cases also we can see the relatives of the victim and other family members (Simonovic, 2004:27; Markovic, 2018:423). However, when these criminal offenses occur, usually there is a lack of witnesses, which specifically stands out when we observe the fact that this type of violence, as the name itself suggests, most often happens in the family circle – family house, or apartment, and it is more rare in public places (Mirkov, 2019:636).

It can also happen that these criminal offenses get discovered on the basis of the report of the perpetrator himself. Valid self-reports in this case most commonly are filed by the subjects who have done the felony acting on the impulse, in a delicate situation, under the influence of alcohol (this is committed under the conditions of a strong psychological pressure and remorse), in other words, this is done by those subjects who have committed this felony led by certain insufficient psychological sense of control and therefore they are prepared to face the charges for their actions (Zarkovic, 2009:40).

Anonymous and pseudonymous reports also represent one way of detecting this criminal offense. It occurs in some cases that the violence is reported via internet – email, letter, etc. (Markovic, 2018:449). These types of valid reports are made by the citizens who are afraid of perpetrator's vengeance, and those reports make a compromise between the desire of the citizen to reveal this felony and, at the same time, to avoid exposing themselves at the court as the witness (Simonovic & Pena, 2010:29).

Also, the reports of the state, and other institutional subjects (educational system, health system, media, non-governmental organizations etc.) represent a significant source of information regarding the felony mentioned above. Teachers and professors, as well as teams of experts in educational institutions can find out that the child has been directly exposed to violence or that it has been a witness of domestic violence during the conversation. In both cases mentioned, in cooperation with other institutions (Police, Social Services Center etc.), the reaction has to be immediate in order to put an end to the violence, to protect the victim of the violence, and to face the perpetrator with the law and criminal charges (Markovic, 2018:428). Health workers and associates play the key role in recognizing and discovering all forms and types of violence. That is understandable because the violence victims start to show more and more often different forms of health concerns, including body injuries as well, so for that reason they approach health institutions for help and treatment (World Health Organization, 2014:15). Aside from all the things mentioned above, they play an important role in recognizing and revealing children abuse and neglect, because they are among the first ones to whom a child, parents and experts in other areas come for help in situations when the child is ill or hurt, and when it shows difficulties in behavior or when the family is in crisis (Radosavljev-Kiricanski et al., 2009-119). Nowadays, when we are speaking of violence, public information sources (the media) play a significant part. The main role of the media should be highlighting the current issues in the society. Especially considering the fact that during informing the public they can more or less directly point out to certain criminal activities, in this

case to domestic violence (Zarkovic, 2009:42). In the same manner, non-governmental institutions have a large influence in revealing domestic violence. They have specialized teams which offer psychological and legal support to the victims of domestic violence, but they also have places where victims who decide to leave the molester can be moved into. Also, they offer their services to violence victims in the media and point out to the support which will be offered to them if they decide to report the violence. This type of support is very important in order for the victim to take certain steps towards making legal acts against the perpetrator (Markovic, 2018:439). After the revelation of the criminal offense – domestic violence, the legal steps are taken to clarify and prove it, and that represents a very complicated assignment.

CLARIFICATION AND VERIFICATION OF DOMESTIC VIOLENCE

A highly complex and complicated assignment put in front of the members of the Legal Department is to clarify and verify the criminal offense of domestic violence. The Police officers, in the range of their authorities and respecting legal procedures as well as the basic principles of science and their profession, have to conduct all the activities in order to successfully clarify and verify these criminal offenses. If the report of domestic violence has been submitted, the Police officer is expected to: perform the arrest and file legal prosecutions as the means of Police response to domestic violence; conduct the necessary measures of protection, offer protection and assistance for adults and children (victims of domestic violence); improve the security of the staff who conducts legally approved reactions to the domestic violence incidents, secure support and assistance to the victims or to the witnesses of the domestic violence; cooperate with the community aiming to prevent further abuse and molestation; and to perform a thorough investigation during which it is important that the arrest has a positive effect (IACP – National Law Enforcement Policy Center, 2006:1). When the domestic violence is reported, the Police is obligated to act on an urgent basis, respecting the law of promptness and operability. In that way the repetition of this offense in the future can be prevented (Zarkovic, 2009:16; Jovicic & Setka, 2023:37). In case when the victim reports the event it is necessary to take primary action measures in order for the perpetrator to be arrested and evidence to be acquired. Immediately, it is necessary for the victim to be questioned in order to gather the essential data on the committed act, and furthermore to offer the essential health assistance as well as to provide clothes inspection and body check-up by the doctors of forensic

medicine, in case if the body integrity of the victim has been compromised. It is necessary to provide the hearing of the witnesses (if there are any) who have seen or were present during the act of the criminal offense. Speaking of the same, if traces or objects can be found in the place of the felony, it is necessary to secure and process the crime scene. After that, it is necessary to question the suspect, examine the body and clothes in order to acquire and secure relevant evidence, as well as draw the blood from the suspect in order to check if he is under the influence of alcohol. During the informative hearing of the victim, special attention should be paid to its psychological state and attempt should be made not to additionally traumatize the victim. It is essential to obtain the atmosphere of trust with the victim and help her to overcome the fear so as to state all the facts, and in the same time to be sensible and thorough during the verification of the testimony and its comparison with the rest of the evidence (Simonovic, 2004:575). Taking into consideration all of the above it is desirable that the person who conducts the hearing is of the same gender as the victim.

If the victim happens to be a child, the conversation should be led by a police officer who has acquired special knowledge in the area of children's rights, youth delinquency and legal protection of minor subjects. In the same way, the Police officers should provide the presence of an expert representer in guardianship instead of parents, foster parents or legal guardians to the minors during the procedure, taking into consideration that this is the safest way to provide objective and truthful testimony without the external impact, especially in cases where violence between parents preceded, or if the child was exposed to the domestic violence (Markovic, 2018:475)³.

Complete facts should be collected from the victim regarding the circumstances under which the criminal offense had happened: the previous relations between the perpetrator and the victim (the behavior of the perpetrator towards the victim, behavior of the victim towards the perpetrator, material situation etc.), the contact (the situation) which preceded the felony (the course of conversation, psychological state of the victim and the perpetrator, the impact of alcohol etc.); the description of domestic violence crime scene and changes which have occurred there during the act of felony (on that basis specific crime scene evidence are searched for and the clothes and footwear of the perpetrator are inspected as well); detailed description of the perpetrator's actions during the act of felony (threats, pressing down on the ground, kicking, choking, etc.); acquiring the testimony about the victim's resistance in order to create the versions that

3 It is about the subjects who possess the certificate for working with minors who are victims or perpetrators of the criminal offense

could provide possible evidence on the body and clothes of the perpetrator, as well as finding witnesses (for example, during the defense the victim has ripped a part of the perpetrator's clothes, pulled a button, scratched the perpetrator's face, etc., to determine if the victim has screamed and from which places that could have been heard etc.); the behavior of the perpetrator after the felony has been committed (if he stayed at home, if he showed remorse or not, if he had gone somewhere, ran away etc.); the behavior of the victim and actions that followed after the felony has been committed (if she had reported the felony immediately after it happened, if she consulted the doctor, to whom did she confide in after the event has taken place etc.) (Simonovic & Pena, 2010:600-601). If in the crime scene of the domestic violence material changes can be found, occurred during the act of felony, the inspection of the crime scene is necessary. Before that, following the arrival at the crime scene the Police officers need to avoid parking the police vehicle in front of the object where the violence has occurred; to identify themselves as Police officials, to explain their presence, to contact all of the tenants in the building, all of the potential witnesses, the victim and the perpetrator; to remove the suspect from the crime scene if necessary, to estimate the injuries, to provide emergency aid and, if necessary, call an ambulance, to separate the tenants and the witnesses from the victim and the perpetrator and conduct an informative questioning with them regarding the circumstances of the deed itself. Breaking into an object is allowed only in cases when the safety of the victim has been compromised (IACP – National Law Enforcement Policy Center, 2006:4).

If the violence is happening in the moment when the police arrives, primary assignment of the Police officers is to stop it and to provide protection to the victim. In a situation such as that it is essential to pay attention that someone of the participants does not have access to firearms, close combat weapons or other objects which can cause injuries. There is a higher risk for that if the perpetrator is under the influence of alcohol or opioids. For that reason, if the legal conditions are satisfied, it is necessary to arrest the perpetrator (Markovic, 2018:453). After that, the members of the Police in uniforms, who have intervened on the basis of the reported domestic violence, after the closure of the intervention should proceed to take all of the measures for securing the crime scene as follows: to conduct a general overview of the crime scene without moving the objects in it, as well as to mark the space which covers the crime scene; to provide first aid to the injured subjects; to remove the direct danger of fire or explosion; to mark the crime scene using visible signs (tape, rope etc.); to block both closed and open space; to provide security measures for protection of the crime scene and save the evidence from destruction; to make

official notes, sketches, and if possible take photographs of all of the changes which took place in the crime scene, starting from the moment of the felony initiation until the arrival of the investigation team; to start a search for the perpetrator in case there are indications that he could run away; and to detect, find and separate the citizens who can provide significant information regarding the criminal offense (Simonovic, 2004:297-299).

After that, the team for inspection arrives to the crime scene and starts the inspecting process. The manner of performing the inspection when it comes to this criminal offense has no specific characteristics when compared to the inspection of other criminal offenses related to harming one's life or body. Namely, this act of investigation has a very important influence on the process and outcome of the legal act. The inspection can discover illogicalities and contradictions in case of the false report. The existence of the traces of blood, hairs (pulled out hair), shattered and broken objects (light bulbs, lamps, mirror, dishes, furniture etc.), injuries (bruises, scratch marks, tears, cuts, stabs, projectile traces etc.) requires inspection to be performed. The object of the investigation can be a place or an item, as well as the subjects (people). The most common place of domestic violence occurrence is an apartment or a house where both the victim and the perpetrator live in. The investigation team will estimate the actual situation in the crime scene, find, provoke and fix the evidence, find the objects, separate and neatly pack all of the evidence which will serve as a successful process of the legal actions. The Criminal technician will beforehand make a Croquis drawing and insert all of the relevant facts from the crime scene in it (UNDP, 2021:37; Zarkovic, 2009:227). When speaking of investigation of the subject, that specifically refers to the investigation of the perpetrator and the victim. It is always necessary to conduct it if physical or sexual violence has occurred. The investigation is conducted when the evidence is searched on the face, which points out to previously mentioned criminal act or existence of close contact between the perpetrator and the victim, or contact of a specific subject with the crime scene or with means/weapons used during the felony, in other words it points out to injuries stemming from the act of domestic violence. The investigation is performed in the following way: the dirt under the fingernails and from the earlobe of the felony perpetrator is extracted, and on its basis his presence can be determined at the crime scene, as well as his participation in the act of this felony. For example, under the fingernails of the domestic violence perpetrator, most likely biological traces of victim's skin or fiber traces can be found which usually come from the victim's clothes. The victim also leaves behind traces of defense on the perpetrator (bruises, scratch marks on the body etc.). In relation to that, it is necessary that the investigation of the people involved is performed in a health institution

at the same time as providing medical aid after the criminal offense had taken place. In this way, we are able to acquire useful material evidence in the form of doctor's report on the injuries (medical records, and doctor's opinion) and the investigation record (Simonovic & Pena, 2010:325; Markovic, 2018:471).

If it is considered that the suspect illegally possesses firearms, it is necessary to search the apartment and other rooms. During the search to acquire the evidence, objects and documents related to the purpose of the search will be temporarily taken away. If the perpetrator has the access to firearms due to his occupation and job (military subject, security guard, etc.) or based on his hobbies (hunting), it is of utmost importance to notify the employer or the association in order to deny him the access to the weapons during the investigation. In the same manner, the search of the devices for automatic data running and the equipment where the data is saved or electronic records can be saved will be executed if the victim has stated that the molester has threatened her by messaging her via multiple apps, also the search will be conducted on mobile phones where the entire content of the phone can be extracted (text messages, viber messages, photos, videos etc.). Also, temporary confiscation of objects is an investigatory act which takes place when it comes to domestic violence. Namely, the objects which have to be confiscated (weapons, ammunition, etc.) or objects which can serve as evidence in criminal procedure (tools, phone, computer, devices, etc.) will be confiscated by the members of The Police and stored according to the laws of Criminal Procedures Act. The category of objects which can be temporarily confiscated are devices for automatic data processing, as well as the devices and equipment where electronic records are or can be saved, i.e. the security camera records (UNDP, 2021:34).

In addition to all of the stated above, during the act of domestic violence, experts evaluation is being conducted. Here, we have two types of expertise conducted, and those are the following: the evaluation of bodily injuries and the psychiatric evaluation. The evaluation of bodily injuries is conducted in order to estimate the exact classification of the type and severity, as well as the mechanism which has led to the injury of the victim during the act of the criminal offense. Psychiatric evaluation can be carried out on the victim as well as on the perpetrator of the felony. The expertise evaluation of the victim is most commonly executed on the basis of all of the collected information being confirmed with the exposure of the victim to the violence which has lasted for a long period of time, or, if the consequences are evident, or if the victim has tried to commit suicide, or if the victim consumes alcohol etc., regardless of how long has she been exposed to the violence. This conclusion and opinion represents the proof that the consequences have impacted mental health

of the victim and together with the other evidence can be related to causal connection with the behavior of the perpetrator. Namely, the victim's attempt to commit suicide, as well as its misuse of alcohol can be seen as indicators showing that the victim has been exposed to violence and that through these behaviors she is seeking help and an exit from the violent surroundings. The expert evaluation of the perpetrator is conducted in case of the suspicion that his accountability has been absent or diminished, thus it is assumed that the perpetrator has done the felony under the influence of alcohol or drug addiction in the moment of committing the felony, or he is incapable to be included in the procedure due to mental disorders (UNDP, 2021:38-39).

THE RESULTS OF EMPIRICAL RESEARCH STUDIES

In the lines of the procedure for collecting data, the authors have sent a plea to the Analytics Department of The Republic of Srpska Ministry of the Interior to acquire the records related to the number committed criminal offenses of domestic violence in families and family communities for the time period from 2021 to 2023. In this paperwork one part of the records led by the Police that is related to the domestic violence has been analyzed, in a sense of The Rulebook on data and report content regarding domestic violence⁴. The subject of this paper, besides the analysis of the number of reports on committed criminal offenses of domestic violence and the number of reports following The Law of Protection against the Domestic Violence, is the analysis of number of court orders for cessation of the investigation (both current and previous time period).

Tabel 1. *The number of the submitted reports to the Head prosecutors (year 2021)*

The number of criminal offenses reports	731
The number of reports based on the Law of Protection against Domestic Violence	206
The number of court orders to cease the investigation	100
- The number of orders from the current time period	62
- The number of orders from the previous time period	38
The number of court orders not to conduct the investigation	56
- The number of orders from the current time period	45
- The number of orders from the previous time period	11

⁴ Content Rulebook of registers and reports on domestic violence („The Official Gazette of The Republic of Srpska” No. 58/21)

In Table 1 we can clearly see that in the year 2021, 731 reports have been submitted based on the criminal offense of domestic violence, as well as 206 submitted reports based on The Law of Protection against Domestic Violence, furthermore, 100 court orders has been issued to cease the investigation, 62 from the current ongoing time period and 38 from the previous time period, as well as 56 court orders on stopping the investigation, 45 from the current time period and 11 from the previous time period.

Table 2 2. *The number of submitted reports to the Head prosecution (year 2022)*

The number of reports on committed criminal offense	855
The number of reports on the basis of The Law of Protection against Domestic Violence	173
The number of court orders to cease the investigation	101
- The number of orders from the current time period	53
- The number of orders from the previous time period	48
The number of court orders not to conduct the investigation	63
- The number of orders from the current time period	42
- The number of orders from the previous time period	21

From the Table 2 it can clearly be seen that in the year of 2022, 855 reports on criminal offense of domestic violence have been filed, as well as 173 submitted reports on the basis of The Law against Domestic Violence, and additionally , 101 court orders have been filed to cease the investigation , 53 from the current time period and 48 from the previous time period, as well as 63 court orders not to conduct the investigation , 42 from the current time period and 21 from the previous time period.

Table 3. *The number of submitted reports to the Head prosecutors (year 2023)*

The number of reports on committed criminal offenses	1022
The number of reports on the basis of The Law on Protection against Domestic Violence	158
The number of court orders to cease the investigation	208
- The number of orders from the current time period	102
- The number of orders from the previous time period	106
The number of court orders not to conduct the investigation	105
- The number of orders from the current time period	66
- The number of orders from the previous time period	39

Table 3 clearly shows us that in the year 2023, 1022 reports on the act of domestic violence have been filed, as well as 158 reports filed on the basis of The Law for Protection against Domestic Violence, furthermore, 208 court orders have been submitted to cease the investigation, 102 from the current time period and 106 from the previous time period, and 105 court orders not to conduct the investigation, 66 from the current time period and 39 from the previous time period.

If we carefully observe the stated data we can clearly see that in the year 2021 the least amount of domestic violence reports has been filed, only the issue is, that number continues to increase significantly, reaching its peak in 2023. It is obvious that each year to follow the number of court orders to cease and not to conduct the investigation has been progressively increasing.

CONCLUSION

Criminal offense- domestic violence as a negative social phenomenon, due to its damaging effects on the most vital values that one society possesses, first of all families, draws a large attention of both local and global public. No matter the socio-economic levels of progression, it occurs and exists in all of the social communities. It includes violence against the partner (spouses or extramarital partners), children and elderly people, and it manifests itself through different forms of abuse (physical, sexual, psychological, emotional, economic and spiritual violence).

There are different ways of revealing this criminal offense, such as: activities of the Department of Interior Affairs, public speaking, reports filed by the victims and other witnesses, self-reporting, anonymous and pseudonymous reports, reports of The State and of other institutional subjects (educational system, health system, public informing system (media), non-governmental organizations etc.). In certain cases it is very difficult to reveal this felony taking into consideration the fact that the victims are very reluctant to report the abuse, even in cases when they feel that their lives are in danger.

After the discovery and revealing the criminal offense of domestic violence, the Police is faced with a complex task, and that is to shed light and prove it. In order to successfully approach its revelation and confirmation, the Police previously has to conduct the arrest and legal prosecution as the means of Police response to domestic violence; to take the necessary precaution safety measures; to provide protection and help for both adults and children (victims of domestic violence); to improve the safety of the staff who conduct legal reactions to the domestic violence incidents; to secure the support and help to

the victims or witnesses of domestic violence; to cooperate with the community in order to reach the goal of preventing further abuse and mistreatment; to conduct a thorough investigation. Within the framework of shedding light and proving this criminal offense the Police conducts multiple investigatory procedures which are essential in order to properly acquire high quality evidence necessary for successfully completing the legal procedure. Investigation procedures which the Police most commonly uses, aiming to collect evidence for this felony are: the hearing of the victims, the hearing of witnesses, questioning of the suspect, crime scene investigation, searching warrants, temporarily confiscating objects, expert evaluation etc.

On the basis of the empirical research study results it is clearly visible that there is a high occurrence of the criminal offense mentioned above on the territory of The Republic of Srpska. Namely, in the year 2021 the smallest amount of reports have been filed related to committing the felony of domestic violence, however, each of the following year that number has been increasing significantly, reaching its highest point in 2023. Also, it is noticeable that through each of the following years the number of court orders to cease and not to conduct the investigation is increasing significantly as well.

BIBLIOGRAPHY

1. Afifi, E. M., Al-Muhaideb, N. S., Hadish, N. F., Ismail, F. I., & Al-Qeamy, F. M. (2011). Domestic violence and its impact on married women health in Eastern Saudi Arabia, *Saudi Medical Journal*, 32(6), 612–620.
2. Atkinson, M. P., Greenstein, T. N., & Lang, M. M. (2005). For women, breadwinning can be dangerous: Gendered resource theory and wife abuse, *Journal of Marriage and Family*, 67(5), 1137–1148.
3. Baker, C. K., Cook, S. L., & Norris, F. H. (2003). Domestic violence and housing problems: A contextual analysis of women's help-seeking, received informal support, and formal system response, *Violence Against Women*, 9(7), 754–783.
4. Birkley, E. L., & Eckhardt, C. I. (2015). Anger, hostility, internalizing negative emotions, and intimate partner violence perpetration: A meta-analytic review, *Clinical psychology review*, 37, 40–56.
5. Blaney, E. (2010). Police officers' views of specialized intimate partner violence training, *Policing: An International Journal of Police Strategies & Management*, 33(2), 354–375;

6. Fernández-González, L., Calvete, E., Orue, I., & Mauri, A. (2018). Victims of Domestic Violence in Shelters: Impacts on Women and Children, *The Spanish Journal of Psychology*, 21(e18), 1–10.
7. Flury, M., Nyberg, E., & Riecher-Rössler, A. (2010). Domestic violence against women: Definitions, epidemiology, risk factors and consequences, *Swiss Medical Weekly*, 140(3536), 23–27.
8. Idris, S., A., M., Aziz, N., N., A., Khalid, R., K., R., M., Nizar, N., F., M., Rasip, K. A., & Ayub, W. (2018). Causes and Effects of Domestic Violence: A Conceptual Model on The Performance at Work, *International Journal for Studies on Children, Women, Elderly And Disabled*, 4, 199–207.
9. Kavak, F., Aktürk, Ü., Özdemir, A., & Gültekin, A. (2018). The relationship between domestic violence against women and suicide risk, *Archives of Psychiatric Nursing*, 32(4), 574–579.
10. Kisa, S., Gunor, R., & Kisa, A., (2021). Domestic Violence Against Women in North African and Middle Eastern Countries: A Scoping Review, *Trauma, Violence & Abuse*, 24 (2), 549–575.
11. Krug, E. G., Dahlberg, L. L., Mercy, J. A., Zwi, A. B., & Lozano, R. (2002). *World report on violence and health*. Geneva: World Health Organization.
12. National Law Enforcement Policy Center (IACP). (2006). *Domestic Violence: Model Policy*.
13. Pickover, A. M., Lipinski, A. J., Dodson, T. S., Tran, H. N., Woodward, M. J., & Beck, J. G. (2017). Demand/withdraw communication in the context of intimate partner violence: Implications for psychological outcomes, *Journal of Anxiety Disorders*, 52, 95–102.
14. Sukeri, S., & Man, N. N. N. (2017). Escaping domestic violence: A qualitative study of women who left their abusive husbands, *Journal of Taibah University Medical Sciences*, 12(6), 477–482.
15. Tsegay, S., M., & Tecleberhan, S. (2025). Violence Against Women: Experiences of Eritrean Refugee Women in Britain, *Violence Against Women*, 31(3-4), 892–915.
16. World Health Organization. (2014). *Global status report on violence prevention*.
17. Djurdjevic, Z., Radovic, N. (2015). *Criminalistic operation*. Belgrade: The academy of Criminalistic and Police Studies.
18. Z. Vrucinic. (2024). Two faces of pandemic – domestic violence trends during and after covid-19, In the Ninth international conference proceed-

- ings “Social deviations“ – No to the violence– through the system of social values and culture (91-103). Banja Luka: The Center for Modern Knowledge.
19. Zarkovic, M. (2009). *Criminalistic tactic*, Belgrade: The academy of Criminalistic and Police Studies.
 20. Ignjatovic, Dj. (1998). *Criminology*. Belgrade: Homos LLC.
 21. Ignjatovic, Dj. (2010). *Criminology*. Belgrade: Faculty of Law.
 22. Jivivic, D., Setka, G. (2023). *Organization and authorities of the Police*. Banja Luka: Faculty of Security Sciences.
 23. Markovic, I. (2007). *Criminology*. Banja Luka: Faculty of Law.
 24. Markovic, S. (2018). *Prevention and suppression of domestic violence*. Belgrade: The Official Gazette.
 25. Mirkov, Z. (2019). Issues with proving the domestic violence - anatomy of one case, *Policy culture*, XVI(38), 635–645.
 26. Content rulebook of registers and reports on domestic violence („The Official Gazette of The Republic of Srpska” No. 58/21)
 27. United Nations development program (UNDP). (2021). *Skills in proving the criminal offense of domestic violence- a guide for effective prevention and protection from domestic violence*.
 28. Radosavljev-Kiricanski, L., Pejovic-Milovancevic, Mincic, T., Kalanj, D., Stojanovic, S. Lakicevic, S. (2009). The role of health system in the process of Children protection against molesting and neglect, *Psychiatry today*, 1-2, 115-127.
 29. Simonovic, B. (2004). *Criminalistics*. Kragujevac: Faculty of Law.
 30. Simonovic, B., Pena, U. (2010). *Criminalistics*. East Sarajevo: Faculty of Law.

