DOMESTIC VIOLENCE
DEFINITION AND FAMILY-LAW ASPECTS

DISSERTATION
for awarding of educational and scientific PhD-degree

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/SUMMARY/

This dissertation is dedicated to the research of the juridical aspect of domestic violence and the conception about it, established in the Bulgarian national legal system; distinguishing the concept for domestic violence, formulating its legal definition, presenting and analyzing its variety, and how domestic violence manifests itself in the context of family law. The conclusions of the dissertation are situated subsequently in four chapters.

The first one observes the historical development of domestic violence's conception and its regulation by law.

The dissertation's most essential points, respectively the most important results of it, are included in the second chapter, treating the concept for domestic violence. It represents the actual existing legal definition in Article 2 of Law for Protection from Domestic Violence (LPDV), marking its deficiency. It deals with the question whether domestic violence is a particular act or a behavior. The specific characteristics of domestic violence are pointed out – the willingness to dominate, unlawfulness, immorality, against the will of the victim and its harmful character. In addition of the above mentioned, the author has paid attention to the non-legal aspect of domestic violence: the act of domestic violence exceeds normal life limits. As a result, domestic violence is defined as an intentional act of violence, resulting in affection or endangerment of basic values (life, health, emotions, personal liberty, integrity of the individual, property, etc.), along with striving to exercise control over the victims, to impose your opinion on others, humiliating them, against the victim's will and wishes, and which is illegal, immoral and exceeding normal limits behavior and reaction. Certain research resource is dedicated to subjects, concerning the offender and the victim of domestic violence. The dissertation put forward a line of argument that the characteristic "domestic" does not mean that its realization is only within the home's territory, but it concerns personal relations between relatives and other close relationships in a broad sense. An essential part of the research is dedicated to the particular aspects of domestic violence's factual elements. They are estimated as static and correlated elements, usually uniform set of facts. It is presented the idea that domestic violence belongs to civil law as a branch, especially to family law.

The third chapter includes the research's results of domestic violence's particular types. They are classified in the following categories – physical, psychological, emotional abuse and composite type, and direct or indirect, according to the criteria whether negative consequences for the victim derive from an act of violence, used on the victims themselves or realized on other people. Physical, psychological and emotional abuse, sexual abuse, economical domestic violence are discussed in details, as well as enforced restrictions of personal life, liberty and rights. There is an emphasis on domestic violence, realized in the presence of children, regulated by Article 2 (2) of

LPDV. It has been paid attention also to the essence of domestic violence's attempts and inconsiderable cases.

The forth chapter includes the conclusions of dissertation, concerning family-law aspects domestic violence's institute. Its ambivalent character has been emphasized – on the one hand it is identified as domestic violence, on the other hand – it is embodied in a relevant legal institute or juridical fact, belonging to the branch of family law. Domestic violence's emergence in married couples' life is observed, especially in the context of the marriage's nullity and annulment, the dissolution of marriage and its relevant consequences. The relations between domestic violence and origin are also discussed, especially the sexual integrity, women's right to make decision about pregnancy and birth. Domestic violence in the relationship between parents and children is analyzed profoundly, taking into consideration the unequal position of children and the fact that they depend on their parents in practice. It has been made a statement about common criteria for estimating when the force, used on children, is domestic violence – when its aim is not to guarantee the interest of children, but to cause injures, pain and humiliation. Personal contacts and compulsory personal contacts are also regarded, as well as the negative attitude between the parents themselves, domestic violence in the aspect of parents' opportunity to provide their children material welfare. Last but not least, is treated the problem about children's socialization and the possibility for domestic violence in this connection. A significant part of the dissertation has dealt with methods of discipline and physical violence, the control over the personality, children's attitude towards religion, the relationship between children and their grandparents and domestic violence, exercised by children over their parents. Problems about adoption and domestic violence in reference with it are also discussed. There has been a commentary about the connection between domestic violence and maintenance obligations. In addition to all above, because of the correlation between domestic violence and family-law relations in a broad sense, the possibilities of exercising domestic violence in cases of guardianship and custody are presented too.

The research work's results are resumed in the summary of the dissertation and there have been made proposals "de lege ferenda".