

Another innocent child lost his life as a result of family violence.

Sinisa Franjic*

Faculty of Law, University of Split, Croatia

Abstract

Unfortunately, due to domestic violence, another child lost her life in the Republic of Croatia. It is about a two-and-a-half-year-old girl who passed away on April 4th, 2021 due to the consequences of severe injuries inflicted on her by her mother. It was reported in the media that the mother savagely beat the child, hitting her hard on the head and body, and tried to strangle her. That's scary. Science cannot do much by solving this case, and the author of this paper seeks to clarify what it can do.

Keywords: Child, Family violence, Murder/homicide, Criminal investigation.

Accepted on August 19, 2021

Introduction

As we know, our lives are often influenced in deep ways by our parents [1]. Much of how we see the world, others, and ourselves is shaped by our relationship with them, or the lack thereof. Our parents often have a significant impact on the content of our beliefs, the values we hold, and the goals we pursue. Becoming a parent can also have a strong impact on our beliefs, values, and goals. Given these facts, how we conceive of parenthood is an existentially central issue.

We need a deeper understanding of parenthood and the moral dimensions of the parent-child relationship in both the private and public spheres. Gaining such an understanding is worthwhile because the parent-child relationship is a central feature of so many of our lives, and is the context in and from which many of our choices, moral, and otherwise are made. A consideration of the ethics of parenthood leads to several interesting issues, such as the nature and justification of moral rights, the sources of moral obligations, the value of autonomy, and the moral obligations and tensions present in interpersonal relationships. It also leads to broader questions about what it is that constitutes a good life. A deeper understanding of the moral dimensions of the parent-child relationship, therefore, has much theoretical and practical value.

Social work can be applied in all areas of human life, especially in the areas of social welfare, education, health, justice, local government, civil society, religious and humanitarian communities and other activities [2]. Social workers are most often employed in public institutions, but increasingly in civil society organizations involved in working with individuals and groups experiencing various life difficulties. A social worker is an expert primarily concerned with the study and resolution of human social problems, such as living, nutrition and hygiene and material living and working conditions, as well as problems in interpersonal relationships and behaviour of individuals (due to poverty, old age, illness, violence, addiction, crime, etc.). Social workers help people overcome social distress. These misfortunes can be caused by health and family problems, poverty, unemployment, crime, alcohol and drug addiction, as well as war or natural disasters. They seek direct counselling and specific information to help families and individuals

identify their real problems, consider possible solutions and, first of all, come to their end, or opportunities, with their capabilities. Problems can be unemployment, reduction or loss of work skills, financial difficulties, problems arising from old age, illness, disability, unwanted pregnancy, asocial behaviour, alcoholism or drug addiction-personal or family member.

Anyone caring for a child, irrespective of whether they have parental responsibility, may do what is reasonable to safeguard or promote their welfare [3]. A child's care has the powers they need to provide care, to make decisions affecting the immediate well-being of the child and to promote their best interests. The specific obligations of those caring for a child, including their parents, are shaped by the general provisions of the criminal and civil law directed at the prevention and punishment of deliberate, reckless or carelessly caused harm, framed according to liberal understandings of responsibility which attribute moral responsibility for the chosen acts of the competent individual.

Family Violence

Family violence has four types of family violent behaviour. That is physical, emotional, sexual and neglect. The importance of families in most people's lives cannot be underestimated [4]. Humans have a strong need 'to belong' and close, loving relationships with partners, parents, siblings, children, grandparents, and other relatives are an integral part of human existence. However, perhaps paradoxically, the family is also an environment in which a significant amount of conflict occurs. It is generally recognised that family violence should include all harmful acts perpetrated by a family member against another family member, including physical attacks, sexual violence and abuse, psychological/emotional abuse, controlling behaviours and neglect. If we accept this broad definition, then it is perhaps unsurprising that family violence is one of the most prevalent forms of violence in most Western countries. Family violence can also be distinguished from other forms of violence in which victims and perpetrators typically have an ongoing relationship that usually exists both before and after violent episodes. Unlike other forms of violence, there are also substantive and ongoing debates concerning what constitutes criminal violence within the family context, with many forms of violence accepted or

condoned within the family that would be criminalised in other contexts.

Child Murder/Child Homicide

Parents kill their children for many different reasons under a variety of circumstances [5]. Media reports, clinical case studies, and criminal justice statistics have amply demonstrated that neonaticide, infanticide, and filicide cannot be explained through a single construct, as though these unthinkable killings were homogeneous events. However, the clinical and academic research of the past few decades has suggested that similar patterns of parental filicide can be detected. To understand why parents kill their children, many researchers have developed classification systems to clarify commonalities and differences among filicide cases.

When a parent commits infanticide or filicide, it is much easier to accuse him or her of murder (there is no denying that there was a living child) than it is to accuse the perpetrator of neonaticide, a crime that may not exist in a state's statutes or the minds of legislators or jurists [6]. However, what is murder? In many states, first-degree murder means that one person killed another willfully, deliberately, and with premeditation. In other states, there is a common-law definition of murder as "the killing of another with malice aforethought," as distinguished from manslaughter, which involves unlawful killing without malice.

The problems of child homicide involve not only the crime but also the social and economic environments that spawn the despair and insensitivity that make such acts possible [6]. The codes of the communities that involve shame, disgrace, or punishment for transgressing sexual behaviour dicta also push young women to commit such evil acts. Psychological and sociological analysis can help to understand these factors that shape how we regard and treat those who commit child homicide in practice and law.

Criminal Investigation

The explanation being offered, descriptions of how injuries were sustained that are impossible or improbable. A detailed investigation is of vital importance in all cases suspected of being homicides. It cannot be stressed strongly enough that the mere presence of lethal injuries in a child does not automatically mean that the injuries were intentionally inflicted [7]. Certainly, there are various patterns or stories that "raise a red flag" but every case must be evaluated on its own merits, taking into consideration all investigational information. Examples of "red flags" that should immediately raise suspicion include injuries that are "out of proportion" for them (for example, a 1-month-old is said to have climbed into the bathtub), changing stories by the care provider, the absence of any type of credible explanation for the severe injuries that exist, the presence of excessive injuries or certain unusual injuries, and the presence of severe injuries in various stages of healing.

The criminal investigation deals with the offence as a real phenomenon, and in them, they include actions that should clarify all issues related to the appearance of the offence, the offender, the victim and other circumstances [8]. The criminal investigation includes microanalysis of criminal offence because

it directly reconstructed the actual structure of the offence. A criminal investigation is a microanalysis, the reconstruction of the past-a possible criminal offence.

A criminal investigation is a reconstructive process that uses deductive reasoning, a logical process in which a conclusion follows from specific facts [9]. Based on specific pieces of evidence, investigators establish proof that a suspect is guilty of an offense. For example, finding the suspect's watch at the scene of a burglary is one piece of evidence that supports the premise that the suspect was at the scene. An issue that might arise is whether the watch could have been planted there. Investigators need to anticipate what issues might arise and what evidence is needed to support the prosecutor's case. All issues in dispute must be supported by evidence. The more evidence an investigation yields, the stronger the proof of guilt. Equally important, however, is evidence establishing innocence.

The purpose of the crime scene search is to discover evidence that will be useful in determining what happened, with the ultimate goal of identifying the person or persons responsible for committing the crime and thus resolving the case [10]. Evidence discovered at the crime scene will play a crucial role later at the criminal trial in establishing the truth and convicting the guilty parties. The general scope of the crime scene can cover structures of any kind, including but not limited to vehicles, open fields, mass transit systems, water vessels, waterways, aircraft, and the like. In some cases, there may be multiple crime scenes for one crime.

Many medicolegal death investigations rely on information derived from autopsies [11]. The success of an autopsy in answering questions (e.g. identification, injury causation) depends on a systematic approach by the pathologist. The "complete autopsy" is a series of necessary steps taken by the pathologist, who receives background information about the deceased, performs an external examination and internal dissection, and collects appropriate bodily samples for supplementary testing. The care exercised by the pathologist in this process is reflected in an accurate autopsy report, which addresses the most important question-the cause of death. The pathologist must be aware of potential pitfalls at every step of the postmortem investigation, any of which can pose a risk to the final resolution of a medicolegal investigation.

Psychiatry

The forensic psychiatrist performs assessments of the mentally ill person in different situations and related to different needs (e.g., diagnoses the existence of a mental disorder), i.e., assesses the psychological condition of a person related to a different statutory defined situation (e.g., counting at the time of committing a criminal offence, parental ability, and ability to write poetry) [12]. All expertises are carried out according to the procedures that are prescribed by certain legal acts which determine who initiates the procedure, based on which fact, with what purpose, etc. It is also important to note that the psychiatrist, with the knowledge of these facts, must take into account and apply all scientific and professional knowledge of their profession-psychiatry-related to diagnostic criteria, i.e.,

the appreciation of diagnostic and therapeutic algorithms for each disease or disorder, treatment recommendations.

In the psychiatric assessment and diagnosis which is normal and which is out of order-it is not enough just to recognize the disorder of some mental function or a group of psychic functions that make up syndromes typical of certain diseases but a person's need to be viewed in a much wider context of her age, social, and work functioning in the narrow environment (active person, spouse, and parent) and wider environment related to socio-cultural characteristics, current economic and emotional situation, possible bodily diseases, etc.

Criminal Law

Criminal law realizes the protection of life and body by direct and indirect protection [12]. The acts of criminal acts against life and bodies are predominantly active acts of perpetration and conceptually constitute an important group of acts of violence. Violence implies destructive aggression, an extreme form of aggression, or the illicit application of physical (physical) or psychological coercion. From the criminalistic point of view, the torts of violence nowadays follow the characteristics: which make it difficult for them to suppress, for example:

- An increasing number of attacked persons seeking medical attention but concealing the origin of the injury
- Simultaneously unannounced acts of violence increase the dark number of this torts
- A large number of incidents in various facilities and public places that have the characteristics of these torts remain unregistered
- There is an increasing number of torts in the family especially for women and children
- Attacks on policemen and other official persons
- Because of various reasons does not report the torts of violence etc.

Conclusion

What kind of mother could do that? How could father watch that? These are questions that will probably never be answered.y

References

1. Austin MW. Conceptions of parenthood-ethics and the family. Ash Publish Ltd. 2007;1-2.
2. Sinisa F. Social work and family. J Law and Judi Syst. 2020; 3(2):1-6.
3. Bridgeman J, Keating J, Lind C. Parental responsibility, responsible parenting and legal regulation in bridgeman. Routledge. 2008; pp 234.
4. Durrant R. An introduction to criminal psychology. Routledge. 2013;148.
5. McKee GR. Why mothers kill-A forensic psychologist's casebook. Oxfo Uni press. 2006;22.
6. Schwartz LL, Isser NK. Child homicide-parents who kill. CRC press. Routledge. 2007;151.
7. Prahlow J. Forensic pathology for police, death investigators, attorneys and forensic scientists. Spring Sci Busi Media. 2010;517.
8. Sinisa F. Legal aspects of forensics. Forensic Sci Today. 2018;4(1):009-017.
9. Hess KM, Orthmann CH. Criminal investigation, ninth edition delmar, cengage learning. Clif Park. 2010;6-8.
10. Birzer ML. Crime scene search in birzer MI, Roberson C. Introduction to criminal investigation CRC press. Routledge. 2012;36.
11. Shkrum MJ, Ramsay DA. Forensic pathology of trauma-common problems for the pathologist. Humana press. 2007;646.
12. Pavisic B, Veic P. Kriminalistika-Knjiga 2 (Criminalistics-Book 2). Duse Krsov doo. 2012; 11-26.

***Correspondence to:**

Sinisa Franjic
 Faculty of Law
 University of Split
 Croatia
 E-mail: sinisa.franjic@gmail.com