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ECONOMIC VIOLENCE AS A LEGAL CATEGORY

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The concept of economic violence is studied in the context of legal regulation of this issue in the Republic of Belarus and foreign countries. The article substantiates the feasibility of legal consolidation of the category of "economic violence".

In 2018, in the Republic of Belarus, the issue of legal counteraction to economic violence was raised by the Ministry of Internal Affairs of the Republic of Belarus: the concept of the draft Law on Combating Domestic Violence was developed.

Many other states now recognize economic violence at the legislative level. Undoubtedly, legislative consolidation is preceded by a study of the social situation in the country, the identification of needs for the legal regulation of public relations. This position is a clear confirmation that the problem actually exists. Consequently, states are gradually starting to try to counter it: they adopt separate laws and define economic violence.

Economic violence is manifested in the following actions: the partner's interference in work or educational activities (prohibition of work, study, coercion to work); deprivation of resources (cash, basic necessities, such as housing, food, medicine, clothing, etc.); sole decision making on most financial decisions; forcing the victim to obtain a loan, to sign any legal document, etc.

Economic violence should be seen as a violation of constitutional human rights. The initial condition for countering economic violence is its legal consolidation.

The following definition was given in the concept of the draft Law on Combating Domestic Violence: "economic violence is a form of domestic violence that includes any intentional actions aimed at putting a citizen in a dependent position by depriving him of housing, food, money or other property on which he has the right in accordance with the legislation of the Republic of Belarus, or the ability to use them, obstructing the receipt of social services, a ban on working or studying, coercion to work." The definition focuses on the intentionality of illegal actions, contains their exhaustive list. The goal of establishing a dependent position is emphasized.

Since the concept of the Law of the Republic of Belarus "On Combating Domestic Violence" has not been adopted and the development of the law has been stopped, acts of physical, psychological and sexual violence are recognized as forms of domestic violence (Article 1 of the Law of the Republic of Belarus "On the Basics of Prevention of Offenses") [1].

An important international document in the field of combating domestic violence is the Council of Europe Convention on the prevention and combating violence against women and domestic violence dated May 11, 2011 No. 210 [2]. This convention supports the call for greater equality between women and men, as violence against women stems from inequalities between women and men in society and is fueled by a culture of tolerance and disregard for violence. In article 3 of the Convention, "domestic violence" means all acts of physical, sexual, psychological or economic violence that occur within the family or at home, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. The Republic of Belarus has not ratified this Convention.

In addition to the fact that economic violence is included in the concept, the scope of domestic violence and the circle of persons between whom relations arise are also defined.

So, the legislators of most countries (European Union countries, Ukraine, the Republic of Moldova, the Republic of Armenia, etc.) are guided by the provisions of the Istanbul Convention. At present, it is the most progressive act regulating these relations. In accordance with it, normative acts aimed at preventing and combating domestic violence are adopted and improved.

In paragraph 4 of Art. 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" dated December 7, 2017, economic violence is understood as: a form of domestic violence, including intentional deprivation of housing, food, clothing, other property, money and documents or the ability to use them, leaving unattended or guardianship, obstruction in obtaining the necessary treatment or rehabilitation services, a ban on working, forced labor, a ban on learning and other economic offenses [3]. An open list of illegal actions that are aimed at economic benefits is provided, which allows to expand the content of the norm.

In h. 7 Article 2 of the Law of the Republic of Moldova "On Preventing and Combating Domestic Violence": "economic violence - deprivation of economic means, including livelihoods, such as food, medicine, essentials;

abuse of preemptive position for appropriation of things of a person; a ban on the right to own, use and dispose of common property; unfair control of common property and resources; refusal to support a family; coercion to hard and unhealthy work, including a minor family member; other actions of a similar nature" [4]. The definition also lists unlawful acts, but there is no intent for the person committing economic violence.

In the Law of the Republic of Lithuania dated May 26, 2011 No. xi-1425 "on Protection against Domestic Violence": "Violence - intentional physical, mental, sexual, economic or other influence exerted on a person by an act or omission, as a result of which a person is subjected to physical, material or non-material harm" [5]. From the definition of violence in the law, one can isolate the economic - this is a deliberate action or inaction, as a result of which material harm is inflicted on a person. Based on this content, the question arises: what willful actions, and in particular inaction, can be considered economic violence, and what is meant by material harm.

In Kazakhstan, in paragraph 5 of Art. 4 of the Law "On the Prevention of Domestic Violence" it is established that "economic violence - willful deprivation of a person's housing, food, clothing, property, means for which he has the right provided by law" [6]. In accordance with this concept, economic violence deprives a person of the basic goods necessary for him to have a normal life, legal assets and means. However, it is not clear what is meant by "means".

Examples from foreign legislation allow us to conclude that the norms differ: in their content, in the volume of interpretation, in the degree of certainty of actions, in the degree of severity.

In most cases, the vagueness of definitions, the lack of concretization of actions that cause property damage, can lead to abuse of the right to appeal about acts of economic violence.

The intentionality of the actions allows emphasizing the very attitude of the person to these actions, the possibility of adverse effects. This situation makes it possible to perceive the entire set of actions as negative, which can cause significant harm. Although in some norms the indication of intent is unreasonably absent.

Legislators group objects of encroachment in a certain order: from more significant to less. So, such vital necessities as housing, food, clothing (part 2 of article 21 of the Constitution of the Republic of Belarus: the right to a decent standard of living), medicines, and money are put in the first place, followed by property to which the person has the right (Article 29 of the Constitution: inviolability of legal possessions), social services (treatment, rehabilitation, etc.). Prohibitions on work and study, coercion to work harm the dignity, freedom of an individual (Articles 25, 41, 45 of the Constitution: the right to freedom, inviolability, dignity, the right to work, the right to health).

Since this issue has not been settled in the Republic of Belarus, citizens remain at risk of economic violence against them without the ability to defend their rights. Therefore, in order to ensure comprehensive and objective protection of their constitutional rights from acts of domestic violence, it seems necessary to recognize economic violence as a separate legal category. This will make it possible to take the first step in the formation of legislation on counteracting economic violence, but also in strengthening the intolerant attitude in the public mind towards any form of manifestation of domestic violence.

We consider it appropriate to introduce the definition of "economic violence" in the Law of the Republic of Belarus "On the Basics of Crime Prevention" as follows: "economic violence is a form of domestic violence, which includes deliberate actions of an economic nature, expressed in the deprivation of necessary means for normal life activities, such as food, housing, clothing, medicines, as well as cash, documents and other property to which a person has the right prescribed by law, or the ability to use them, hindering in receiving social services for treatment and rehabilitation, a ban on working, studying, forcing hard and unhealthy work."

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