



## Factors and Causes of Domestic Crime

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### Abstract

The topic of domestic crime is one of the important and sensitive topics related to the most important nucleus of society, which is the family, as domestic crime poses a serious threat to human rights in general and the family in particular, especially since the most targeted parties are the weaker individuals in the family, namely women and children. Legal legislations of various types have addressed the phenomenon of domestic crime, and considered hostile acts committed by one family member against another member as criminal acts that expose the perpetrator to criminal accountability. Despite the abundance of legal legislations regarding domestic crime, they came incomplete and need a lot of amendment and development, as crime is a phenomenon that needs to be treated from its roots, by following the descriptive and analytical approach in searching for the causes and factors that helped it to emerge into existence, or avoiding its effects as much as possible by developing the necessary solutions that limit this type of crime, in order to maintain family stability and contribute to building a society that is characterized by harmony, love and tranquility, a righteous society capable of giving. Creativity and building a better future, and the reasons and motives that lead to committing crimes within the family may be multiple and varied, some of which are internal factors, which may be born with the individual and are attached to him and cannot leave him and he does not need to learn them, such as organic factors, genetic factors, mental factors and psychological factors, and some of which are acquired external factors, which are the factors that a person acquires after his birth and interaction with the environment, and in order to cover this topic from all sides, and according to the opinion of criminologists, the main reasons for committing a crime are external and individual, and the latter is divided into physical and psychological factors, and on the other hand, to improve and treat criminals, human society may take preventive measures to prevent the commission of a crime, especially in the family, including positive measures, and the section is social measures.

**Keywords:** Family, Causes of Crime, Social Causes, Cultural Causes, Individual Causes.

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### Introduction

Family represents the cornerstone of society. If the family is good, the entire society will be good, and if it is corrupt, the society will be corrupted accordingly. The reason for this is that the latter consists of several families. Whenever families in societies are cohesive, homogeneous and understanding, we will be facing a society dominated by friendliness, love and tranquility, where it is capable of building, giving and developing.

This study addressed a very important topic, which is "Factors and causes that drive family crime". The importance of this study comes in light of the increasing challenges facing the family in the modern era, and the diversity of crimes that threaten its stability and cohesion.

The main objective of this study is to shed light on the problems related to criminal policy in confronting family crimes, and to analyze the reasons and factors that hinder the effective implementation of these policies. The study also seeks to explore the basic principles on which a model criminal policy in this field should be based.

This study aims to explore the internal and external causes facing society, and to provide an in-depth analysis of the factors driving domestic crime that modern criminal policies should address to enhance family protection. The research will use the descriptive analytical approach to examine the main causes and evaluate their effectiveness, and then propose legal and executive strategies that may contribute to reducing these crimes.

This study came with three main requirements. The first requirement dealt with the preliminary discussions, the second requirement addressed the internal factors for committing domestic crimes, and the third requirement was devoted to the external factors for committing domestic crimes.

We hope that this study will contribute to enriching the scientific and legal discussion on the subject of criminal policy towards crimes that violate the sanctity of the family, and that it will provide new visions and practical proposals that can be used to develop legislation and improve implementation mechanisms in this vital field.

### **1<sup>st</sup> Requirement: Preliminary Sectiones**

#### **1<sup>st</sup> Section: The Concept of Family**

Family is the true nucleus of any society, as it was and still is the focus of the system and interest of all heavenly religions. The advancement of any society begins with the righteous, cohesive family, which is its most righteous conscience, and on its shoulders lie great responsibilities in raising a generation that is aware and religiously committed and able to overcome difficulties. Therefore, we must clarify the linguistic and technical definitions that mean the family with some brevity, as we divided this requirement into two sectiones. In the first section, we will discuss the linguistic definition of the family, and in the second section, we will discuss the reformative definition of the family, as follows:

#### **First: In Language**

The word family is derived from the verb Familiarize, and the plural is families, and it comes with meanings including: family, the man's people and his clan, meaning a group that is connected by a common matter (Omar, 2008, p. 91)

- The family is the impregnable shield, and the man's family is his clan and his people, and those closest to him because he is strengthened by them (Ibn Manzoor, 1956, 404)

- It comes with the meaning of restriction, and the whole thing, it is said: This is yours in its entirety, meaning: all of it, and the people came with their entirety, meaning all of them. (Abu Habib, 19880, p. 20)

The term family is broad and loose, and this term has many synonyms such as people, clan, offspring, and it is worth mentioning that the word family did not come explicitly in the Holy Quran, and it came with several meanings, an example of that:

- *(And appoint an assistant for me, from my family. Aaron, my brother) (Ta Ha: 29-30).*
- *(Allah intends to remove all impurity from you, O People of the Household, and to purify you thoroughly) (The Confederates: 33).*
- *(And warn your near relatives) (The Poets: 214) (In the city was a gang of nine who made mischief in the land, and would not reform) (The Ant: 48).*
- *(God chose Adam, and Noah, and the family of Abraham, and the family of Imran over all humankind) (Family of Imran: 33)*

#### **Second: Terminologically**

It is not possible to find a specific definition of the family because it is not an easy matter, as this term is broad and comprehensive and has diverse functions, as its concept differs according to the change in its functions and tools.

The Universal Declaration of Human Rights defined it as: ((the natural and fundamental group of society and is entitled to protection by society and the State)) Article (Article 16, Paragraph 3 of the Universal Declaration of Human Rights). However, this definition was criticized for not including the basic pillars of which the family is composed and how it was established. Some writers and commentators defined it as ((the first unit of society and the first of its institutions in which relationships are mostly direct, and within which the individual is socially raised, and in which he acquires much of his knowledge, skills, inclinations, emotions and needs in life, and finds his security and home)) (Muhammad Aqla, 1989, p. 18). Another defined it as ((the group considered the nucleus of society, which is established by a marital bond between a man and a woman, from which children section out and it remains closely related to the origins of the spouses from grandfathers and grandmothers, and to the margins of brothers and sisters, and to close kinship from grandchildren, grandsons, uncles and aunts (Al-Zuhayli, 2000, p. 20).

This definition came with some detail and precision, as it showed the important and essential part of the basic structures in the formation of society and clarified the marital bond between a man and a woman that is done through the marriage contract and its basic pillars, which are the husband, wife and children, and worked to expand the scope of this circle when adding the origins of the spouses, their brothers and relatives.

It was also defined as ((a biological production unit based on the marriage of two people, and this marriage usually results in the production of children)) (Badawi, 1986, 82)

The term family was also defined as: ((a social bond that brings together two or more people through kinship, marriage, or adoption ties, and it begins with marriage, then having children or adopting them, and in it the parents care for their children and providing for their various needs)) (Al-Ghammaz, 2024, p. 2)

By referring to the legislation that focused on the subject of the family and addressed its concept, we find that it sometimes expands the definition of the concept of the family, and other times narrows this concept, and that this difference is due to the laws themselves and according to the angle from which they look, especially since the vast majority of legislators, while enacting laws, of all kinds, avoid placing general definitions at the heart of the laws, leaving that task to jurisprudence.

However, it is noted that there are many definitions that have clarified the term family within some important laws, as we start from the current Iraqi Civil Law, which is the first reference for all laws in the event that they are devoid of organizing a matter or issue, as Article (38) of the current Iraqi Civil Law No. (40) of 1951 clarified and explained the term family, and it states that ((a person's family consists of relatives who share a common origin)) and Article (39) of the same law also states that ((direct kinship is a connection between ancestors and descendants, collateral kinship is the link between people who share a common origin without one of them being a section of the other)).

It appears to us from these two articles that the legislator did not set a clear definition for the family other than a description of the family and nothing else, and that this description is very close to the definition of the tribe, through describing the family as consisting of relatives, and that relatives are those who share a common origin, and the family according to the wording of these texts above consists of a number of individuals who are linked by a common origin even if this origin is the fourth, seventh or tenth grandfather (Al-Moussawi, website).

Some other Iraqi laws also came with several definitions of the term family, such as the Iraqi Social Protection Law No. (11) of 2014 in Article 1, Paragraph (3), which states that ((the family is the husband or wife or both and the children or children alone or the individual, and the family members in the case of polygamy are one family, and upon the death of the husband, each widow forms an independent family)) and this definition is criticized for tending and adopting the narrow concept of the family, as it limits the

concept of the family in the case of polygamy, the son of which forms one family, and in the case of the death of the husband, each widow becomes a family independent of the other.

Also, another definition of the family was included in another law, which is the Iraqi National Card Law No. (3) of 2016, which is in effect, where Article 1, Paragraph 15, defined the family as ((the married person or the one who was married, a man or a woman or both and their children and the dependents, if any, and the unmarried person who is registered alone or with other dependents is considered a family for the purposes of this law...)).

This definition is criticized for not being comprehensive of the true meaning of the family, as it left out an important and integral part of the family entity, namely the origins of both spouses.

There is another definition that is perhaps the clearest and most accurate that addressed the concept of the family, as the draft Iraqi Anti-Domestic Violence Law of 2019 is now on its way to being voted on in Parliament to be effective in the near future, as its first article addresses the definition of the family, and states that ((the family is a group of natural persons and includes: the husband and wife/wives and their children and grandchildren or the children of one of the spouses from the other spouse, the father of either spouse, the brothers and sisters of both spouses, the person covered by guardianship or custody or inclusion, and whoever is in the bosom of the family)).

It is clear to us from this text that the Iraqi criminal legislator has greatly expanded the scope of the concept of the family, intending to provide the greatest amount of legal protection for all members of the family, which is the backbone of society as a whole, if the society is fortified and safe from the scourges of all crimes.

The Iraqi Kurdistan legislator followed the same approach as most countries, and in setting a broad definition of the concept of the family, where it included the definition of the term family in the Law on Combating Domestic Violence in the Kurdistan Region - Iraq No. (8) of 2011 in force, in Article Two thereof on ((The family is a group of natural persons linked by marriage and kinship up to the fourth degree and whoever has been legally included in the family)).

The Lebanese criminal legislator was not far from the interest in the family institution, where it enacted a special law to protect the family, which is the Law on the Protection of Women and Other Family Members from Domestic Violence Family No. (293) of 2014, which came in its introduction to setting a comprehensive and broad definition of the family, where Article Two, the first paragraph came with the definition of the family, which is ((The family includes any of the spouses and the father and mother of either of them and the brothers and sisters and the ascendants and descendants, whether legitimate or illegitimate, and those who are united by the bond of adoption or marriage up to the second degree or guardianship or guardianship or Sponsoring the orphan or stepfather or stepfather)).

Through what was reviewed from the definitions that showed the concept and term of the family, they came different and varied, and this difference and diversity is attributed to the difference in the laws themselves, in dealing with the term family as a social institution, and thus the legal organization approved by these laws differs, and the desired and intended goal of this organization from other laws. (Saja, 2022, p. 17).

What is clear and evident from the above is that the criminal laws, whether Iraqi or Lebanese, came and expanded the scope of the term and concept of the family, seeking from behind that to expand or give a greater area of legal protection to the family institution for several considerations that ultimately serve the interest of society as a whole.

The researcher believes that the definition of the family can become as follows: "The family entity consists of a group of natural persons who are linked by legal and legitimate ties starting with spouses, their ancestors and descendants, and those who join them."

The second section: The concept of crime

The emergence of crime began since the creation of creation and it constitutes an eternal problem characterized by extreme danger and punishment has not been able to limit it except with a little and the reason for that is that it is a natural human and social phenomenon arising from the sharp interactions of different personal moods and conflicting interests (Nashat, previous reference, p. 1), and crime develops with the development of society in a successive manner, so the group has been keen to combat it and struggle against it since it existed, and the state has taken upon itself, after its emergence, to carry out this task (Al-Khalaf and Al-Shawi, without year of publication, p. 129). =====

In order to comprehensively cover the term crime, we decided to divide this requirement into two sections. In the first section, we will discuss the definition of crime in language, and in the second section, we will discuss the definition of crime in terminology, as follows:

### **First: Crime in Language**

The term crime is taken from the criminal: transgression, and the crime is the sin, and the plural is crimes, which is the crime. It is said that someone sinned and made a mistake, so he is a criminal. As for the English language, the word (Crime) refers to the crime, and its origin is (Crimen), which is a Latin word derived from (Cernere), which in turn came from a Greek origin meaning bias and deviation from normal behavior. As for the criminal, he deviated from normal behavior. (Al-Tuwaijri, 2011, p. 28).

In the language, crime has three basic meanings: cutting, gaining, and sin. Cutting is like: his crime, he criminalizes him, meaning he cut him off. The second meaning is gaining: crime: gaining from the root word daraba. The Arabs used to call the hated gain, which is not said in their general speech, the praiseworthy gain. As for the second and final meaning, it is sin. God Almighty said **(Say, "You will not be asked about our misdeeds, nor will we be asked about what you do.") (Sheba: 25)**. What we have acquired of sin, guilt, and crime is the source of ajram, which is to commit the evil and sin. (Al-Muzari, 2022, 637).

So, crime in the language: - It is every act that violates the law of God Almighty and truth and justice. You can say: Crime in the language is every ugly act named in the law or the law. (Al-Fiqhi, 2017, 678).

### **Second: Crime Terminologically**

The definition of crime technically is that it is every aggression of one person against another in his purpose, money, possessions or person, and in this sense, it is a social phenomenon present in any society, no matter how developed it is. Wherever human life exists, crime exists. There are many definitions that have been set for crime, including:

((It is every act that contradicts the general will emphasized by the social contract, or it is every act that is intended to understand the social contract, or it is a narrow phenomenon in society that brings individuals' discontent with it, and arouses their disgust with it because it often raises the awareness of the group to defend its traditions, ideals and customs)). (Adwa, 2018, p. 390).

Scholars of Islamic politics defined crime as: ((Prohibitions that God Almighty has summarized or reinforced, and it has it when the accusation is in the case of importation required by religious policy, and it has it when it is proven and correct when the direction of the Islamic rulings is fulfilled)) (Al-Mawardi, p. 221).

The prohibitions are of course either the act or the omission that is prohibited, such as killing and abandoning prayer, and the prohibition and punishment should be from the side of the Sharia, there is no crime or punishment except with Sharia evidence, and by referring to modern criminal laws, we find that most of the criminal legislations of countries did not include a definition of the crime, as the Iraqi, Lebanese and Egyptian criminal legislators excluded the definition of the crime in the core of the criminal laws, and this is considered a commendable approach because placing a general, comprehensive definition of the crime in the core of the law is not commendable. Especially if this definition is flawed and is not free of islands because these definitions, no matter how much effort is made, do not come to include all the meanings, and if that came at one time, it does not cover it at another time, this is on the one hand, and on the other hand, the criminal project has what sets a special text for each crime that is included in the law

and specifies all its elements and shows the penalties prescribed for it, and thus there is no benefit in setting a definition. (Al-Khalaf and Al-Shawi, previous reference, p. 130).

However, for criminal law scholars and commentators, this matter is completely the opposite, as one of his first concerns was to define the crime to distinguish it from what is similar to it.

The definitions of crime in comparative jurisprudence are as numerous as the number of researchers and commentators, but these definitions can be limited to two groups: the first includes naming the social aspect that appears clearly in it, and the second group shows the legal characteristic.

As for the first group, the French jurist Yousra defined crime as ((the act or abstention from an act that attacks the order, peace and social tranquility and for which it requires punishment)) (Al-Khalaf, previous reference, p. 131).

The Italian jurist Garofalo also took the same direction ((where he defined crime as a social phenomenon of a class nature)) (Al-Nasrawi, 1977, p. 107).

Whereas crime in law has other multiple meanings depending on the types of law that study it, such as civil crime, criminal crime, administrative crime, and disciplinary crime (Al-Majali, 2017, p. 67)

As for the second group that defines crime in its legal meaning, it is also multiple, including ((every unlawful act issued by a criminal will for which a law prescribes a penalty or precautionary measure)) (Hasni, 1983, p. 47)

There are those who define it as ((voluntary behavior prohibited by law and for which a criminal penalty is prescribed for its perpetrator)) (Al-Qahouji, 1988, p. 30).

We can define crime as: (every act or omission issued by a free will for which the law prescribes a criminal penalty).

## **2<sup>nd</sup> Requirement: Internal Factors for Committing Family Crimes**

### **1<sup>st</sup> Section: Genetic Factors**

Genetic factors are the transmission of characteristics and traits from parents to children through genes, which are sections of the genetic material (Dni) and include the transmission of height, hair, color, eyes, susceptibility to some diseases, as well as mental and physical ability and some talents. Here, this matter was a matter of dispute among scholars regarding determining the relationship between heredity and crime. In other words, is a person considered a criminal by birth or not? That is, are criminal traits transmitted from ancestor to descendant? In this context, there are three opinions regarding this, (Abdul Salam, 1989, p. 14)

The first opinion: It is believed that a person inherits criminal behavior from ancestor to descendant. Among the proponents of this opinion is the Italian scholar "Lomiroso", who classified criminals into five categories: the criminal by birth, the insane criminal, the criminal by habit, the criminal by chance, and the criminal by emotion.

The second opinion: It believed that there is no connection between heredity and crime, attributing the commission of crimes to the environmental environment surrounding the criminal, as this trend denied heredity any role in motivating crime, and criminal behavior according to this trend is the result of the environmental factors surrounding the criminal only and nothing else (Ibrahim, 2016, p. 385). As for the third and final opinion: Its proponents took the middle ground between the two previous opinions, as they did not deny the role of heredity, but rather the transmission of certain criminal characteristics, but rather merely the transmission of criminal capabilities and readiness and the tendency to commit the crime, which may be likely to be committed in the future if other external circumstances are available that contribute to stimulating the possibility and criminal readiness to appear and awaken it (Al-Shazly, 2007, p. 115). We support what the proponents of the third opinion went to, as it is the closest to reality, which did not take the theories of a single factor, but rather took into account the multiplicity of factors, including the factors represented by criminal readiness as well as other external factors.

## **2<sup>nd</sup> Section: Physical Factors**

Physical composition means the physical or bodily characteristics and traits that distinguish a person from birth, in other words, all the congenital traits and those related to the shape and functions of the organs, as some theories have tended to adopt the statement that there is a close relationship between the external appearance of the organs and criminal behavior (Al-Qahouji, 2008, p. 49), but it has not been scientifically proven yet that the abnormality in the external appearance has a close relationship with criminal behavior and is the motive for crime (Houmed, 1999, p. 33)

But it is possible to say that there is a link between the defect and disorders of the functions of the individual's physical organs and criminal behavior, especially in the glandular systems that have a major role and influence on the individual's criminal behavior, because of the secretion of ductal glands and endocrine glands, as the latter secrete the raw materials from the blood directly and then convert them into hormones and then pass them back to the blood again without the help of vessels or ducts, including the thyroid glands and medullary glands, and therefore these endocrine glands have received the attention of scientists Because of its role in preventing criminal behavior, and as for the ductal glands, they are either internal, such as the sweat or tear glands, or external, such as the salivary glands (Saleh, 2008, p. 150).

## **3<sup>rd</sup> Section: Age and Type Factors**

### **First: Age**

A person goes through several stages of his life, where each stage of his life has characteristics that differ and distinguish him from each stage, in terms of physical and psychological composition. Criminal behavior may be affected by age, especially when external factors, the environment surrounding the person, are combined with internal factors in terms of age composition. This may undoubtedly contribute to preparing the internal and external conditions that drive criminal behavior. (Zaghloul, 2006, p. 81)

Criminologists have divided a person's life into several sections, but the most accurate division is the one that takes into account the four age stages, which are childhood, adolescence, maturity, and old age. As follows:

### **1- Childhood Stage**

This is the first stage of a person's life and is one of the important stages for him, and in this stage he needs special care and great attention in order to develop him in a suitable place in terms of social and psychological conditions (Hamouda, 2010, p. 17) and these stages extend from birth until the fourth year of age and is called a child in this stage, and the second stage begins from the fifth to the twelfth and is called a young person, and this stage is generally characterized by the small number of crimes committed by this group and both sexes, and the reason for this is due to the physical weakness that characterizes this person in this stage as well as the limited environmental and social environment in which the child lives, in addition to his lack of awareness and distinction between good and evil (Zaghloul, 2006, p. 81)

### **2- Adolescence Stage**

This stage extends from the age of twelve to the age of eighteen, as this stage is distinguished from other stages by the increase in the rates of committing criminal behavior, and the reason for this is the rapid physical and mental growth, and psychological variables Which causes an increase in glandular secretions on the one hand, and on the other hand is the expansion of the social and environmental environment that the event deals with, and the most common crimes at this stage are crimes of stealing family money, due to the abundance of its requirements, and also, its committing crimes of harm and physical assault, as a result of physical growth and the growth of physical strength at that stage, in addition to its committing sexual crimes at this stage such as crimes of assault on honor, as they coincide with the activity of the sexual instinct within this stage (Abdul Moneim, 1996, p. 320)

### 3- Maturity Stage

This age stage is one of the longest stages of a person's life, as it extends from the age of eighteen to the age of fifty, and it is considered one of the most dangerous stages of a person's life from the point of view of criminologists, due to the influence of a person by a set of internal and external factors such as the social environment and others, and this age and gender have a great impact on motivating criminal behavior, as the crimes committed at this stage are diverse and multiple such as murder, harm, assault, sexual assault and financial assault, as this stage constitutes the largest circle of crime than other age stages (Al-Ruwaikat, 2009, p. 161).

### 4- Elder Stage

This stage is limited to the age of fifty to the end of life and is characterized by weakness and disability from the physical and mental point of view (Zaghloul, 2006, p. 84) as this stage is accompanied by a sharp decline in crime rates, especially those crimes that require physical and muscular effort such as crimes of assault on persons and crimes of robbery by force, and this stage is also accompanied by a significant decline and decrease in sexual instinct activities, and thus the motive for criminal behavior at this stage is limited in scope, whether in terms of quantity and type (Ibrahim, 2016, p. 388).

From the above, it can be clear to us that the age stages of a person have a clear impact on criminal behavior, strong and weak from one stage to another, and this does not mean that the age factor is the only factor driving criminal behavior, but rather other factors must participate, whether internal or external, in pushing criminal behavior into existence.

#### **Second: Gender**

Social and legal studies have confirmed that there are significant differences between men and women in terms of committing crimes in terms of quantity and quality. Criminal statistics have confirmed that crimes committed by women are less than crimes committed by men. These statistics have also confirmed that women's crimes differ from men's crimes in terms of quantity, type and means (Habib, 1990, p. 179). In terms of quantity, the number of men's crimes is greater than the number of women's crimes. In terms of quality, since women are characterized by more emotional characteristics than men, and therefore they are driven to perform some actions and behaviors that distinguish them from the actions and behaviors performed by men, women do not tend to use violence in committing crimes. Their actions towards crime are characterized by ease and simplicity, such as killing by burning or poisoning. Women may commit crimes that men are usually unable to commit, such as the crime of abortion to avoid shame for committing the crime of adultery, prostitution crimes, and simple theft crimes that do not require great physical effort. Men usually commit crimes that require effort. Large muscle such as crimes of robbery by force, harm, beating, wounding, rape crimes, crimes and other crimes (Al-Qahouji, 2006, p. 153)

As for the method: Most women's crimes are committed using fraudulent methods of cunning and deception, unlike the crimes committed by men, which depend on the method of using physical force and severe violence.

#### **Section Four: Psychological Factors**

Psychological factors are meant to be a group of internal factors that contribute to the psychological formation of a person, such as heredity, age, physical formation, and any diseases that affect this individual, which prevent him from performing his life duties in a normal way. One of the most important psychological crimes that affect a person is schizophrenia, as it is one of the most dangerous psychological diseases and the most related to criminal behavior, and the most widespread. Among the psychological diseases are also depression and hallucinations, which leads the person with this disease to disorders in his personality, which in turn leads to weakening and disturbing his psyche, which makes him take the path of crime, such as crimes of harm and others, in addition to the availability of some external circumstances surrounding the social environment of the individual afflicted with psychological diseases (Ibrahim and Mutasher, 2016, p. 189)

## **Section Five: Mental Factors**

It is called mental formation and is represented by the amount of intelligence measured in a person, and it is a group of processes that the mind performs through which the individual's ability to adopt a certain behavior that is consistent with the circumstances is determined. Social that will encounter him in his daily life, so there are those who commit crimes and do not appreciate the consequences that will follow these actions, so there are crimes committed by people who are characterized by mental weakness and they are usually simple crimes such as family theft crimes, begging crimes, indecent acts crimes, and family abandonment crimes, which some call stupidity crimes, and this does not mean at all that crimes are exclusive to stupid people, but there are crimes that require extra intelligence and mental capabilities such as money laundering crimes, technology crimes, and electronic blackmail crimes (Al-Qahouji, 2006, 179) From the above, we can say that the impact of the mental level on criminal behavior is great and it may be one of the reasons that motivate the commission of criminal behavior if other circumstances are available and contribute to it, whether internal or external, and it is worth noting that there are other factors that led directly to the loss of awareness and will and thus affect the mind and stimulate some instincts and activate them such as taking drugs that stimulate sexual instincts which lead to the loss of the mind and thus drive the person to commit the crime, such as crimes Sexual assaults on relatives or committing the crime of theft in order to secure the money to buy drugs or alcoholic beverages, as at first the drug and alcohol addict steals from his family in order to secure them without any feeling of remorse due to the absence of his mind (Al-Hussaini, 2012, p. 191).

### **3<sup>rd</sup> Requirement: External Factors for Committing Family Crimes**

It is obvious that every living being, no matter what, is affected by the environment in which it exists, whether in terms of language or customs and behaviors. If there are internal factors related to the criminal's personality and are the main motives for committing the crime, then this also inevitably requires other factors that contribute to motivating the internal factors, represented by external factors such as social, economic, political, technological, legal, and other factors, which we will address in the following sections.

#### **1<sup>st</sup> Section: Social Factors**

##### **First: Family factors**

The family is the first cell of man and is one of the most important social institutions ever, as it represents the first source of customs, traditions, norms, and all the rules of behavior and public morals that man receives since he opens his eyes to life. If this environment is healthy, that is, if the family is strong and cohesive and there is love and understanding between its members, then this will inevitably lead to the emergence of healthy individuals in society. However, if the family is not based on understanding, respect, and love between individuals, then this will lead to the creation of abnormal individuals who follow their desires and whims, which ultimately lead to committing crimes, such as a disintegrated family that lacks harmony and understanding, as its members suffer from disturbances that lead to taking the path of crime. Among the reasons that lead to the disintegration of the family is polygamy with the weakness of the husband's financial side, as well as the large number of family members in a way that the head of the family cannot cover their daily expenses. There are other reasons related to the family as well, which are no less important than that, such as unequal marriage (Yassin, 2002, p. 15).

##### **Second: School Factors**

The school is one of the second social educational institutions after the family, and it is called the transient or passing environment. This institution has an effective role in the field of education and teaching, and the latter is a reason for the development and renaissance of nations. If it deviates from its path, it may become a contagious place for the spread of deviant customs and behaviors. This makes members of this educational institution engage voluntarily or by force to mix with bad friends who come from broken families carrying bad habits. These habits quickly become like fire in the briquette, as recent scientific studies have confirmed that many criminal behavior activities are caused by bad friends (Habib, without year of publication, 235)

### **Third: Religious Factors**

The religious aspect is one of the most important factors that affect criminal behavior, as religious values play an important role in preventing crime, by strengthening social security within the family and combating and treating negative deviant phenomena that may arise in the souls of individuals, in addition to playing a role in preventing all negative behaviors, as The role of religion is greater than all educational and legal institutions, as religion works to address the human conscience, which is the center of gravity in the balance of human natures, and to educate them on the love of goodness, reform, peace, and reassurance (and the weakness of the religious deterrent among those in charge of family duties will be a factor preparing for the increased imposition of slipping towards the path of crime, and it becomes clear to us that the religious factor has a profound effect in correcting human souls on the path of righteousness and success, and staying away from the paths of crime and what angers God of obscenities and is also unsatisfactory to humanity (Abdul Basit, 1977, p. 130).

### **Fourth: Environmental Factors**

Environmental factors are of great importance within society and the family, as the social environment has a great impact on the behavior of individuals. There are customs, traditions, and knowledge that are correct and others that are incorrect. A person acquires his personal value, customs, and behavior from the social environment in which he lives. The environment, in its general sense, is a natural school that has no limits, so it was the duty of the individual to learn and adapt to these traditions (Abdullah, 2018, p. 146).

One of the criminologists believes that crime and organized gangs may be an inevitable result of their source being backward and poor neighborhoods, which are called the term ((ecology)), meaning deviant places, and they are the link between crime places (Al-Wardani, website), where some residents of poor areas develop a feeling that society has contributed to making their areas poor and backward, so they seek to form organized gangs for the purpose of carrying out criminal behavior in revenge against civilized societies (Al-Hassan, 1986, p. 15), and that there are customs that appear clearly in rural societies in Iraq that constitute family crimes such as the crime of forced marriage between relatives or the crime of marriage for the purpose of resolving tribal disputes between quarreling families, which is called FASLIYA marriage.

### **2<sup>nd</sup> Section: Economic Factors**

Economic conditions, in both their positive and negative forms, play an important role in pushing and directing criminal behavior to emerge. If the economic conditions are miserable and difficult due to poverty and unemployment, this leads to the inability to provide the necessary needs for family members, which will inevitably generate many social problems, resulting in the commission of crimes in order to meet these necessary needs. This will undoubtedly lead to the commission of crimes within the family framework, because unemployment and the lack of job opportunities in the public and private sectors for recent graduates from the family's children will provide them with a lot of free time that some of them may exploit in negative matters that may affect the stability of society and the family in particular, which may sometimes lead them to commit suicide or take criminal paths in order to secure their needs that they were unable to meet and satisfy through legitimate means. The economic factor may be one of the reasons for committing some crimes that affect the family, such as practicing prostitution or killing children for fear of poverty or abortion crimes or murder crimes in order to obtain an inheritance, as difficult economic factors lead to family disintegration such as divorce cases or leaving the family home for either spouse (Al-Warikat, previous reference, p. 222). It cannot be said in any way that the miserable and difficult economic factors are the only ones that lead to family disintegration, but rather some good economic conditions may also lead to family disintegration, as preoccupation with commercial activities in order to provide money, investment, and improve financial conditions and other things may be the head of the family staying outside the home for long days and on business trips that may sometimes be outside the country and other matters, as this inevitably leads to neglecting the family and turning away from raising children and holding them accountable and not meeting their necessary needs of tenderness, affection and intimate relationship

between spouses, as this will lead to the emergence of crimes that affect the family such as crimes of adultery for the purpose of satisfying desires Nationality (Azabi, 2017, p. 29)

### **3<sup>rd</sup> Section: Political Factors**

Political factors generally include two aspects, the first aspect relates to foreign policy, and the second aspect relates to the internal policy of a country, and each of the two perpetrators has its effect on the criminal phenomenon (Al-Haidari, 2022, p. 23), which in turn affects the stability of society and the family in particular, as domestic policy works to regulate relations between the ruling regime and the people, while foreign policy regulates relations between it and other countries, and both of the above policies include motives towards committing criminal behavior if other appropriate circumstances are available. The internal policy of any country, as much as it is a democratic country keen on providing the simplest requirements of freedom, expression, respect for other opinions, applying laws fairly, and equality in job opportunities and employment in high ranks in a country among its individuals, will inevitably lead to a decrease in the commission of crimes in general and family crimes in particular. The opposite is true, as the more the country is internally unstable among the political parties of the leaders, this will cast its shadow on society and the family through the commission of many crimes such as terrorism crimes, political crimes, murder crimes and other crimes. As for the other aspect related to foreign policy, if the state relations are unstable and are marred by a state of instability and are drawn into matters with undesirable consequences, such as war, for example, this will lead to chaos and the spread of crimes in all their forms, including family crimes such as crimes of adultery, crimes of prostitution, obscenity, debauchery, financial crimes, crimes of assault and crimes of murder, due to the preoccupation of the agencies responsible for law enforcement with the data and results of wars and the participation of a large section of the police agencies in them (Abu Amer, 1982, p. 171).

### **Section Four: Technological and Media Factors**

#### **First: Technological Factors**

Modern technological means and the Internet have played an important role recently in the increasing commission of some crimes within the family framework, whether towards family members themselves, such as suicide and ending their lives, or towards the remaining family members, which is embodied by abandoning necessary family duties, in terms of study or work, by resorting to dangerous electronic games or entertainment games. Technology in the era of globalization has become a security concern that has infiltrated and penetrated homes and had a major impact on the individual and the family, through what technological means are characterized by ease and the possibility of committing and hiding crimes, as we see today many cases of family disintegration due to social media, which has become a safe place to commit crimes of marital infidelity and practicing illegitimate relationships between adolescents of both sexes, and has also become a store for displaying pornographic clips and films to corrupt family members, especially adolescents, males and females alike, as well as working to introduce dangerous and expensive electronic games to poor families, which leads to Most often, the loss of the lives of users and addicts, in addition to what technology provides in terms of sites for selling prohibited substances such as drugs and displaying explanations of how to use them and promoting them, in addition to promoting and advertising on pornographic websites related to sex (Hassan, 2022, p. 572). =====

#### **Second: Media Factors**

The media plays a prominent role in societies, whether written, audio or visual, through the movement it carries out and the interaction of individuals in society with it, and through the roles it plays, the media is a double-edged sword that can be purposeful media that seeks to highlight and strengthen noble values and morals among members of society, or it may be the opposite when it seeks to spread vices, ideas and deviant and deviant behaviors and broadcast methods and ways of committing aggressive crimes, and in doing so it directs its dangerous messages that target young people, adolescents and those with limited cultures within families, as what may leak from the media may undermine the belief, values, initiative and morals of members of society and the family in particular, whether intentional or unintentional.

Each media has its goals, means and tools, in influencing, attracting and changing in order to create public opinion, and there is no doubt that the category of adolescents and young people are the target of all these categories, and since most of the media and media in recent times focus on publishing content The low and immoral and for matters outside of social traditions and customs and for many reasons, including attracting the largest number of viewers, for the purpose of achieving profits and financial gains or for other purposes, and it does not matter after that whether it leads to destabilizing the family entity or weakening it. Some programs may contribute to deepening social deviation and destroying values and national identity in a manner that contradicts the true Islamic values, as the media today has become the owner of the largest role and dominates all the functions of family members. It has a major role in raising and educating children (Khudur, 1980, p. 23). The media may sometimes contribute to learning the arts and methods of crime and graduating deviant criminals by embellishing crimes in the souls of individuals, broadcasting and leaking extremism and terrorism, and working to undermine the system of values and morals by misleading public opinion, in addition to the psychological effects it leaves on the audience following it through what it broadcasts of news of violence and terror and explaining the details of crimes from their beginning to their end and the pursuits that occur during them. Assassinations, blood, torn and burned bodies, destruction and devastation (Abu Saba, 1989, p. 398). As a result, the media today contributes in one way or another to the production of violence and the encouragement of crimes, since most of the crimes that occurred were in fact a practical application of what is seen and published in the media, especially family crimes.

### **5<sup>th</sup> Section: Legal Factors**

One of the most important reasons for the spread of crimes within society and the family is the legal factors or what is called legal security, as the scourge of laws is laxity in their application and enforcement or their neglect of organizing something related to the family and society, as it is safer to punish the ill-mannered, as the poor implementation of the law encourages individuals to disrespect its rules, which in turn greatly contributes to the increase in the commission of crimes and in a continuous manner, since most cases in the courts take a long time to resolve and punish criminals, so the factor of speed was important in applying and enforcing laws and punishing the guilty in order to limit the spread of crimes within the framework of society and the family.

On the other hand, penal institutions have recently become institutions for professional criminality by throwing novice prisoners with professional prisoners and learning from them the ways of crime. Consequently, the prisoner will emerge more criminal and rejecting society, which worsens the situation on the family's burden. (Al-Jafnawi, 2019, p. 29).

### **Conclusions**

After an in-depth study of the causes and factors leading to crimes against the family and identifying the challenges and basic principles, I reached some important results that can contribute to developing policies and legislation and improving procedures related to family protection. The following are the most important results reached in this research:

- 1- The study confirmed the pivotal role of the family in building and cohesion of society. The results showed that crimes against the sanctity of the family pose a serious threat to the stability of society as a whole, which requires special attention from legislators and policy makers.
- 2- The study revealed the diversity and complexity of crimes against the sanctity of the family, which include murder, physical assault, neglect, economic exploitation, and sexual crimes within the family. This diversity requires a comprehensive and flexible criminal policy.
- 3- The study stressed the need to focus on preventive measures as an essential part of the model criminal policy, and it was found that awareness and educational programs play an important role in reducing family crimes.
- 4- The study concluded that addressing family crimes requires close cooperation between various parties, including the judiciary, police, social services, and educational and health institutions.
- 5- The study revealed the close link between economic conditions and family crimes, which calls for integrating economic and social policies into criminal policy.

- 6- The results emphasized the need to provide comprehensive protection for victims of family crimes, including psychological, social, legal and economic support.
- 7- The study showed the emergence of new forms of family crimes linked to modern technology, which requires updating laws and policies to keep pace with these developments.

### **Recommendations**

- 1- We recommend a comprehensive review of current family-related laws and their unification into a unified and comprehensive law. This law should include clear definitions of family crimes and specify appropriate penalties, taking into account modern social and technological developments.
- 2- We propose increasing penalties for serious crimes such as severe domestic violence, child sexual abuse, and domestic murder. These penalties should be sufficiently deterrent to achieve general and specific deterrence.
- 3- We recommend introducing a system of alternative penalties for less serious family crimes, such as community service and mandatory rehabilitation programs, with the aim of reforming the offender and reintegrating him into the family and society.
- 4- We propose enacting special laws to protect victims of family crimes and witnesses, including providing physical protection, psychological and social support, and ensuring confidentiality in legal proceedings.
- 5- We recommend establishing specialized courts to hear family cases, with training for judges and staff to deal with the specificities of these cases.
- 6- We propose enacting special laws to address cybercrimes targeting family members, such as cyber harassment, blackmail, and publishing intimate images without consent.
- 7- We recommend enacting laws obligating educational and health institutions to implement awareness programs on domestic crimes and how to prevent them.

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