



IDENTIFYING DOMESTIC CRIMES: OBJECTIVE AND
SUBJECTIVE PERSPECTIVES

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Abstract. *Domestic crimes constitute a significant category of offenses that occur within family or close interpersonal relationships and pose serious challenges for criminal law theory and practice. This thesis examines the legal nature of domestic crimes through an analysis of their objective and subjective elements. The objective perspective focuses on the external manifestation of criminal behavior, including actions or omissions, harmful consequences, causal links, and the circumstances under which such crimes are committed. The subjective perspective explores the internal mental attitude of the offender, emphasizing guilt, intent, motive, and purpose. The study highlights the interdependence of these elements in accurately identifying and qualifying domestic crimes. The findings suggest that a comprehensive approach, integrating both objective and subjective perspectives, is essential for fair legal qualification, effective prevention strategies, and the protection of victims' rights.*

Keywords: *domestic crimes, criminal elements, objective elements, subjective elements, intent, motive, legal qualification.*

Introduction. Domestic crimes represent one of the most complex and socially significant categories of criminal offenses, as they occur within family or close interpersonal relationships and often involve repeated patterns of violence, coercion, or psychological abuse. In recent years, the growing prevalence of domestic crimes has drawn increased attention from legal scholars, policymakers, and law enforcement agencies due to their far-reaching consequences for individual well-being and social stability.

Unlike conventional crimes committed in public spaces, domestic crimes typically take place in private settings, where the relationship between the offender and the victim is characterized by emotional ties, dependency, and imbalance of power. This distinctive context not only intensifies the harm inflicted on victims but also creates substantial difficulties in detecting, investigating, and proving such crimes. Victims may be reluctant to report offenses due to fear, social stigma, or economic dependence, which further complicates the legal assessment of domestic crimes.

From the perspective of criminal law theory, the accurate identification of any crime depends on the establishment of its objective and subjective elements. The objective elements refer to the external manifestation of criminal conduct, including acts or omissions, harmful consequences, causal relationships, and the circumstances under which the offense is committed. The subjective elements, in turn, reflect the offender's





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internal mental attitude toward the act, encompassing intent, guilt, motive, and purpose. In the context of domestic crimes, both dimensions acquire particular importance due to the emotional intensity and repetitive nature of such offenses.

A failure to adequately consider either the objective or subjective perspective may lead to misclassification of domestic crimes, inappropriate sentencing, or insufficient protection of victims' rights. Therefore, a comprehensive analysis that integrates both perspectives is essential for ensuring fair legal qualification and effective criminal justice responses. The purpose of this study is to examine domestic crimes through the prism of their objective and subjective elements, to identify their interrelation, and to assess their role in the accurate legal qualification of domestic offenses. The findings of this research aim to contribute to the development of more effective legal mechanisms for addressing domestic crimes and enhancing victim protection within modern criminal justice systems.

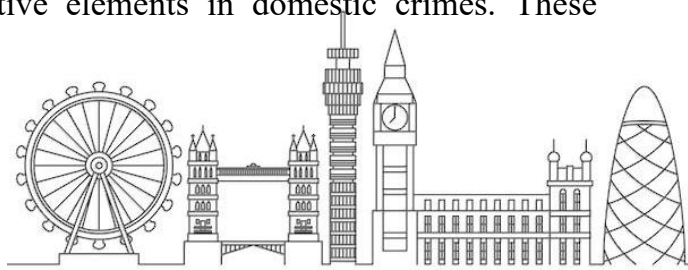
Literature Review. The issue of domestic crimes has been widely examined in criminal law, criminology, and socio-legal studies due to its complex nature and serious social consequences. Scholars emphasize that domestic crimes differ from other categories of offenses primarily because they occur within intimate or family relationships, where emotional bonds, dependency, and power imbalance play a decisive role.

Classical criminal law theory defines a crime through the presence of objective and subjective elements, which together form the legal structure of an offense. According to leading legal scholars, the objective elements include the external conduct of the offender, such as action or omission, the harmful result, the causal link between conduct and consequence, and the circumstances of the crime. This theoretical framework serves as a fundamental basis for analyzing domestic crimes, as it allows researchers to identify their external manifestations within private and often concealed environments.

Several studies in criminal law literature focus on the objective characteristics of domestic crimes, highlighting physical violence, psychological abuse, threats, and neglect as the most common forms of external conduct. Researchers note that these acts often occur repeatedly over time, creating a pattern of abuse rather than isolated incidents. This repetitive nature complicates legal qualification, as individual acts may appear minor when assessed separately but collectively constitute serious criminal behavior.

From the subjective perspective, legal and criminological scholars underline the importance of the offender's mental state in domestic crimes. Many authors argue that domestic crimes are predominantly intentional and are driven by motives such as jealousy, personal hostility, desire for control, or unresolved domestic conflicts. The emotional context of family relationships is frequently identified as a key factor influencing the formation of criminal intent, making the assessment of guilt and motive particularly challenging.

Interdisciplinary research, especially from psychology and sociology, has contributed significantly to the understanding of subjective elements in domestic crimes. These





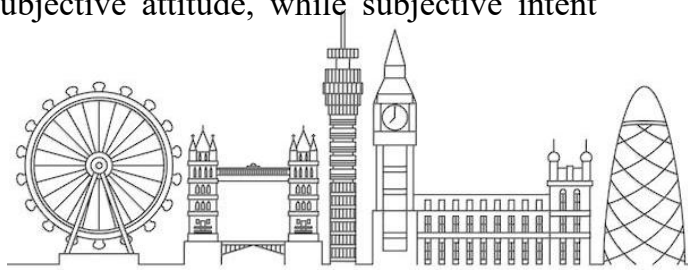
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studies emphasize the role of stress, emotional dependency, learned behavioral patterns, and social norms in shaping offenders' attitudes and motivations. Such findings support the argument that purely formal legal analysis is insufficient and must be complemented by broader socio-psychological perspectives. International literature, including studies conducted in Europe and the United States, increasingly frames domestic crimes as violations of fundamental human rights. Scholars in this field stress the need for victim-centered approaches and argue that proper identification of domestic crimes requires careful consideration of both objective evidence and subjective intent. Empirical research also points to challenges in evidentiary standards, particularly in cases where victims are reluctant to testify or where objective proof is limited. Overall, the reviewed literature demonstrates a consensus that the objective and subjective elements of domestic crimes are deeply interconnected and must be analyzed in combination. However, many studies tend to prioritize either doctrinal legal analysis or social explanations, leaving a gap in integrated approaches that link legal theory with practical application. This gap highlights the relevance of further research aimed at developing comprehensive frameworks for identifying and qualifying domestic crimes within modern criminal justice systems.

Discussion. The analysis of domestic crimes from both objective and subjective perspectives reveals the complexity involved in accurately identifying and legally qualifying such offenses. The findings of this study indicate that domestic crimes cannot be adequately understood through a purely formal legal approach, as their nature is deeply rooted in interpersonal relationships and emotional dynamics. From an objective standpoint, domestic crimes often present clear external manifestations, such as physical violence, psychological abuse, threats, or neglect. However, the private setting in which these crimes occur significantly complicates the process of evidence collection and verification. In many cases, objective indicators are fragmented or insufficient, particularly when offenses are repetitive but individually perceived as minor. This raises the risk of underestimating the overall social danger posed by domestic crimes when each act is assessed in isolation.

The subjective elements of domestic crimes further intensify these challenges. The assessment of intent, guilt, motive, and purpose requires careful consideration of the offender's psychological state and the history of the relationship with the victim. The findings support the view expressed in the literature that domestic crimes are predominantly intentional and motivated by factors such as jealousy, desire for control, personal hostility, or long-standing domestic conflicts. Emotional instability and situational stress often blur the distinction between intent and negligence, leading to controversial interpretations in legal practice.

A key issue highlighted in the discussion is the strong interdependence between objective and subjective elements. Objective conduct gains its true legal meaning only when interpreted in light of the offender's subjective attitude, while subjective intent





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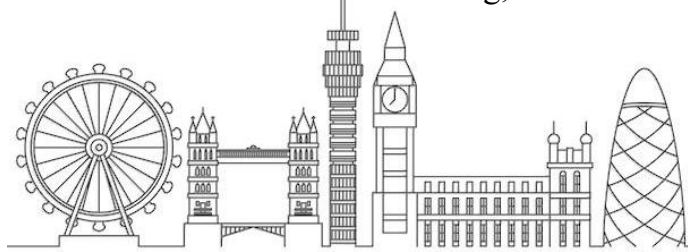
must be substantiated by objective evidence. Failure to properly integrate these elements may result in misclassification of domestic crimes, disproportionate sentencing, or insufficient protection of victims' rights.

The discussion also underscores the limitations of existing legal frameworks in addressing the specific characteristics of domestic crimes. Traditional evidentiary standards and procedural mechanisms are often ill-suited to cases involving power imbalance, emotional dependency, and victim reluctance to testify. This necessitates the adoption of more flexible and victim-centered approaches, including the use of psychological assessments and risk evaluation tools. Overall, the findings suggest that a comprehensive and integrated approach to identifying domestic crimes—one that equally emphasizes objective facts and subjective intent—is essential for ensuring fair legal qualification and effective criminal justice responses. Such an approach not only enhances legal accuracy but also contributes to the development of more effective prevention strategies and stronger mechanisms for victim protection.

Conclusion. This study examined domestic crimes through both objective and subjective perspectives, highlighting their complex nature and significant social impact. The analysis demonstrated that domestic crimes are not limited to isolated acts of violence but often involve repeated patterns of behavior within intimate or family relationships. The objective elements—such as physical actions, threats, neglect, and harmful consequences—provide evidence of criminal conduct, while subjective elements—including intent, motive, and purpose—are crucial for understanding the offender's mental state and accurately qualifying the offense. The findings emphasize the interdependence of these elements: objective conduct must be interpreted in light of the offender's subjective intent, and subjective factors must be corroborated with concrete evidence. Failure to consider both perspectives may result in misclassification of offenses, inadequate sentencing, or insufficient protection of victims' rights. Therefore, an integrated approach to identifying domestic crimes is essential. Such an approach not only ensures fair legal qualification but also supports the development of effective prevention strategies, victim protection mechanisms, and policy measures aimed at mitigating domestic violence. The study contributes to both the theoretical understanding of domestic crimes and practical improvements in criminal justice systems addressing these offenses.

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