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ON THE CHARACTERISTICS OF THE FUNCTIONS OF STATE POLICY ON COMBATING DOMESTIC VIOLENCE

Abstract. Purpose. The purpose of this article is to identify and reveal the scope and content of the functions of state policy in combating domestic violence. **Results.** The activities of the state and its authorized public institutions are characterized by a targeted and systematic nature. Inconsistency and randomness in the process of performing public tasks carry risks of ineffective organization of social life and the failure of public authorities to achieve their institutional objectives. This aspect is ensured through a diverse range of categories, one of which is functions, reflecting the practical dimension of state activity (through its bodies and officials). Therefore, defining the functions of state policy on combating domestic violence is of both theoretical and practical importance. Based on an analysis of scholarly opinions, the article argues that the functions of state policy in this area represent practical directions of activity undertaken by state authorities aimed at ensuring and implementing public policy in the relevant field. It is substantiated that the most appropriate classification of such functions includes: social, law enforcement, educational, gender-related functions, as well as functions of analysis and forecasting. It is established that within the implementation of the social function, state policy in the researched area must encompass mechanisms for providing assistance to individuals affected by domestic violence. This includes organizing and implementing protection measures for victims, creating conditions for the restoration of their psychological and physical well-being, offering legal assistance, and providing consultations regarding interaction with authorized public bodies, among other services. **Conclusions.** The article concludes that the law enforcement function of state policy on combating domestic violence involves the prevention, suppression, and prophylaxis of violent acts, as well as the implementation of operations and measures aimed at holding perpetrators accountable under the law, proving their guilt, and applying legal sanctions. This direction of activity primarily falls under the competence of the state's law enforcement agencies, such as the National Police of Ukraine, as well as other authorized entities.

Keywords: policy, state policy, combating, function, domestic violence.

1. Introduction

The activities of the state and its authorized public institutions are characterized by a purposeful and systematic nature. Inconsistency and randomness in the execution of public tasks pose risks to the effective organization of social life and may prevent public authorities from achieving their institutional goals. This dimension is supported by a diverse array of categories, among which are functions that reflect the practical aspect of the state's activities (through its bodies and officials). Accordingly, identifying the functions of state policy in combating domestic violence is of not only theoretical but also significant practical importance.

The functions of the state in general, as well as the functions of state policy in various spheres of social life, have been the subject of numerous

academic studies. In particular, this issue has been addressed in the works of scholars such as K.S. Bielskyi, A.B. Vengerov, A.I. Denysov, I.M. Dronin, M.I. Koziubra, S.O. Komarov, S.I. Melnyk, L.A. Morozova, O.M. Muzychuk, Yu.A. Tykhomyrov, and many others. Nevertheless, despite the considerable body of theoretical work, the study of the functions of state policy on combating domestic violence remains underdeveloped in the academic literature.

Therefore, the purpose of this article is to define the range and reveal the content of the functions of state policy aimed at combating domestic violence.

2. Foundations for Defining the Functions of State Policy in the Sphere of Economic Security

Beginning this scholarly inquiry, it should be noted that the word *function* originates

from the Latin *functio*, meaning "performance" or "execution." In its etymological sense, the term may refer to: (a) a duty, scope of activity, purpose, or role; (b) a dependent variable, i.e., a quantity that changes as another quantity changes; (c) a specific activity of an organism or its constituent organs; (d) the significance of any form or its role in a specific system, determined by its interrelation with other forms (Oliinyk, Husariev, Sliusarenko, 2001).

The concept of functions has found wide application in theoretical and legal studies focused on state policy. For example, H.Y. Puzanova defines the functions of state policy in the area of foreign investment as components of managerial activity that are characterized by a certain degree of autonomy, uniformity, complexity, and stability in the state's authoritative and organizational influence during the implementation of foreign investment policy. These functions aim to ensure the rights and legitimate interests of foreign investors in the course of their investment activities within the territory of Ukraine. These functions are specific in terms of their subject matter, content, and means of exerting the state's regulatory influence on foreign investors. They are closely connected to the state's social functions and reflect the methods through which these are carried out. Functions illustrate how, by what means, and through which interactions with society the state exercises its powers (Puzanova, 2013).

D.O. Koshykov proposes viewing the functions of state policy in the area of economic security, first, as general directions of state activity aimed at creating a stable system of economic security, which includes a normative legal framework, a list of authorized bodies responsible for implementing regulatory provisions, and a system of defined principles, forms, and methods of policy implementation. Second, he views them as distinct groups of homogeneous actions performed by public administration entities, which aim to organize, develop, and protect socio-economic relations, ensure the realization of citizens' socio-economic rights and freedoms, and create conditions for further development and growth of the national economy (Koshykov, 2020).

3. Formation of the Functions of State Policy in the Sphere of Economic Security

In light of the above, the functions of state policy to combat domestic violence are practical directions of activity undertaken by public authorities, aimed at ensuring and implementing state policy in the relevant domain. The following functions should reasonably be included in this category:

– **Social Function.** The primary focus of the state and the central object of its activity

is the individual and society at large. According to Article 3 of the Constitution of Ukraine, the human being, his or her life and health, honor and dignity, inviolability and security are recognized as the highest social value in Ukraine. Human rights and freedoms and their guarantees determine the content and orientation of the state's activity. The state is accountable to the individual for its actions. The affirmation and protection of human rights and freedoms are the primary duties of the state (Constitution of Ukraine, 1996). Therefore, the social function is the foremost and dominant function of state policy aimed at countering domestic violence. Scholars argue that the social function smooths out contradictions within society and affects the interests of every individual. Its scope includes creating conditions for a dignified life and the development of citizens, as well as providing assistance to socially vulnerable groups. The tasks solved through the social function differ fundamentally from those addressed by other functions. It possesses a distinct implementation mechanism and tools. Elements of the state's social function mechanism include social legislation, financing of social obligations, and the activities of state authorities and various social institutions. In fulfilling this function, special instruments are employed, such as the allocation and payment of various types of social assistance, provision of medications, and implementation of rehabilitation programs (Dmytryk, Iliushyn, 2020). Hence, as part of implementing the social function, state policy in the field under study must include mechanisms for providing support to victims of domestic violence. This entails organizing and delivering protection for affected individuals, creating conditions for the restoration of their psychological and physical well-being, providing legal assistance, and offering consultation on interactions with authorized state bodies, among other forms of support.

– **Law Enforcement Function.** This function complements the social one and is primarily focused on the phenomenon of domestic violence and those who perpetrate it. As V.V. Kryzhna writes, the law enforcement function of the state lies in ensuring the protection of the constitutional order, citizens' rights and freedoms, legality and law and order, the environment, and all social relations regulated by law. It has always been inherent to the state and remains one of its leading activities. It is through this function that the existence and well-being of society and the individual within it are maintained (Kryzhna, 2019). Y.I. Horinetskyi offers the following definition: the law enforcement function of the modern state is an independent and priority direc-

tion of state policy, implemented through legal means to achieve such social outcomes as the protection of law in general, the foundations of the constitutional order, and particularly the rights, freedoms, and legitimate interests of individuals and citizens, as well as other protected interests. It also serves as a legal form for achieving other goals of society and the state (Horinetskyi, 2005). I.V. Sazhnev supports this view, defining the law enforcement function as a direction of the state's activity that expresses its essence at the current historical stage and is aimed at addressing the fundamental tasks of protecting the constitutional order, citizens' rights and freedoms, legality, and the rule of law across all legally regulated social relations. It is carried out through specific forms and special methods (Sazhnev, 2000). D.S. Tykhonova emphasizes that the law enforcement function is linked to the organization and execution of law enforcement activities, which she interprets both narrowly and broadly. "In the narrow sense, law enforcement activity refers to the actions of specially authorized bodies (both public and private) aimed at protecting citizens' rights and freedoms, public order, and ensuring legality, performed in accordance with legal procedures and within the scope of their authority. In the broad sense, it encompasses the activities of all public bodies and non-governmental organizations in ensuring compliance with citizens' rights and freedoms, their realization, and the maintenance of legality and public order," she explains (Tykhonova, 2022). Thus, the law enforcement function of state policy in combating domestic violence involves preventing, halting, and addressing acts of violence, as well as implementing operations and actions aimed at bringing perpetrators to legal accountability, proving their guilt, and applying appropriate legal sanctions. This function is primarily executed by law enforcement bodies, such as the National Police of Ukraine, and other authorized entities.

– **Educational Function.** Generally, education involves the formation of a holistic personality that possesses a set of specific cultural norms, customs, and traditions, and is capable of fully assimilating cultural values. The environment of the educational process encompasses all aspects of public life, while the tools of education include all forms of human activity, situational interactions, interpersonal communication, internal cognitive processes, and external stimuli (Beschastnyi, 2010). In accordance with its internal content, the educational function of state policy on combating domestic violence is aimed at forming a correct public understanding and awareness of the illegality and harmfulness of this negative phenom-

enon. This direction involves broad explanatory efforts, including informing the population about domestic violence and the procedures for countering it through mass media, organizing lectures, seminars, and round tables in educational institutions, schools, and universities, operating hotlines and websites where individuals can obtain all necessary information, and similar measures.

– **Gender Function.** Closely related to the educational function, the gender function focuses specifically on overcoming existing gender stereotypes that, in many respects, contribute to the emergence of domestic violence. The notion of women's weakness and the dominance of a man's will in the family lays the foundation for such forms of discrimination. Consequently, the gender function involves the development of mechanisms to ensure equality between women and men in all spheres of public life, the fostering of societal intolerance toward discrimination, as well as the creation of social support institutions for women and the protection of their rights, particularly against the negative impact of abusers.

– **Analytical and Forecasting Function.** In a general sense, analysis involves the examination and identification of certain cause-and-effect relationships, the determination of forms and methods for influencing these relationships and interactions with the aim of enhancing the efficiency of a particular entity's functioning and its further development. Forecasting, in turn, consists of activities aimed at predicting its future condition, possible trajectories of development, and potential transformations. In the sphere of public administration, forecasting facilitates the most optimal selection of forms and methods for achieving projected outcomes, identifying internal and external threats for the purpose of taking appropriate responsive measures, and anticipating the consequences of managerial decisions (Buhaichuk, 2018). As a comprehensive function of state policy to combat domestic violence, analysis and forecasting involve working with the information field and data concerning the current state of domestic violence prevalence, the effectiveness of countermeasures, the performance of authorized bodies in this field, and the determination—based on the gathered data—of prospects for improving mechanisms of state regulation and intervention.

4. Conclusions

Thus, in our view, the outlined list reflects the key functions of state policy in combating domestic violence. The conceptual framework presented in this article is, without doubt, subject to critical reflection. Nevertheless, it underscores a vital point: domestic violence cannot

be addressed as an isolated or “ordinary” legal offense. This phenomenon requires a comprehensive and multifaceted policy approach, with coordinated efforts across various directions and sectors. Only such an integrated strategy can ensure the eradication of this deeply rooted social issue as a whole, rather than merely suppressing its individual manifestations.

References:

- Beschastnyi, V. M. (2010). *Mekhanizmy derzhavnoho upravlinnia rozvytkom vyshchyykh navchalnykh zakladiv systemy MVS Ukrainy* [Mechanisms of state management of the development of higher educational institutions of the Ministry of Internal Affairs of Ukraine] (Candidate's thesis). Kyiv: National Academy of Sciences of Ukraine. (in Ukrainian)
- Buhaichuk, K. (2018). Funktsii publichnogo administruvannya v orhanakh Natsionalnoi politsii Ukrainy: poniattia ta klasyfikatsiia [Functions of public administration in the bodies of the National Police of Ukraine: concept and classification]. *Pidpriemnytstvo, hospodarstvo i pravo*, (5), 112–117. (in Ukrainian)
- Dmytryk, A., & Iliushyn, O. (2020). Sotsialna funktsiia v systemi funktsii derzhavy [Social function in the system of state functions]. *Visnyk Kyivskoho natsionalnoho universytetu imeni Tarasa Shevchenka*, (2), 8–12. (in Ukrainian)
- Horinetskyi, Y. I. (2005). *Pravookhoronna funktsiia derzhav Tsentralnoi Yevropy: teoretychni i praktychni aspekty* [The law enforcement function of the states of Central Europe: theoretical and practical aspects] (Candidate's thesis). National Academy of Internal Affairs of Ukraine, Kyiv. (in Ukrainian)

Konstytutsiia Ukrainy: vid 28 chervnia 1996 r. № 254k/96-VR [Constitution of Ukraine: of June 28, 1996 No. 254k/96-VR]. (1996). *Zakonodavstvo Ukrainy*. Retrieved from <https://zakon.rada.gov.ua/laws/show/254k/96-vp#Text> (in Ukrainian)

Koshykov, D. O. (2020). Poniattia ta klasyfikatsiia funktsii derzhavnoi polityky u sferi zabezpechennia ekonomichnoi bezpeky derzhavy [The concept and classification of state policy functions in the sphere of ensuring the economic security of the state]. *Pravo i bezpeka*, (1), 67–73. (in Ukrainian)

Kryzhna, V. V. (2019). Okremi aspekty doslidzhennia henezysu pravookhoronnoi funktsii derzhavy [Some aspects of the study of the genesis of the law enforcement function of the state]. *Pravookhoronna funktsiia derzhavy: teoretyko-metodolohichni ta istoriko-pravovi problemy*, (1), 110–111. (in Ukrainian)

Oliinyk, A. Yu., Husariev, S. D., Sliusarenko, O. L., et al. (2001). *Teoriia derzhavy i prava* [Theory of State and Law]. Kyiv: Yurinkom Inter. (in Ukrainian)

Puzanova, H. I. (2013). Funktsii derzhavnoi polityky inozemnoho investuvannya [Functions of state policy of foreign investment]. *Naukovyi visnyk Mizhnarodnoho humanitarnoho universytetu*, (5), 71–74. (in Ukrainian)

Sazhnev, I. V. (2000). Do pytannia shchodo vyznachennia poniattia “pravookhoronna funktsiia derzhavy” [On the question of defining the concept of “law enforcement function of the state”]. *Visnyk Zaporizkoho yurydychnoho instytutu MVS Ukrainy*, (4), 62–71. (in Ukrainian)

Tykhonova, D. S. (2022). Poniattia “pravookhoronna diialnist” i funktsii pravookhoronnoi diialnosti [The concept of “law enforcement” and the functions of law enforcement]. *Problemy suchasnoi politseistyky*, (1), 224–225. (in Ukrainian)

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ДО ХАРАКТЕРИСТИКИ ФУНКЦІЙ ДЕРЖАВНОЇ ПОЛІТИКИ ПРОТИДІЇ ДОМАШНЬОМУ НАСИЛЬСТВУ

Анотація. *Мета* статті полягає у встановленні кола та розкритті змісту функцій державної політики протидії домашньому насильству. *Результати.* Діяльність держави, а також уповноважених владних інституцій, має цілеспрямований і системний характер. Адже непослідовність та хаотичність в процесі виконання публічних завдань несе ризики неефективного упорядкування суспільного життя та недосягнення владними відомствами цілей свого існування. Забезпечується цей аспект за допомогою різноманітного спектру категорій, одними з яких є функції, які відображають практичний бік діяльності країни (в особі її органів та їх посадових осіб). А відтак, визначення функцій державної політики протидії домашньому насильству має важливе не лише теоретичне, а й практичне значення. У статті, на основі аналізу наукових поглядів вчених, аргументовано, що функції державної політики протидії домашньому насильству - це практичні напрями діяльності органів державної влади, що спрямовані на забезпечення та реалізацію державної політики у відповідній сфері. Обґрунтовано, що до переліку функцій державної політики протидії домашньому насильству найбільш доцільно віднести: соціальну, правоохоронну, виховну, гендерну функцію, а також функції аналізу та прогнозування. Визначено, що в рамках реалізації соціальної функції, державна політика в досліджуваній сфері має включати в себе механізми надання допомоги постраждалим від домашнього насильства особам. Це передбачає організацію та реалізацію захисту потерпілих

фізичних осіб, створення умов для відновлення їх психологічного та фізичного здоров'я, надання юридичної допомоги та консультування з питань взаємодії із уповноваженими органами влади і таке інше. **Висновки.** Зроблено висновок, що правоохоронна функція державної політики протидії домашньому насильству передбачає запобігання, припинення та профілактику насильницьких дій, а також проведення операцій та заходів, спрямованих на притягнення винних у вчиненні останніх осіб до відповідного виду юридичної відповідальності, доказу їх провини та застосування негативних юридичних санкцій. Це напрям діяльності, у першу чергу, правоохоронних органів держави, наприклад, Національної поліції України, а також інших уповноважених суб'єктів.

Ключові слова: політика, державна політика, протидія, функція, домашнє насильство.