

## PREVENTING AND COMBATING CRIMES COMMITTED IN THE SPHERE OF FAMILY RELATIONS – AS A FORM OF PREVENTION AND COMBATING THE PRACTICE OF MERCENARY ACTIVITY

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***Abstract:** The activity of police bodies is always at the centre of attention. This can be manifested in various forms, either by maintaining, ensuring and restoring public order, by preventing and combating certain types of illegal acts, or by carrying out specific criminal prosecution and special investigative actions, as well as other activities specific to the police field. Therefore, the activity of preventing and combating crimes committed in the sphere of family relations is a sensitive subject, which can have emotional consequences for each of us. The people involved in conflicts in the family field, unfortunately, do not know that these illegalities can have particularly serious consequences, including committing other types of crimes. Thus, in the following order, we propose to analyze how the prevention and combating of crimes committed in the sphere of family relations can lead to the prevention and combating of the crime of mercenary activity.*

***Keywords:** police, prevention, combat, crime, family, mercenary activity, criminal liability, subject of law, etc.*

### **Introduction**

The analysis of the criminal situation and the results obtained by the territorial subdivisions of the Capital Police in preventing and countering crimes against the life and health of the person, during the year 2022, shows the fact that, in some Police Inspectorates of the Chisinau municipality in the Republic of Moldova, the operational situation has essentially worsened at the family violence department, with 75 criminal cases registered according to the signs of the crime composition provided by art.201<sup>1</sup> Criminal Code (*Family Violence*), (Botanical Police Inspectorate of the Police Directorate of the Chisinau municipality in the Republic of Moldova – 15, Inspectorate of Buiucani Police of the Police Department of Chisinau in the Republic of Moldova – 14, the Central Police Inspectorate of the Police Department of Chisinau in the Republic of Moldova – 10, the Ciocana Police Inspectorate of the Police Department of Chisinau in the Republic of Moldova – 18 and the Inspectorate of the Rîșcani Police of the Police Department of the Chisinau municipality in the Republic of Moldova – 18), compared to the previous year (2021), 60 criminal cases were registered, thus attesting an increase of 25%.

At the same time, during the reporting period, the Police Inspectorates of Chisinau in the Republic of Moldova received 1,106 notifications about manifestations of violence between family members registered in the Registers of other information regarding crimes and incidents (R-2): Botanic Police Inspectorate of the Chisinau Police Department – 249,

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Buiuani Police Inspectorate of the Chisinau Police Department – 253, Central Police Inspectorate of the Chisinau Police Department – 50, Ciocana Police Inspectorate of the Police Department of the municipality of Chisinau – 193 and the Rîșcani Police Inspectorate of the Police Directorate of the municipality of Chisinau – 361.

Following the examination of family incidents, during 2022, 238 were initiated contravention files under art.78<sup>1</sup> Contravention Code (*Family Violence*), (Botanical Police Inspectorate of the Chisinau Police Department – 62, Buiuani Police Inspectorate of the Chisinau Police Department – 62, Central Police Inspectorate of Police Department of Chisinau – 54, Ciocana Police Inspectorate of Chisinau Police Department – 26 and Rîșcani Police Inspectorate of Chisinau Police Department – 34), (Disposition no.9, 2023).

Materials used and methods applied. In the process of elaborating the scientific article, we were guided by several various scientific research methods that made it possible to properly investigate the titular subject, among which we can list: the analysis method, the synthesis method, the deduction method, the systemic method, the historical method, as well as the comparative method.

The theoretical-legal basis of the scientific approach includes the international and Moldovan normative framework, some national administrative acts and specialized literature – which directly or indirectly, address the essence and generic content of the subject under analysis.

The degree of investigation of the problem at present, the purpose of the research. At the current stage, the importance and purpose of developing this scientific approach appear from the author's intention to bring to light an analysis of the activity of police bodies in the field of preventing and combating crimes committed in the sphere of family relations – as a form of prevention and combating the practice of mercenary activity, to reduce the criminal level of war crimes, manifested by the practice of mercenary activity.

The results were obtained based on the scientific analyzes carried out. On June 10, 1977, additional protocol no.1 to the Geneva Conventions of August 12, 1949, regarding the protection of victims of international armed conflicts entered into force.

In the preamble of this international act, the High Contracting Parties proclaim their ardent desire to see peace prevail between peoples and consistently remind that every state has to refrain, in its international relations, from resorting to the threat of force or the use of force. Likewise, the High Contracting Parties express their conviction that no provision of the Protocol or the Geneva Conventions of August 12, 1949, can be interpreted as legitimizing or authorizing any act of aggression or any other use of force. At the same time, these provisions must be fully applied, in all circumstances, without any unfavourable differentiation based on the nature or origin of the armed conflict or the causes supported by the parties to the conflict or attributed to them (Additional Protocol No.1, 1977).

More than that, within the limits of this international act, the High Contracting Parties expressly provided for the terminological definition of the mercenary *concept*.

Thus, the term *mercenary* means any person:

- a) who is specially recruited in the country or abroad to fight in an armed conflict;
- b) who takes part in the hostilities;
- c) who takes part in hostilities, especially intending to obtain a personal advantage

and who is effectively promised, by a party to the conflict or on its behalf, a remuneration higher than that promised or paid to combatants having a similar rank and position in the forces arms of this party;

d) who is neither a national of a party to the conflict nor a resident of the territory controlled by a party to the conflict;

e) who is not a member of the armed forces of a party to the conflict;

f) who was not sent by a state, other than a party to the conflict, on an official mission as a member of the armed forces of that state. At the same time, the High Contracting Parties of additional protocol No.1 to the Geneva Conventions of August 12, 1949, regarding the protection of victims of international armed conflicts, also provided for the fact that a mercenary does not have the right to the status of combatant or prisoner of war (Additional Protocol No.1, 1977).

### **The concept of mercenary in the Moldavian Law**

Thus, the concept of a mercenary was also transposed into the legislation of the Republic of Moldova, as a basis, with the provisions of Additional Protocol No.1 of June 10, 1977. According to article 130 of the Criminal Code of the Republic of Moldova, „mercenary means a person specially recruited in the country or abroad, to fight in an armed conflict, who takes part in military operations intending to obtain a personal advantage or promised remuneration by or on behalf of a party to the conflict, who is also not a national of the party to the conflict, nor a resident of the territory controlled by a party to the conflict is not a member of the armed forces of a party to the conflict and has not been sent by a state other than a party to the conflict on an official mission as a member of the armed forces of that state” (Criminal Code of the Republic of Moldova no.985, 2002).

In order not to admit different types of crimes committed in the sphere of family relations, including the practice of mercenary activity, the following prevention and combating activities are continuously carried out by the employees of the Police of the Chisinau municipality of the Republic of Moldova:

1) the implementation of effective measures, aimed at preventing crimes against the life and health of the person, especially those committed in the sphere of family relations, by training in this sense the entire potential of the police, creating a viable partnership with members of civil society;

2) the intensification of general and individual prevention activities, primarily oriented to the prevention of antisocial deviations within the family, including the practice of mercenary activity, through:

1. permanent analysis of the causes and conditions that generate the commission of crimes of this kind, by organizing and taking concrete measures, to use all the forms and methods of prevention against the persons prone to commit such crimes;

2. raising awareness through the meetings held with the population, with the work collectives, as well as with the studious youth, the legal provisions regarding the sanctioning of cases of violence in the family, the practice of mercenary activity, the rights of the victims of aggression, the way of executing emergency restriction orders and of protective orders by aggressors, etc.;

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3. instilling in the meeting participants zero tolerance towards actions of physical and/or mental violence within a family, disallowing the practice of mercenary activity in objective reality, including the facts that have become known to them, with the notification of bodies with competencies in the field, in the purpose of undertaking the austerity measures;

4. the identification, registration and prompt reporting of cases of family violence, practice of mercenary activity, ensuring the nominal record of the aggressors (offenders), notification, in the case of child victims of family violence, to the guardianship authorities for undertaking protective measures which are imposed;

5. the qualitative examination of complaints and reports received from citizens, social workers, educational institutions, and medical institutions regarding family conflicts, acts of violence, death threats or regarding the existence of an imminent danger of their perpetration, with the emergency enterprise of all the actions provided for by the legislation in force, both concerning victims of family violence, as well as concerning aggressors and criminal subjects of mercenary activity;

6. submitting to periodic checks at the homes of families, the member/members of which are on the Police record as family aggressors, spending the work of preventing cases of repeated acts of family violence and showing the intention to practice mercenary activity, through discussions, warning in writing of people prone to committing acts of aggression in the family;

7. carrying out the periodic verification of the prevention worksheets with the persons on the record as „family aggressors”, under the management of the sector officers, with the provision of methodical-practical help, regarding the method of holding prevention discussions with the aggressors, at the same time, drawing the attention of the police to the exclusion of formalism from the activity in this chapter;

8. explaining to the victim, in the case of the finding of an act of domestic violence, the right to apply to the court to obtain a protection order, and in the case of establishing the impossibility of applying to the court independently, at the request of the victim, the provision by the Police of the assistance necessary to initiate the procedure for obtaining the protection order, as well as the provision of assistance for their placement in centres for victims of domestic violence;

9. issuance of emergency restraining orders regarding the aggressors, with an explanation of the rights of the victims and the restrictions imposed on the aggressors, in the case of finding the degree of increased or medium risk of repeating acts of family violence;

10. ensuring the supervision of the aggressors' compliance with the prohibitions stipulated in the ordinances in question, by informing the persons concerned in the manner, in the case of the issuance of protection ordinances regarding victims of family violence;

11. supervision of the subjects of family violence, the subjects of the crime of mercenary activity and, operationally, the subjects of probation, convicted of committing crimes in the sphere of family relations, in order not to admit recidivism or the possible fatal consequences of their aggressive actions;

12. carrying out, in crises, the contraventional detention of the aggressor, depending on the seriousness of the case, to protect family members from possible manifestations of violence;

13. monitoring and instrumentation, jointly with social workers, of cases of family violence in the territory, served, referring registered cases to other authorities with competencies in the field, for the provision of counselling services, updating the database with information in the field;

14. ensuring the cooperation and active involvement in the process of preventing violence in the sphere of family relations, of local public administration bodies, public associations at the place of living, of non-governmental organizations, by mediating the methods of solving family and everyday conflicts, at the same time publication in media sources of cases with increased resonance in society;

15. participation in the meetings of multidisciplinary teams, created to prevent and resolve cases of domestic aggression, participation in armed conflicts, with joint interventions, to exclude in the future the repetition of cases of violence in the respective families;

16. analyzing the situation and organizing cooperation with the additional forces for maintaining public order, patrolling day and night the parks, and squares, adjacent to leisure institutions, checking suspicious persons, who have immoral behaviour, who were previously in conflict with the law and potentially prone to commit crimes against human life and health, including war crimes – such as mercenary activity;

17. establishing as a primary task, raising the personal responsibility of police employees in the field of combating these types of crimes;

3) coordination and organization of activities, to carry out a permanent analysis and highlight the causes and conditions that contributed to the commission of crimes of this kind, with the undertaking of the necessary measures, to use all forms and methods of prevention against persons prone to commit such crimes of crimes, with an appreciation of the role of responsible police officers;

4) the efficiency of operational coverage activities, the accumulation of information, within the limits of competence, the execution of control and supervision of persons previously convicted, released from places of detention, amnestied, tried conditionally for crimes of family violence and of mercenary activity, with the accumulation of information necessary;

5) coordination and organization of measures in the direction of carrying out special investigative activities, aimed at preventing, combating and discovering crimes committed in the sphere of family relations, as a form of prevention in the context of committing the crime of mercenary activity (Disposition no.9, 2023).

Following the aforementioned, we can add that one of the most serious problems facing contemporary society is considered to be the phenomenon of family violence, which can certainly be categorized as a crime committed in the sphere of family relations. This is a complex issue, which involves both the protection of the personal integrity of the victims and the protection of their common social interests, such as freedom, independence and democracy (Soroceanu, 2018: 96).

### **Conclusions**

The police is a state institution, which is always in the public eye. Police activity is dynamic and present in all areas of social life. One of the most effective activities is

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preventing the commission of illegal acts. The prevention of crime is a process that is closely related to the fight against crime, because if there is no prevention, there will necessarily be the fight against crime when these crimes are committed. Preventing and combating crimes committed in the sphere of family relations is a sensitive action, because every family has its own problems. But this activity needs to be carried out compulsorily, because it can favor the commission of another crime, such as the activity of mercenaries. Therefore, the above content reproduces the main necessary rules that police employees must undertake in order to prevent and combat crimes committed in the sphere of family relations – as a form of prevention and combating the practice of mercenary activity.

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