



Motivating Factors of Children Abuse

Dr.morteza fathi ,Qaed Hazem Hamed Al Musarhid

**Assistant professor of the Department Of Criminal Law and Criminology Faculty of
law University of Qom**

m99fathi@yahoo.Com

kaad805@gmail.com

Abstract

Children are the hope of the nation and the men of the future, and for this reason all divine and positive legislations have sought to guarantee all their rights, especially their right to physical integration, including ensuring that they are not exposed to harm. The reason for guaranteeing the rights of the child is that he is one of the weak groups in society, and is unable to defend himself and carry out his personal duties and requirements. These rights are often subject to assault and violation, especially from the people closest to him and from his family members and parents. He is in dire need of protection from all forms of assault. Since children are among the weak groups in society, legislation has imposed personal rights that guarantee that they will not be exposed to them, respect them, and adhere to these rights. It has also obligated the relevant authorities in the state to guarantee and defend his rights, due to the child being exposed to various types of assaults and violations. Divine and positive legislations also included adequate criminal protection for him, and among the forms of this protection is ensuring that he is not exposed to harm, and that there are individual factors that lead to harming the child, including physical and mental deficiencies. Psychological, and non-personal factors, which may be familial, cultural, or social.

Keywords: Factors, Motivation, Abuse, Children.

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Introduction

Protecting the right to physical safety requires criminalizing all forms of assault on physical safety. Because children are among the most vulnerable groups in society, they may be subjected to harm. There are individual and impersonal factors behind causing harm to children, and they are multiple motives and reasons. Some of these factors are individual and relate to the personality of the perpetrator, while others are non-individual factors and are not related to the personality of the aggressor or the abused child, but rather to society. Controversy has arisen among scholars regarding the interpretation of the reasons for harming children, and they have concluded that these crimes are due to multiple reasons and are linked to many personal and social factors, which has prevented the possibility of reaching a single reason that is suitable for justifying the harm to children.

1st Research Importance

The importance of the research is that harming a child affects his or her rights to physical safety, and is a crime against people. This crime often occurs against children, especially by their relatives, such as the father, mother, or siblings. This research sheds light on the factors that motivate the harm to a child, taking into consideration that it occurs to those who have not reached the age of eighteen.

2nd Research Problem

The research problem can be summarized as follows: The Iraqi legislator did not criminalize child abuse in a specific text, and did not take into account the specificity of this category of people and the seriousness of the crimes of abuse committed against them, as no explicit text was allocated to it in the current Juvenile Care Law No. (76) of 1983, and although it addressed crimes against children within (crimes related to paternity, care of minors, exposing children and the elderly to danger, and abandoning the family) in the Penal Code No. (111) of 1969, it did not address this crime in a specific text, nor did it take into consideration the factors motivating child abuse when formulating criminalization texts.

3rd Research Objectives

The research aims at shedding the light on the factors that drive child abuse, and to try to know its causes, factors, and impact on the child's psychology and physical safety.

4th Research Methodology

The most appropriate approach to the nature and scope of the research is the descriptive analytical approach, in which we will try to analyze the factors that drive child abuse and determine the position of the Iraqi legislator on these factors.

5th Research Structure

We will divide this research into an introduction, two requirements, and a conclusion. In the first requirement, we will show the individual factors that lead to child abuse, and we will divide this requirement into two branches. In the first, we will address physical deficiencies, and we will allocate the second branch to psychological deficiencies, behavior. As for the second requirement, we will show the non-personal factors that drive child abuse, and we will divide it into three branches. In the first branch, we will address family factors, and in the second branch, we will allocate cultural factors, and in the third branch, we will show social factors, then we will conclude our research with a conclusion that includes the results and recommendations that we have reached through research on the subject of the study.

First Requirement

Motivating Factors of Children Abuse

These factors are the considerations, motives and reasons behind causing harm to a child, and there are multiple motives and reasons behind causing it. Some of these factors are individual and relate to the personality of the perpetrator, and some are non-individual factors and are not related to the personality of the aggressor or the abused child, but rather go back to society. Controversy arose among scholars regarding the interpretation of the reasons for harming children, and they reached the conclusion that these crimes are due to multiple reasons and are linked to many personal and social factors, which prevented the possibility of reaching a single reason that is suitable for providing justification for harming children. Accordingly, we will divide this topic into two sections. In the first section, we will explain the individual factors, and we will allocate the second section to non-personal factors, as follows:

The First Requirement

Individual Factors

The individual factors that lead to the child having physical and psychological deficiencies are embodied, and accordingly we will divide this requirement into two branches, in the first branch we will show the physical deficiencies, and in the second branch we will show the psychological deficiencies, as follows.

The First Section

Physical Deficiencies

The psychological deficiencies that lead to committing crimes of harming children are due to biological reasons, as they explain that the behavior that constitutes the act of harm that occurs to the child is due to the deviant organic manifestations that exist in the criminal person, which lead to his unjustified hatred of children, which prompts him to harm them, and this is due to the organic manifestations of the

perpetrator, which makes harming children linked to anthropological reasons related to the nature of the criminal person, and this is due to genetic factors and family history, which indicates that individuals who come from a family that practices violence are more prepared to harm children, and some recent studies have proven that violence is innate and is inherited from parents to children.

Some functional disorders that affect some body organs lead to harming children. Some studies have revealed that criminals who suffer from brain injuries or trauma and injuries tend to harm children. Functional disorders of the brain lead to poor control of emotions, and behavioral and personality changes associated with brain injuries increase the level of stress on the criminal, which pushes him to harm children.

In addition, some physiological disorders can lead to an increase or decrease in the secretion of endocrine glands of certain hormones in the body, encouraging aggressive behavior against the child. Some studies also indicate that low blood sugar or calcium deficiency leads to emotional reactions that lead to committing violent crimes against children.

The second Section

Psychological Deficiencies

Psychology schools have analyzed and studied the stages of human development since childhood with the aim of explaining his behavior in its two aspects, normal and deviant. In this field, we find that the Austrian psychiatrist Freud divided the individual's personality into three elements: the lower self, the middle self, and the higher self. He interpreted the lower self as representing the instinctive part of the human being, which is embodied in the sensual spirit, whose goal is to satisfy and fulfill the innate instincts that the Creator created in him unconsciously. These instincts have no connection to reason and logic, and therefore the lower self does not have the ability to think rationally, and its main goal is to find an outlet for instinctive drives with the aim of satisfying them without any other considerations.

The middle self is the realistic or emotional part that arises and grows from the lower self through the child's contact with his external environment, where he begins to distinguish himself from others, so his desires increase and branch out, but he finds himself unable to achieve them all, so a conflict erupts between his instincts and his environment, and thus his sense of himself is strengthened and his personality is formed. We notice that the middle self always struggles for justice, truth and goodness and falls under the pressure of psychological desire (the lower self) on the one hand and the harshness of conscience (the higher self) on the other hand. The third element in the formation of personality is the higher self (conscience), which represents the individual's standards, values, principles and ideals. It is the highest authority in man. If the individual does not respond to his call, he is punished for it. The path of inner strength through feelings of guilt, self-loathing and self-rejection, and Freud gives great importance to the growth of conscience in the maturity of the individual.

The three parts of the psyche, namely the lower self, the middle self and the higher self, interact with each other and continue to interact until they are all composed and merged in a unified effort to achieve internal balance, but this harm is not achieved easily, as this interaction may result in a state of incompatibility or disharmony between these parts, which leads the person to commit criminal behavior, because the lower self has a driving force while the deterrent forces are possessed by both the self and the higher self, which are exited for one reason, which is the necessity of preventing evil acts, which is represented by the criminal behavior of the lower self.

Because criminal behavior is achieved either as a result of the inability of the rational side, which is the self, to achieve harmony or compatibility between the natural instinctive tendencies and inclinations and the social system and the prevailing values in it, or as a result of the absence of the ideal side, i.e. its inability to exercise its function of control and deterrence in order to achieve the legitimate requirements of the sensual side of the soul without disrupting social reality, and the two aforementioned states of inability lead to the commission of the crime, either through the emotions of instincts and sensual tendencies or through the psychological complexes that suppress the unconscious side of the mind and

direct human behavior in a criminal direction without any awareness or realization from him, and in contrast, the normal person with balanced social behavior is the one whose psychological aspects interact with each other in a natural interaction, which leads to achieving harmony and harmony in one direction whose goal is to achieve balance in the individual's personality.

The lower self may overcome the middle self and the higher self and lead to committing the crime of harming the child. This assault may be committed by his parents or by a stranger due to the psychological disorders he suffers from, which may push him to harm the child. Personality disorders such as depression and anxiety, child-hostile behavior, weakness in the ability to solve problems and mental illnesses increase the likelihood of the child victim being harmed.

The Second Requirement

Non-Personal Factors

The factors and reasons that motivate child abuse are not limited to individual factors related to the aggressor himself, but rather the reasons for abuse are many and may not be related to the person himself, but rather related to non-personal factors, such as familial, cultural or social factors, and we will explain each of these factors in the following branches:

The First Section

Family Factors

The family is considered the first environment in which a person finds himself since his birth, and there is no disagreement about the seriousness of the role it plays in raising and educating the child, as it is the first place that embraces him and the environment that transmits the social culture to him, and this strong influence of the family can be in the right direction leading to good behavior or it may be the opposite.

There are many reasons that lead to child abuse, including bad morals within the family, and the disintegration that leads to the abandonment of the family and the separation of the spouses or the marriage of one of them, where the stepmother replaces the mother and the stepfather replaces the father, so the child is in a situation where he does not feel any emotion. Some studies have found that the families in which children are most exposed to abuse are single-parent families that suffer from the cracking and disintegration that occurs as a result of the absence of the parents for many reasons such as death, divorce, imprisonment or absence from home.

Some family factors may contribute to the child being abused, such as daily circumstances, unemployment, financial pressures, and social isolation. However, these factors are not necessarily a cause of child abuse, but in many cases they negatively affect the family's functional performance, as child abuse or neglect increases in broken families, such as when the child lives with his grandfather, aunt, uncle, stepmother, or stepfather, and thus lacks the care and affection necessary for daily upbringing due to the mother or father being busy, which makes the family suffer from disturbances, instability, and lack of affection and connection between its members. Instability in the child's life in itself is a psychological and social harm to him.

All this leads to creating an environment for neglecting and abusing children. Studies have also shown that there is a link between child abuse and the increase in the number of children in the family or the increase in people living in the same house, such as large families living in limited-space housing, especially girls who live with their stepfathers are exposed to assaults, especially sexual assault. The housing crisis that an important segment of society suffers from may cause assaults on children, especially sexual assault. Children gathering in bed due to the narrowness of the house develops sexual feelings in them and pushes them to have sexual contact with each other. Therefore, Islam commands parents to separate their children in their beds.

The relationship between family members, especially the father and mother, on the one hand, and their methods of raising their children, affect the child, as rates of assault and neglect of children increase in families that live in an atmosphere charged with quarrels between spouses. Marital disputes are among the greatest pressures that lead to harming children. A child who grows up in a family where violence is practiced between spouses is exposed to harm, as domestic violence creates fear, instability, and emotions in the souls of children.

In addition, the child may be exposed to violence in such families. Men who beat their wives usually beat their children, and the use of violence and abuse in the dealings of the spouses may cause the parents to practice these methods against their children. Even if the child is not a victim of direct attacks, once he witnesses violence between his parents, he becomes in danger, because this negative, tense atmosphere makes the parents preoccupied with their own problems and lacks interest in their children, which leads to their neglect. The child's witnessing of the parents' problems creates harmful emotional and psychological consequences for them. Even if the family consists of both parents, this does not prevent the child from falling victim to assault, especially if there is a rift in this family as a result of conflicts, tensions, or disturbances between the spouses.

Second Section

Cultural Factors

Cultural factors mean the principles, ideals, moral and religious values that are established in the conscience of society, and the prevailing customs and traditions. Cultural factors have multiple manifestations, such as education and religion, which affect the behavior of the individual, in addition to the media and its role in guiding the individual and influencing his behavior. Education also instills social and moral values in the souls of individuals, and creates ideals in their minds, which affects the direction of their behavior. It is known to the public that education expands a person's horizons and refines his feelings, making him able to appreciate the consequences of things.

Some scholars have considered education to be a factor that prevents crime, and if the person who takes care of the child has received a good share of education, the rate of assault against him is low, and the higher the level of education of the individual, the lower the rate of resorting to violence in dealing with family problems, and if he is uneducated, the rate of assault increases as he resorts to violence to deal with family disputes, and studies have shown that most families that harm their children are illiterate families, and ignorance and lack of awareness prevail in these families and make them harm their children and do not care about moral values to respect the rights of the child, given that most of these families have a low level of education.

Also, the child who does not attend school stays at home all day with his parents who look at him with contempt on the basis that he is useless, which prompts them to harm him, and that free time pushes the child to go out into the street and mix with bad companions who teach him deviance.

Educational institutions are not free from assault, as the educational methods used by some teachers in dealing with students, such as using cruelty, violence, disrespect, and lack of interest in students' problems, may negatively affect the safety of the school environment. Although education and teaching authorities in various countries have criminalized corporal punishment in schools and view it as an act that conflicts with sound educational methods, there are some types of abuse that are still practiced in educational circles that affect the child in the future, and generate feelings of inferiority, self-contempt, and lack of self-confidence.

Third Section

Social Factors

There are many social theories that have contributed to explaining child abuse, through analyzing the set of social factors surrounding it and the harm it causes to the child, because human behavior in general is nothing but a result of the interaction of individuals with each other and with the society in which they

live, and therefore child abuse cannot be explained through a single social theory, given the association of each of these crimes with a set of social variables and factors.

Some individuals feel social pressures that prevent them from achieving their needs, which prompts them to search for illegal means and methods to meet those needs, as the behavior of some people is determined by the means they resort to achieve their goals, and there are some of these people who harm children to achieve those goals.

Child abuse may be a prevailing culture in some societies, due to the customs, traditions and norms that society believes in that justify child abuse in various forms. It may be a form of proving existence, social influence or creating influence for the aggressor, so child abuse becomes an acquired and inherited behavior through contact with the social environment between people who are linked by social ties.

The non-personal causes of domestic violence crimes are not limited to family, cultural and social factors, but rather have multiple causes, including economic causes represented by poverty and deprivation that lead to child abuse, as well as political causes including the weakness of the state's power and the failure to implement the law that leads to some people assaulting children.

On this basis, it can be said that crimes of child abuse do not have a single cause, but rather there are several combined causes that lead to their commission and the child falling victim to them, which led to the adoption of the integrative theory in explaining this phenomenon, whose owners went to the fact that the unilateral approach in analyzing and explaining crimes of child abuse and relying on one factor in its explanation is inaccurate, so they started in their interpretation of domestic violence from the idea that criminal behavior is not the result of one factor alone, whether this factor is individual or social, but rather it is the result of the combination of internal individual factors, which means the group of factors related to the criminal himself, the interaction of which, in whole or in part, with external circumstances, leads to the achievement of the harm, as well as external factors that are not related to the criminal himself, but rather are related to the environment in which he lives and are likely to influence his behavior and direct him towards committing the crime of harm, and these factors are called, in their entirety, the criminal social environment.

On this basis, the interpretation of child abuse stems from the idea that there are many psychological, familial, social, cultural, economic and other factors, and these factors are behind the commission of different types of abuse crimes that occur against the category of child victims, and that these factors as a whole complement each other, and therefore the integrative approach in interpreting abuse is not only related to the perpetrator of the act of abuse, but rather attempts to combine all the factors leading to the occurrence of these crimes.

Conclusion

After we were able to complete the study on the research topic entitled (Factors Motivating Child Abuse), we show conclusions and suggestions that we have reached as follows:

First: Conclusions

1. The factors and reasons motivating child abuse are not limited to one factor only, but are many and varied.
2. The factors leading to child abuse are either individual or impersonal.
3. The individual factors leading to child abuse are represented by physical and psychological deficiencies.
4. The impersonal factors leading to child abuse are embodied in family factors, cultural factors and social factors.

Second: Suggestions

1. We suggest that the Iraqi legislator take into consideration individual and impersonal factors when criminalizing child abuse.

2. We suggest that the Iraqi legislator amend the current Juvenile Care Law No. (76) of 1983, and include a new article that explicitly criminalizes child abuse.
3. We suggest that the Iraqi legislator amend Article (413) of the Penal Code, and add a new paragraph to it stipulating that the penalty be increased if the crime of abuse is committed against a child.
4. We suggest that the Iraqi legislator increase the penalty if the crime of abuse is committed against a child by his relatives, such as the father, mother, or older siblings, because the crime of abuse that is committed against him is often committed by them.

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