

## Economic Controlled Domestic Violence and Its Damage Compensation Based on Gender Perspective

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**Abstract.** Domestic violence is a global phenomenon, which exists to varying degrees in all countries of the world. Women are the main victims of domestic violence. In view of the hidden nature of economic control behavior, the judicial boundary is vague and it is difficult to determine the nature. Economic control behavior also has the characteristics of other typical domestic violence. Through gender theory, we emphasize the social characteristics and roles of men and women, the influence of social culture on gender differences, and the social relations between the sexes. Studies have shown that there are limitations to discussing domestic violence from a gender perspective: its definition of domestic violence is too absolute, and only emphasizes the control of male hegemony on women. It can explain the causes of some domestic violence. Studies have shown that our laws cannot stand by and should uphold the legal rights of the spouse of the victim. When the spouse of the victim is subjected to physical, sexual, or mental violence, he or she should be supported when making compensation for divorce mental damage.

### Introduction

Domestic violence is an imported word, the international common word is "Domestic Violence", referred to as "DV" [1]. Foreign research on domestic violence began in the 1970s, and China's research in this field began after the Fourth World Conference on Women was successfully held in 1995 and the Beijing Declaration and Programme of Action were adopted [2]. Domestic violence is one of the most serious causes of women's illness, poverty, homelessness and disability worldwide. For a long time, the marriage system has been used to make up for the inequality of other social systems. The government and the market obtain positive benefits from the formation and operation of families. Similarly, families need substantive help from the social system [3]. However, institutional flaws in the prevention and control of domestic violence have profoundly hurt the interaction between family policy and government welfare and market attitudes [4]. Domestic violence is a mixture of different forms of abuse in the context of a particular relationship, including physical, emotional, sexual and psychological abuse. "Domestic violence has many manifestations, and it includes not only Attacks on the body also include psychological or emotional harassment or torture, as well as entanglement, jealousy, harassment, and intimidation [5]. The gender perspective is first of all a feminist perspective. The core issue of concern is the unequal situation of women in society. As a way of looking at the problem under the feminist theory, the gender perspective puts the interests of women in a very important position and attaches importance to female experience, voice and discourse.

Gender is "the understanding of gender differences formed by social culture, and the group characteristics and behavior patterns formed by women or men in social culture". Gender and natural gender are two different concepts. Natural sex refers to the gender difference between men and women based on innate biological differences [6]. The woman's father or her husband, as the defender of this right, will respond promptly to stop the occurrence of such infringement, and the treatment of the property as the owner of the property is merely a manifestation of his exercise of his rights. Of course, it should not and should not be punished by law. Most of the research on anti-domestic violence is classified as the type of knowledge in social science law, and the technical characteristics of the law are hidden in some phenomenal research reports [7]. In the context of the

rise of the method of jurisprudence, the issue of anti-domestic violence may completely transcend the empiricism of the data and achieve theoretical generalization and reflection. In order to effectively protect the legitimate rights and interests of the victims and the stability of the family, care should be taken to coordinate the relationship between the two. When the issue of domestic violence is prominent, the right to know the society can be appropriately strengthened to seek a solution to the problem of domestic violence, but it is limited to non-infringement of the right to privacy that should not be known to the society. At the same time, it should be noted that when public power is involved in the issue of domestic violence, it has actually given the society the right to know. In 2013, the genetic risk of violence and environmental exposure to disadvantage and violent crime was proposed by relevant scholars [8]. Since then, the explanatory role of relationship power and control in domestic violence against women in Nicaragua has been studied [9]. Since 2016, the causes of domestic violence have been studied by relevant scholars [10].

## Materials and Methods

Family violence is by no means "housework" in the private sphere, but a social problem, and its causes are complex. Therefore, to curb and eliminate domestic violence must also use a variety of means, especially when non-compulsory restraint means such as morality and public opinion can not work. The intervention of public power is imperative. Among them, the concept of economic-controlled domestic violence has become more common in foreign literature, according to the definition of domestic violence by the National Committee on Domestic Violence of the American Bar Association. Domestic violence occurs when one intimate partner attempts to maintain control over another intimate partner through physical violence, coercion, threats, intimidation, isolation and emotional, sexual and economic violence. No physical behavior can fully define domestic violence. For example, intimidation of danger, forced deprivation of liberty, and other potential violence that poses a serious threat to the wife's life safety. Because such forced deprivation of liberty directly threatens the personal safety of the other side, the wife is in danger of life and has a tendency to violence. We believe that if we expand the interpretation of physical, sexual, and especially mental or psychological harm between family members, it will affect the stability of marriage and family. Therefore, linguistic and attitude disrespect cannot be considered as violence. The gender needs assessment is shown in Table 1.

Table 1 Gender Needs Assessment

	Right	Assessment
Social gender	5.18	3.62

Gender theory holds that gender inequality is the root cause of domestic violence. In western traditional culture, it is believed that women are made of a man's rib. In traditional Chinese culture, women are required to "marry their father, husband and son". Whether in the West or in China, men are in a dominant and dominant position, while women are in a dominant and subsidiary position. Men in the dominant position share unequal social division of labour. In a word, gender is different from natural gender. It is not unchangeable. In different times, different nationalities and different regions, it will change. "The uniqueness of gender theory is to examine how gender relations are constantly being described and shaped in history. In the perspective of gender theory, the existence of gender relations is the continued consolidation of male hegemony formed by a particular stage of the historical process. As a result, the victim spouse has the right to claim damages from the injuring party for the damage and spiritual trauma of the spiritual interests suffered. Of course, the domestic violence studied in this paper is also one of the legal reasons for the compensation for divorce mental damage. The effective measures to prevent, reduce, and solve the problem of female crimes committed by violent women are shown in Table 2.

Table 2 Effective Measures to Solve Violent Female Crimes from the Perspective of Comprehensive Gender Theory

	Coordinate	Influence
Economic level	11.06	9.32
Political level	10.94	10.16

To the extent of the seriousness of the behavior, the "economic control" behavior which needs to be regulated by the anti-domestic violence system can be compared with other listed acts. Domestic violence ranges from degrading speech to economic exploitation, from assault to sexual abuse, from threats to homicide. A society usually reflects its gender by assigning different tasks to both sexes. Gender roles are social roles associated with being male or female. Traditional gender roles shape many of our daily behaviors. We usually maintain a single gender role - our self-perception as men or women. Human gender is the result of social construction, and the gender constructed by society has been implemented as the criterion of requirement, judgment and measurement of gender. It is commonly called "gender stereotype". However, the compensation for divorce mental damage caused by domestic violence is caused by the legal violation of the domestic violence directly committed by the spouse, and the spouse injuring party should bear the corresponding civil liability. Therefore, the subject of the claim for divorce mental damage compensation and the subject of civil liability can only be the parties to the marriage. Even the infringed minor children or other family members should not be the subject of the claim for divorce damages. The characteristics of domestic violence are shown in Table 3.

Table 3 Characteristics of Domestic Violence

	Range	Specificity
Family Violence	0.36	1.09

## Result Analysis and Discussion

Social learning theory emphasizes that social environment has a great influence on shaping and strengthening learners' gender roles, and learners can form their understanding of gender by observing and imitating the role models around them. Minors who grow up in family violence are deeply influenced by family violence. They may become natural perpetrators or endurance victims in adulthood. In divorce compensation for spiritual damage, there must be a causal relationship between the tort of the perpetrator and the fact of damage, that is, the wrongful act of the spouse of the aggrieved party is the cause of the mental distress of the spouse of the aggrieved party. The mental distress of the victim is the result of the wrongful act of the victim's spouse, and leads to the breakdown of the marriage relationship. In this way, the spouse of the victim can claim compensation for divorce mental damage. The compensation for divorce mental damage caused by domestic violence is the direct cause of the victim's spouse's mental damage caused by the statutory violation of domestic violence committed by the spouse. At the judicial level, gender training for law enforcement officials is used to strengthen the gender equality awareness of the judiciary. Specific methods can be specialized gender training or gender awareness in all training and education. On the other hand, typical cases of gender discrimination litigation with certain social impacts can also effectively promote the current law reform. While improving relevant legislation, it is also necessary to give high priority to the improvement of relevant jurisdictions as shown in Table 4.

Table 4 Perfecting relevant judicial perspective

	Handle	Effect
Establishment of an injunction system	5.13	4.16
Supervision and restriction	5.33	3.96

The usual dispute resolution channels of domestic violence have two characteristics: punitive and compensatory. The basic principle of liability for damages is that there is no compensation without damage. The purpose of performance of debt for damages is to fill in damages. The right of claim for divorce damages stipulated in Article 46 of the Marriage Law should refer to the right of claim arising from divorce itself. It is not directly caused by the acts listed in article 46. Consequently, the infringer who divorces pays compensation for mental damage. The divorce damage compensation is not caused by tort caused by divorce, but by the legal protection policy set up by divorce damage. It can be seen that the essence of the system of compensation for divorce mental damage in China is compensation for mental damage. Laws and regulations based on "sexless people" are ostensibly neutral and fair. In fact, it is a legal reflection of male rights and will. A typical performance is the division of the "public domain" and "private spheres". Therefore, we must find out the abstract and fundamental causes of such domestic violence, and only recognize its roots. In order to fundamentally curb this kind of domestic violence based on gender discrimination, the analysis from a gender perspective is precisely a reasonable way to find its roots.

Gender is a basic category of analysis, which is widely used in many fields, and has gradually become a method of legal analysis. In the legislative and judicial process, the issue is viewed and analyzed from the perspective of gender. As a result, solving problems has gradually become an important manifestation of gender mainstreaming. From the perspective of gender, we can avoid the "one-size-fits-all" approach adopted in the past when examining the perfection of the law, that is, not to treat men and women differently, but to understand whether a law will have different effects on men and women. From a personal point of view, the causes of domestic violence are mental illness, psychological tendency and testosterone level of the perpetrators. From a family perspective, the predisposing factors of domestic violence include intergenerational violence, the special structure of the family, and the low cost of domestic violence. From the perspective of social culture, cultural recognition and encouragement of violence, economic pressure, and lack of relevant laws may all lead to domestic violence. Therefore, the establishment of a compensation system for divorce mental damage caused by domestic violence is conducive to punishing the perpetrators of domestic violence. It has played a deterrent role in the aggression of the violent party, and fundamentally stopped the occurrence of marital infringement. It is also possible for individuals who have experienced domestic violence directly or who have seen or observed domestic violence in their childhood to realize that domestic violence is subject to civil or administrative sanctions, and serious criminal sanctions will be imposed. Therefore, to some extent, domestic violence can be curbed.

## Conclusion

Domestic violence is an old and common social phenomenon. Generally speaking, domestic violence is based on the fact that family members live together and the perpetrators inflict physical and mental harm on their family members. It includes not only physical or mental harm to family members, but also sexual assault. Nor can our law enforcers and judiciaries always stand idly by on the pretext that "it is difficult for a clean official to stop doing housework". Or we should only know about "harmony with mud" and "filling holes", but we should play a more active role in preventing domestic violence. Introduce a gender perspective to strengthen the legal research and judicial practice of anti-domestic violence. Use legal weapons to curb domestic violence, maintain family harmony, and achieve gender equality within the family and even in the judiciary. It will certainly play a positive role in promoting the construction of a harmonious socialist society. Sharing

information and coordinating cooperation between researchers and practitioners in different fields and perspectives may be an effective strategy for controlling, resolving and preventing domestic violence. The legal system for compensation for current divorce mental damage has been analyzed from various angles, and personal suggestions have been put forward for the current legislation, with a view to further improving the compensation system for divorce mental damage. Exploring the compensation system for divorce mental damage caused by domestic violence suitable for China's national conditions, aiming at further safeguarding the fairness of the law and better protecting the legitimate rights and interests of citizens.

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