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Problems of investigating criminal offences related to domestic violence committed by women

Yuliia Komarynska*

PhD in Law, Associate Professor
National Academy of Internal Affairs
03035, 1 Solomianska Sq., Kyiv, Ukraine
<https://orcid.org/0000-0002-1747-1816>

Oleksandr Pavliuk

PhD in Law
Zhytomyr Polytechnic State University
10005, 103 Chudnivska Str., Zhytomyr, Ukraine
<https://orcid.org/0000-0002-4431-607X>

Abstract

The purpose of the study was a theoretical investigation of the concept of female illegality, determination of possible roles of women in criminal acts, including domestic violence, development of effective algorithms for pre-trial investigation of criminal offences related to domestic violence committed by women. The study was based on the decomposition method used to detail possible ways for police officers to receive a message about a criminal offence. This contributed to the systematisation of the investigative situation depending on the method and quality of obtaining information about a criminal offence, namely: 1) receiving a message from one of the family members, 2) receiving information from unauthorised persons. The special legal method of legal hermeneutics was used to analyse legislative acts and court decisions on domestic violence. This enabled, considering the behaviour of women who commit criminal offences, their motivation and relevant court practices, to determine the tasks of priority investigative (search) actions, namely, recording information and material evidence of the connection between domestic violence and the criminal offence committed by a woman. The use of the legal modelling method in the study helped to create an algorithmised procedure for police actions to solve them. As a result of the study of motivational signs of illegal activity of women who commit criminal offences resulting from or related to domestic violence, two types of such women were identified: those who commit criminal offences to stop violence on the part of men (other relatives) and those who commit to strengthen the dominant position of women in the family. A systematic approach was used to study the interdependence between the personal characteristics of women and the development of the investigative situation of the initial stage of pre-trial investigation. There is no methodology for investigating criminal offences related to domestic violence committed by women, which, in turn, leads to an increase in cases of this type of criminal illegality registered annually

Keywords:

crime; criminal offence; pre-trial investigation; tactics; investigative situations

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*Corresponding author



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Introduction

Female criminality is one of the phenomena that is not only widely publicised in the media, but also generates discourse in the scientific sphere, particularly in psychology, sociology, criminology, and anthropology. Criminal offences committed by women are a specific category of socially dangerous actions, which has criminological, socio-psychological, and forensic aspects. The need for scientific research on this topic can be determined by several factors: demographic and statistical aspect – the analysis shows differences in the structure of criminal illegality by gender; women are more likely to commit criminal offences in the sphere of family, domestic or economic relations, less often – violent or against sexual freedom and inviolability; psychological and social determinants – the study of victimism, motivational factors, the influence of social roles and gender stereotypes on illegal behaviour; legal specifics – the need to adapt forensic support for effective investigation, prevention and qualification of criminal offences committed by women.

Cases of criminal offences committed by women preceded by domestic violence are of concern and public outcry. The relevance of this opinion is confirmed by official statistics from the Office of the Prosecutor General of Ukraine (n.d.) from which it can be seen that the commission of criminal offences related to domestic violence by women is not uncommon. Thus, in 2020, women committed 184 criminal offences related to domestic violence, of which 39 were criminal offences, and 145 were crimes; in 2021, respectively, 123 (50/73); in 2022 – 194 criminal offences (108/86); in 2023 – 402 criminal offences (232/170); in 2024 – 611 criminal offences (385/226). Such statistics can be interpreted not only as a threatening rate of increase in cases of criminal misconduct by women, but also as a need to create an effective methodology for investigating both criminal offences and crimes in which the offender is a woman. Of particular relevance is the issue of methodological support for the investigation of the facts of committing criminal offences by women, when such actions are related to domestic violence.

Some manifestations of criminal-illegal behaviour of women are covered in scientific research, but only within the framework of studying the problematic aspects of the investigation of certain types of criminal offences. Thus, Y. Chornous & A. Lisitsky (2025) considered the principles of applying special knowledge during inspections of the scene of criminal offences committed by arson, conducting investigative (search) actions and forensic examinations, considering the gender aspect, the study contains recommendations for an integrated approach in the investigation of this category of crimes committed by women. S. Kniaziev (2025) in his dissertation systematised the methodology of

collecting evidence, identifying suspects and algorithms of investigative (search) actions during the investigation of criminal offences committed in the public sector, which can be adapted during the investigation of crimes committed by women in the financial and economic spheres.

For several years now, Ukrainian scholars from various fields, such as criminal law, criminology, criminalistics, psychology, and sociology, have been addressing the issue of combating and investigating domestic violence, both as an administrative offence and a criminal offence. Among them are researchers such as I.A. Botnarenko (2021), who investigated the initial stage of the investigation of domestic violence as a criminal offence; T.V. Ishchenko (2021) devoted her research to the development of methodological recommendations for the investigation of domestic violence, highlighting the areas of actions of law enforcement agencies depending on the form of domestic violence; the procedural aspect of ensuring pre-trial investigation of domestic violence was highlighted by H.K. Teteriatnyk & O.S. Somyk (2023), who focused on the formation of an evidence base, systematic violence, and the application of restrictive prescriptions in accordance with Article 194 of the Criminal Procedure Code of Ukraine¹. Criminal legal and criminological foundations of countering mental violence, in particular in Ukraine, were studied by H. Sobko (2020), who also outlined both scientific and theoretical and practical approaches to preventing and countering this phenomenon. D. Tychyna (2024) focused on the combination of criminal legal, criminological, and penal enforcement principles in taking measures to prevent domestic violence in Ukraine.

Among other studies, it is appropriate to single out the study by P.R. Vieira *et al.* (2020), who examined the increase in domestic violence during social isolation caused by the COVID-19 pandemic, focusing its results on the role of women as victims of this type of criminal illegality. R. Erbaş (2021) examined the main components of an effective criminal investigation, and the potential obstacles to such an investigation provided for in the ECHR case-law, namely, in cases involving domestic violence, pointing to shortcomings in Turkish Criminal Procedure legislation that had not received an effective investigation. In these studies, the role of women in domestic violence was overwhelmingly considered as the role of the aggrieved party.

The analysis of the state of scientific research and the presented statistics determine the relevance of the research topic and determine the need for its development for practical units of the National Police of Ukraine. That is why the purpose of this study was to determine the state of theoretical support for the

¹ Criminal Procedure Code of Ukraine. (2012, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

process of pre-trial investigation of this category of criminal proceedings, to determine the role of women in this kind of criminal illegality, and to systematise the most typical investigative situations that arise at the initial stage of the investigation of criminal offences related to domestic violence committed by a woman.

Literature Review

Differences in the behaviour of women and men in the aspect of criminal illegality some studies, in particular by A. Berko *et al.* (2010), C. Kruttschnitt (2016), F. Esposito *et al.* (2020), are explained in terms of a patriarchy system that establishes a gender distribution of social roles and hierarchies, through which behaviour is codified as male or female, functioning in the prevailing system of power relations between the sexes. This is why men are perceived as subjects who are more likely to develop violent behaviour (and are inherently “criminals” or “offenders”), while women are perceived as more fragile and defenceless (hence “victims”). Gender differences in socialisation contribute to greater compliance with social norms and to maintaining a greater distance from risky behaviour in women. Similarly, women are more likely to engage in formal and informal processes of social control and supervision, which are more likely to avoid deviant behaviour. Criminal wrongdoing by women is often underestimated and classified as latent criminal offences, which affects how they are detected and investigated (Leote de Carvalho *et al.*, 2021).

Feminist and gender studies show that women who offend are socially doubly deviant because they deviate from both accepted social norms (breaking the law) and gender norms (which define how women should behave) (Ballinger *et al.*, 2007; Giordano & Copp, 2019). This helps to understand the dominant social concepts of masculinity and femininity in law enforcement. Research on gender differences and differences in sentencing by J. Pina Sanchez & L. Harris (2020) found that more severe sentences are generally imposed on male offenders. I. Brunton-Smith *et al.* (2020) explained this situation by the fact that women have responsibilities to care for either children or parents, this is applied as a mitigating factor in sentencing and is included in the list of mitigating factors. This mitigation can affect cases where the conviction falls within the categories, potentially reducing the sentence from imprisonment to a non-custodial sentence. This reduction allows a woman to continue performing her care duties along with punishment (Kane & Minson, 2022). However, this is not true for all types of criminal offences and not for all women's groups. Thus, it is evident that gender also influences how juvenile and criminal justice systems respond to offenders, and much of this attention stems from social expectations about how women should behave and the social position these women occupy in society (Leote de Carvalho *et al.*, 2021).

Traditional roles create a situation where men have more power and control in the family structure, both economically and socially. This condition often creates a sense of entitlement and superiority, which leads to the belief that they have the right to assert control over the subordinate sex, especially over women. Meanwhile, women are often expected to remain passive, caring, and submissive. When a man believes that he has the right to power and control in a relationship, he can resort to violent actions. This includes physical violence, emotional manipulation, and economic coercion to maintain power. On the other hand, a woman may be more likely to tolerate or justify violence because she is in a dependent relationship with her husband, who provides her with the resources she needs for life (Anggia, 2024).

Women commit all types of criminal offences, although to a much lesser extent than men, especially in the case of violent torts. Social and economic marginalisation is a significant factor in women's criminal wrongdoing. Criminal records are more stigmatising for women. In court, women are treated as doubly deviant, and their actions are explained by psychopathological terms. Although men are more likely to suffer, for example, from street criminal activity, women show a greater fear of violent acts (Hirtenlehner *et al.*, 2020). One of the reasons for this may be the prevalence of domestic crimes committed by men against women (and children) (Heidensohn, 1991; Bailey, 2021).

Young and older female offenders, according to M.J. Leote de Carvalho *et al.* (2021), demonstrate various patterns of delinquency that reflect numerous and ambivalent old and new forms of femininity. The ways of girls and women both to and from offences have their own characteristics. They also reflect how gender is constantly reconfigured and reconstructed over time, in various social and institutional contexts.

According to the Centre for Disease Control (CDC), almost 24% of all relationships experience some level of violence. 50% of cases of domestic violence are related to mutual violence (Men or Women..., 2016). In the other 50% of domestic violence cases, the violence was not mutual. In relationships where the violence was not mutual, almost 70% of the violence was committed by a woman. In other words, in almost 7 out of 10 cases of mutual violence, the perpetrator was a woman. In addition, mutually violent relationships most often led to injuries to women. However, women who engaged in mutually violent behaviour with their male partners were more likely to show a pattern of repeated violence than men. Male violence was more often isolated and unlikely to recur.

D.Yu. Slyusar (2019) and S.Y. Ang & G.A. Mat Saat (2024) identified the main areas of social life where women commit criminal offences: domestic life and the professional sphere. Moreover, in the domestic sphere, women commit more serious criminal offences, mainly murder, which is conditioned by complex

personal relationships such as marriage, family, and neighbourhood relations. Illegal manifestations of women's behaviour are influenced by stereotypes formed by a characteristic microenvironment, and situational ones. The environment of marital and family relations can be characterised by the variability of situations that determine a person's behaviour, including that of women.

I. Serkevych & O. Bronevytska (2020) analysing the psychological structure of women's criminal illegality, came to the conclusion that women commit murders, causing harm to health of various degrees of severity, mainly on the basis of family and domestic conflicts. This is mainly conditioned by the behaviour of victims, whose actions cause aggression on the part of the offender and intentions to cause harmful consequences. This is mainly the behaviour of husbands or cohabitants and children. Cases of aggressive actions against sexual partners (spouse/cohabitant) are associated with problems of material support for the family: the husband is disabled, has housing problems, and is financially unsecured. In addition, a common cause of domestic violence between spouses/cohabitants is rivalry for the dominant position in the family, jealousy, or revenge for certain offensive actions or words. Women of this type are predominantly young, active, highly excitable, sensitive to the actions and opinions of those around them, express their emotions and emotional outbursts through tears, are irritable, and often experience nervous and mental breakdowns, depression, feelings of hopelessness, etc.

S. Walker & A.K. Gill (2019) investigated another motivation for violence on the part of a woman, which is based on family relationships, this is a response to long-term bullying on the part of a husband. Similar to the nature of domestic violence, namely the cumulative manifestation of aggressive behaviour, a woman's attitude to her abuser corresponds to an emotional spiral: anger, suppression, dismissal. When other methods of such release (such as crying) do not help, women, like men, can explode with physical violence. Years of slow accumulation of resentment, over a long period, accumulate female anger.

Summarising the considered approaches, it can be noted that researchers explain gender differences in criminal behaviour in different ways – from the influence of social roles and patriarchal structures to the features of socialisation and stereotypes about femininity and masculinity. The literature notes that women are more likely to commit crimes in the domestic sphere, while men are more likely to commit crimes in the public sphere. Attention is also drawn to the double stigmatisation of female offenders and specific socio-psychological factors of their behaviour. In general, these approaches demonstrate the multidimensional and contradictory scientific view of the problem of women's criminal illegality.

Materials and Methods

The methodological basis of this study consisted of an integrated approach to the analysis of existing approaches to countering and preventing domestic violence, and methods for investigating criminal offences committed by women and those that reflect the gender aspect, and the practice of judicial decisions in relation to criminal offences related to domestic violence. The use of a specific sociological approach allowed analysing the available scientific research on women's illegality.

In order to substantiate typical investigative situations that contribute to the effective algorithmisation of investigations into criminal offences related to domestic violence and committed by women, it was necessary to determine the variability of information received about the criminal offence under investigation, the content of which determines the tasks for the investigator at the initial stage of the investigation. It was the understanding of these possible situations that allowed identifying the order of actions that determines the solution of a specific problem. For this purpose, the decomposition method was used, which helped to determine the algorithm of actions in a specific investigative situation, to determine the interconnection and interdependence of urgent investigative (search) actions, and the systemic and structural method was used to determine the tactics for conducting investigative (search) actions.

To study judicial practice for the period from 2020 to 2024, which are publicly available in the unified state register of court decisions, a special legal method was used. Thus, the empirical basis of the study was made up of materials of court cases (102 court cases), according to which there is opposition to pre-trial investigation at its beginning and there is no information about the connection of a criminal offence with domestic violence. The modelling contributed to the formulation of conclusions and proposals aimed at improving the pre-trial investigation of this category of criminal offences

Results and Discussion

As noted above, global changes taking place in the world, changes in social and moral-traditional vectors of community development lead to a psychoemotional change in the worldview of citizens. Technological progress and social norms have freed women from the obligation to do housework, increasing their participation in both the labour market and the criminal market (Campaniello, 2019; Shen, 2020). The development and implementation of institutions for the protection of women's rights and freedoms has not only opened up an understanding of their value and importance for the establishment of a lawful society, but also opportunities for choosing ways out of violent relationships. Unfortunately, women do not always choose legal means of action. The other side of globalisation processes is the differentiation of society and the de-

struction of stereotypes regarding gender identity, the desire to play a major role in the family, and take care of material well-being.

The changing nature of women’s roles in contemporary society encourages women to become more involved in violent and property-based criminal offences (Islam *et al.*, 2014). K. Yankova (2014), as a result of a study of female illegality, came to the conclusion that it is the number of criminal offences committed by women for selfish reasons that will increase. This situation is conditioned by the lack of deterrent mechanisms of this kind of illegality, in particular, the social role of women in society. Worldwide, crime is highly masculine, and there is little research on female crime (Streb *et al.*, 2022; Nemavhola *et al.*, 2024).

Forming the basis of the methodology for investigating contract killings, A. Shulga (2003) noted that a significant number of murders of this category are committed by persons who are related to the victim and they are united by a common life, cohabitation. The researcher, having examined 130 criminal cases (both archival and those that were in production) initiated on the facts of committing murders on the territory of Ukraine for the period from 1994 to 2001, focuses on

the fact that in 95% of cases, the clients ordering such killings are women. The goal of women is to get rid of their husbands (7.85%), ex-husbands (10%), and other relatives (5%).

Conclusions of A. Shulga (2003) on the motives of such actions of women are consistent with the results obtained from the analysis of judicial practice (Fig. 1), namely, that they can be divided into two categories: 1) a woman’s desire to put an end to domestic violence on the part of her husband (61%); 2) a woman’s desire to benefit and take possession of her husband’s property (39%). The study also allowed dividing these two groups of motives into subgroups. With regard to the first group, it is appropriate to divide the motives for ending a husband’s violent behaviour into: 1.1. violent behaviour by a husband towards his wife (70.5%) and 1.2. violent behaviour by a husband towards children or parents of the husband or wife who live with the couple (29.5%). As for the second group of contract killings commissioned by women, they can also be divided into two subgroups: 2.1. first, those that are conditioned by the desire to enrich themselves (58%) and 2.2. second, those that combine two goals-to enrich themselves and stop violent actions (42%).

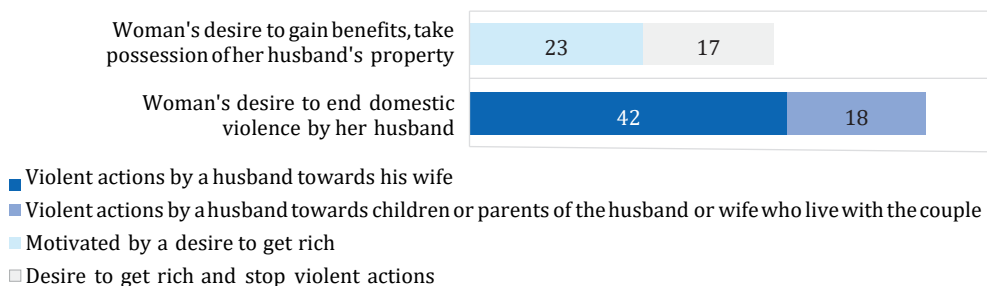


Figure 1. Motives for violent actions of women according to the results of a study of 102 cases for 2020-2024
Source: authors’ research

Thus, for an example of the relationship between domestic violence and murder, the materials of court proceedings No. 1-kp-2108/23¹ can be cited, where it was established that the defendant lived with her husband for about 6 years, raising their daughter and jointly owning real estate and funds in bank accounts in the Republic of Serbia. After a series of court sessions that took place during 2019-2020, on the issues of divorce and division of common property, the woman, fearing that her claims for divorce will not be satisfied, which may eventually lead to the deprivation of her parental rights and not receiving material security for residence, decided to commit premeditated murder of her husband. For this purpose, she found someone who agreed to take her husband’s life in exchange for a certain reward. The materials of this court case confirm the

conclusions in the investigation of D.B. Wexler (2020), namely, that many women who mistreat men are actually motivated by many of the same factors as men who mistreat women. The defendant, instead of finding ways to break off the violent relationship, chose to kill her husband, hoping to single-handedly dispose of the fortune acquired during married life.

Separate consideration should be given to criminal manifestations of women based on domestic relations directed against children. Such actions are mainly due to two factors – “upbringing”, that is, punishment for actions that go against the requirements of a woman, and not the desire to perform maternal (guardianship) functions (for example, the murder of a newborn child by a mother).

Analysing the opinions of researchers (Antoschyk, 2014; Aho *et al.*, 2017; Karlsson *et al.*, 2019),

¹ Sentence of the Pechersk District Court of Kyiv in Case No. 757/10370/23-c. (2023, December). Retrieved from <https://reyestr.court.gov.ua/Review/115974684>.

women who commit murders of their children can be divided into two categories: 1) women who are characterised by a young age of 18-30 years, are not in a registered marriage, do not work, lead an antisocial lifestyle (abuse of alcohol and drugs), do not have a permanent place of residence; 2) women who are officially married, are in an unstable, tense psycho-emotional state (excitement, fear, physical pain, etc.), stress and depression, mental anomalies. These characteristics under the influence of domestic violence, and such violence can occur in any of the four forms, increase the psychoemotional deviations of a woman, and the motivation of a woman to get rid of a child. Women of this type, based on domestic problems, usually commit illegal actions alone, and such actions are also characterised by serious consequences (Bilenchuk & Pevtsova, 2023; Shackelford *et al.*, 2023).

Another area in which women's criminal activity manifests itself is the professional sphere (Becker & McCorkel, 2011; Slyusar, 2019; Tolkach, 2025). That is, an activity in which a woman has a certain free access, or the possibility of such access to material values. Such criminal offences are committed for selfish reasons and in complicity. Women are more likely to commit crimes in mixed gender groups than in all-female groups. However, in cases of bullying, shoplifting, and embezzlement, a higher percentage of women work in exclusively female groups rather than mixed groups. The connection to domestic violence manifests itself in attracting or forcing family members to perform certain illegal actions in order to enrich themselves.

Having examined the illegal role of women as a result or in connection with domestic violence, it is necessary to summarise possible investigative situations. Knowledge of the possible development of events and the availability of relevant criminalistically significant information that arises at the time of receiving information about illegal actions contributes to the timely determination of tactics for pre-trial investigation of such criminal offences. The analysis identified the initial investigative situations of this category of criminal offences. In the simulated case, the police unit received information about the planning of a separate criminal offence (causing bodily harm, abuse of guardianship rights, exploitation of children, murder, etc.), the report states that the participants in the criminal event are a family registered with social services and violent actions were committed by a female person (mother, adult daughter, minor woman). This investigative situation is the most favourable for planning a pre-trial investigation and allows taking a number of operational search measures, conducting secret (investigative) search actions to record evidentiary information. As an example, it is appropriate to cite the materials of court

proceedings No. 11-kp/4820/179/20¹, according to which the police were contacted by a witness, with a request to take action against a local resident who has three young children, two of whom she is trying to sell, which she repeatedly stated. The witness also noted that the accused has difficult personal and family circumstances, does not intend to take care of her young son and daughter, and also seeks to enrich herself. The accused spent some time looking for someone to carry out an illegal sale of her young kids (for begging). After receiving this information, law enforcement agencies developed and conducted a covert investigation, namely, monitoring the commission of a crime in the form of an operational purchase of an illegal transaction involving people (two minor children), during which pre-identified funds in the amount of up to UAH 15,000 were used, and a citizen with altered personal data was also involved. Such procedural actions made it possible to record evidentiary information about the crime.

The first priority in such an investigative situation is to interrogate the person who reported information about the criminal event being prepared, after carrying out covert investigative (search) actions – conducting appropriate inspections: the scene of the incident with a focus on the evidence pattern in accordance with the criminal offence committed, examination of technical media and attachments thereto (audio and video recordings) on which the facts and circumstances of the meetings of the persons involved in the criminal proceedings are recorded, examination of items and documents. In the case of using pre-identified money or other items, conduct an examination of the person by taking swabs from the suspect's hands. It is necessary to conduct a search and interrogate the persons involved in order to identify and record both the individual criminal offence and the systematic nature of the violent acts committed by the family member. Given the fact that not all citizens understand what actions relate to domestic violence, the task of the investigator during verbal investigative (search) actions is to explain such actions, explain the illegality in slapping, using obscene language, etc., on the part of the mother (woman, daughter). The corresponding specifics of conducting these nonverbal investigative (search) actions are orientation to traces indicating domestic violence, indicating a combination of two types of criminal illegality.

A separate point should be noted in the correct choice of the investigator of the moment when the suspect is interrogated. The investigator should understand that this kind of criminal illegality does not occur suddenly, but with a pre-thought-out implementation plan and a long-term nature of violent actions, the skills of concealing which such a person has already worked out (Komarynska, 2022). That is why the interrogation

¹ Judgment of the Board of Judges of the Criminal Chamber of the Khmelnytsky Court of Appeal in Case No. 11-kp/4820/179/20. (2020, April). Retrieved from <https://reyestr.court.gov.ua/Review/88874612>.

of a suspect must be conducted after the main evidence base has been formed, the conclusions of the forensic examination have been obtained, and other participants in the criminal incident have been interrogated.

Otherwise, according to the materials of the court proceedings No. 1-kp/212/526/20¹, “the 102 emergency service “102” received a call from the suspect’s sister reporting that the mother of a four-year-old boy was making pornographic films with him. During the pre-trial investigation, it was established that the woman (suspect) had given birth to three children, had given her first child to her grandmother to raise, had been deprived of her parental rights in respect of her second son by a court decision, and had lived with her common-law husband with her third child, who had mental disabilities. One day, the suspect’s common-law husband saw the woman lying on the sofa next to her naked son, who was asleep, while she was touching his naked genitals and her own naked genitals with her hands and lips in an indecent manner and filming everything on her mobile phone’s digital camera. The man took the suspect’s phone and sent the video to the accused’s sister, who called the police. During the pre-trial investigation, other pornographic videos involving the accused’s young son were also established.

In such cases, during urgent procedural actions, inspections, searches, and interrogations, it is necessary to establish a connection, including family ties, between the injured person and the suspect. It is necessary to establish and record comprehensive information characterising the participants in the criminal offence, the duration of the violent actions, and to establish and prove the circumstances indicating the presence of elements (signs) in the act at least one sign, as defined in Article 1 of the Law of Ukraine “On Preventing and Combating Domestic Violence”². In addition to conducting interrogations, it is important to inspect not only the scene of the incident, but also technical means (computers, mobile phones, electronic storage devices, etc.). In addition, the evidence base will be the conclusions of the conducted forensic examinations.

Information was received about a separate criminal offence (murder, human trafficking, use of a minor child for begging, etc.), but there is no information about the identity of the suspect and the connection of the criminal offence with domestic violence. As shown by the study of criminal proceedings (investigative and judicial practice), this type of situation arises in cases where information about a criminal offence is reported by third parties who have discovered the consequences of violent unlawful actions, and the investigator’s task

is to identify and establish all elements of the criminal characteristics of a particular criminal offence, identify and record the perpetrators, motives, circumstances and conditions of the offence, and its connection with domestic violence. This situation can be clearly demonstrated on the example of materials of judicial proceedings of judicial proceedings No. 1-kp/185/220/21³. Thus, on May 18, 2019, at about 20:00, another quarrel arose between a man and a woman at their place of residence, in connection with the man’s disregard for the woman’s requests to stop behaving indecently towards her, and attempts to beat her. As a result of the quarrel, the woman pushed her husband away, from which he fell over the threshold into the bedroom face down and did not resist. Taking advantage of the situation, the accused, taking an axe that was in the corridor behind the door, struck the man’s head with a butt, which led to death. During the pre-trial investigation, suspicion fell on the wife of the deceased, but the latter denied her participation in the murder, providing information that she was not in the house at the time of the murder. However, during the pre-trial investigation, it was established that the couple lived together for more than 6 years, there were constant quarrels between them, the husband beat her, especially after consuming alcoholic beverages. According to the results of inspections (the scene of the incident, things at the scene, clothes of the suspect, the murder weapon – an axe), questioning witnesses, conducting forensic examinations and an investigative experiment, the woman’s guilt was proved.

In such situations, it is a priority for the investigator to identify and overcome opposition to the investigation. The choice and combination of tactics of both communication with the suspect and the tactics of presenting available evidence, demonstrating their relationship, will allow the investigator to convince the woman of the inappropriateness and illogicality of her statement about non-involvement in the criminal event. It is important to strictly observe the stages and stages of questioning, which are preceded by careful preparation.

The analysis of the state of scientific developments and methodological support on women’s criminal illegality in Ukraine allows speaking about the trends of its growth and the lack of contemporary forensic methods for investigating such actions. A criminal offence has ceased to be a purely male matter, which causes the development and implementation of effective mechanisms for pre-trial investigation of women’s criminal illegal activities and ensuring a policy to counteract such manifestations. Most forensic techniques are

¹ Judgment of the Zhovtnevy District Court of Kryvyi Rih, Dnipropetrovsk Region in Case No. 1-kp/212/526/20. (2020, July). Retrieved from <https://reyestr.court.gov.ua/Review/90445611>.

² Law of Ukraine No. 2229-VIII “On Preventing and Countering Domestic Violence”. (2017, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-19#top>.

³ Judgment of the Pavlohrad City District Court of Dnipropetrovsk Region in Case No. 1-kp/185/220/21. (2021, December). Retrieved from <https://reyestr.court.gov.ua/Review/102099963>.

considered “male” (Walsh *et al.*, 2020) because they were originally developed and tested on male populations, and their applicability to explaining why women committed crimes may be limited. Research shows that while male and female offenders do not completely differ in what explains their crimes, the gender life that people live may play a role in understanding illegal behaviour. The study confirmed the conclusions of researchers (Serkevych, 2020; Liem, 2023) that the study of women’s criminal activity carries significant social tasks that require solutions and significant and decisive actions on the part of law enforcement agencies. Such activities, in addition to the characteristics inherent in criminal-illegal activities in general, also have accompanying destructive consequences for society, affecting the institution of the family and the development of an illegal worldview among minors who will introduce such experience into their families in adult life.

Conclusions

The study showed that despite the increase in criminal offences committed by women, in general and in particular those related to domestic violence, the scientific support for the pre-trial investigation of such criminal offences remains insufficient. The lack of published scientific developments on the tactics of investigating criminal offences committed by women makes it difficult to obtain more accurate results. The latest scientific research in the field of forensic support for the investigation of criminal acts committed by women in Ukraine dates back to 2014, which, in turn, cannot consider contemporary achievements not only in criminology, but also in related sciences such as psychology, criminology, and sociology. The use of developments and experience of foreign researchers helps to determine only the general directions of such activities, without considering the moral, ethical and socio-economic factors of Ukraine, which undoubtedly have an impact on the development of criminal behaviour. Accordingly, the issue of methodological support for the process of pre-trial investigation of criminal offences related to domestic violence committed by women remains relevant for practical units.

The analysis of judicial and investigative practice determined the area and conditionality of investigative (search) actions at the beginning of the pre-trial investigation. Thus, the pre-trial investigation of criminal offences related to domestic violence committed by women has its own tactical features, which primarily concern the conduct of verbal investigative (search)

actions, namely interrogation, the use of tactical techniques, the choice of which is based on: the “role” of women in criminal -unlawful actions – a woman resists violence or protects another family member by committing a criminal offence, or a woman herself is the person who commits systematic violent acts against family members and, in this connection, commits another criminal offence; the motivation for criminal acts – hostile or mercenary motives, or a combination of such motives.

Nonverbal investigative (search) actions should be aimed at establishing evidentiary information, which will allow clearly distinguishing between the facts of illegal actions and, in accordance with each of these facts, identifying and recording evidence. It is precisely the element of “time of commission” of each individual unlawful act that affects the quality of information provided by participants in the pre-trial investigation – over time, individual events lose their significance and negative perception by victims, and the stigmas present in society encourage victims to blame themselves for such actions.

Results obtained can be argued that the starting point of such an investigation is the identity of the suspect, namely a woman. The study of personal characteristics of the latter, lifestyle, social status, level of education, psychophysiological characteristics is necessary for establishing causal relationships and interdependence of domestic violence and other criminal offences. The process of pre-trial investigation is complicated, firstly, by the psychoemotional state of a woman who can both suffer from domestic violence for a long time and commit it herself (especially in terms of violent actions against children), and secondly, it is caused by the stigmatisation of society, including police officers, which leads to errors in choosing the tactics of conducting individual procedural actions. That is why the process of tactical support for pre-trial investigations of this type of criminal action requires further in-depth study, followed by the development of methodological recommendations for police practitioners on how to act in various investigative situations.

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Проблеми розслідування кримінальних правопорушень, пов'язаних із домашнім насильством, вчинених жінками

Юлія Комаринська

Кандидат юридичних наук, доцент
Національна академія внутрішніх справ
03035, пл. Солом'янська, 1, м. Київ, Україна
<https://orcid.org/0000-0002-1747-1816>

Олександр Павлюк

Кандидат юридичних наук
Державний університет «Житомирська політехніка»
10005, вул. Чуднівська, 103, м. Житомир, Україна
<https://orcid.org/0000-0002-4431-607X>

Анотація

Метою статті було теоретичне дослідження поняття жіночої протиправності, визначення можливих ролей жінки в кримінально караних діях, зокрема домашньому насильстві, розроблення дієвих алгоритмів досудового розслідування кримінальних правопорушень, пов'язаних із домашнім насильством, учинених особами жіночої статі. Здійснене дослідження ґрунтувалося на використанні методу декомпозиції – для деталізації можливих способів отримання поліцейськими повідомлення про вчинене кримінальне правопорушення. Це сприяло систематизації слідчих ситуацій залежно від способу та якості отримання інформації про кримінальне правопорушення, а саме: 1) надходження повідомлення від одного із членів родини; 2) надходження інформації від сторонніх осіб. Спеціально-юридичний – метод юридичної герменевтики було використано для аналізу законодавчих актів і судових рішень з питань домашнього насильства. Зазначене, з огляду на поведінку жінок, які вчиняють кримінальні правопорушення, їх мотивацію, відповідні судові практики, дало змогу визначити завдання першочергових слідчих (розшукових) дій, а саме фіксацію інформації та матеріальних доказів зв'язку домашнього насильства з учиненим жінкою кримінальним правопорушенням. Використання в дослідженні методу правового моделювання надало можливість розробити алгоритмізований порядок дій поліцейських для їх вирішення. За результатами здійсненого дослідження мотиваційних ознак протиправної діяльності жінок, які вчиняють кримінальні правопорушення, що є наслідком або пов'язані з домашнім насильством, було визначено два типи таких жінок: ті, які вчиняють кримінально протиправні дії з метою припинення насильства з боку чоловіків (інших родичів), і ті, які вчиняють такі дії з метою посилення панівного становища жінки в родині. Системний підхід використано для вивчення взаємозалежності між особистісними характеристиками жінок і формуванням слідчої ситуації початкового етапу досудового розслідування. У межах дослідження констатовано брак методики розслідування кримінальних правопорушень, пов'язаних із домашнім насильством, які вчиняють жінки, що своєю чергою призводить до збільшення кількості зареєстрованих щороку випадків такого роду кримінальної протиправності

Ключові слова:

злочин; кримінальний проступок; досудове розслідування; тактика; слідчі ситуації