

Murder of an Unmarried Partner

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Abstract

On Sunday, May 20th, 2018, in Zagreb (the capital of the Republic of Croatia), a man killed a woman in a way that with knife set her a series stab wounds. Two days later, the same crime (murder), in the same way (a series of stab wounds), was committed by a man from Petrinja (a small town about 50 km away from Zagreb) to his unmarried female partner. These are tragic events that can be described in one sentence as events in which two innocent human lives were lost. Criminal law will describe them as serious murders, and criminalistics and forensics must investigate all the facts related to these tragedies.

Keywords: murder, criminal investigation, victim, murderer

1. INTRODUCTION

An unmarried life community is the name for the relationship between two or more people, the most commonly different sex, whose purpose is to live together and upbringing of off springs. That relationship, with the exception of formal engagement, corresponds to marriage. Different countries' legal systems are considered differently that kind of relationships, although in the western countries in the twentieth century it is possible to note the trend by which the rights and obligations of members of the unmarried life community are to be aligned with the rights and obligations of married couples.

The Croatian Family law [1] defines the unmarried life community in Article 11 as a living community of unmarried woman and unmarried man which last for at least three years, and shorter if a common child is born or if the unmarried life community continued by marrying. According to the same article, the unmarried life community which fulfilling these assumptions creates personal and property effects as a marital community and is appropriately applied to it by the same law with provisions of personal and real property relations of married persons, ie provisions of other laws which regulating tax matters, personal, property and other relationships of married couples.

2. CASE

2.1. The Victim and The Killer

A great deal has been written about violence perpetrated by men against women, particularly in the context of domestic violence [2]. The

literature in relation to the killing of women by men is sparse in comparison and a much more recent focal point of the general research on violence against women. In almost all of these accounts it has been observed that the suspect and victim are often husband and wife or de facto husband and wife (in that they live together as sexual intimates, as if married). Furthermore, it has been regularly noted that a substantial proportion of such killings are in some way connected to pending separation or the threat of separation between the intimates. In relation to this latter observation, research has often suggested that the killer was typically impassioned by sexual jealousy and/or by his concerns about losing his wife/partner.

It should be emphasized here that every man has the right to life and that right nobody not be allowed to anybody. It is a fundamental human right protected by national and international documents. Unfortunately, individuals obviously feel that they have the right to dispossess other people's lives and do so serious crimes like this. Perpetrators of such crimes are sick people which suffering from various psychiatric disorders.

2.2. Alcohol

By observing criminality as a biological, psychological and social phenomenon, contemporary criminology has left a stand on the unique, determined causes of criminality, so that alcoholism in the world of criminality is not viewed as an exclusive, but often prevalent, and always relevant factor [3]. Most psychoanalysts believe that the cause of alcoholism is a

multitude of specific failures in emotional development and familial circumstances. What is the earlier psycho-biological development in which an individual is stopped, the more immature his behavior, the personality and the defense mechanisms, the more difficult his drinking problem if he becomes an alcoholic and his prognosis is weaker.

Excessive consumption of alcoholic beverages is a serious social and health problem [4]. Numerous studies have focused their area of interest in studying the influence of alcohol on the organism and man's behavior. But alcohol consumption society is not seen as one of the leading problems in the world, although it can lead to death - as people who overdose alcoholic beverages and thereby develop a disease of addiction, as well as a person who may be subjected to a violent conflict with a vicious circumstance alcoholic person. Alcohol is associated with disturbances that are divided into two groups: alcohol abuse disorders, including alcohol dependence, alcoholism and alcohol abuse, and alcohol-related disorders such as alcoholic intoxication / acute illness, alcohol abstinence syndrome, alcoholic intoxication and abstinence delirium. In order to better address each particular problem, it is necessary to distinguish between acute intoxication and alcoholism, since each of the named phenomena has certain consequences. According to MKB-10 Classification of mental disorders and behavior disorders, acute intoxication is a transient condition resulting from alcohol abuse, resulting in disorders of consciousness, cognition, perception, affect, behavior or other psychological functions or reactions. According to the same classification, alcohol addiction syndrome is a group of behavioral, cognitive, and physiological changes that develop after repeated use of alcohol and regularly involve the strong desire to take this difficulty in controlling its taking. By using alcohol despite the adverse consequences, the individual attaches much more importance to the use of alcohol than to other activities and obligations, with increased tolerance and occasional physical signs of abstinence.

The main effect of alcohol is on the brain, depending on the amount of alcohol intake. Most psychoanalysts believe that the cause of alcoholism is, among other things, a multitude of specific failures in emotional development and familial circumstances, such as the family history of alcoholism, which is present in most cases. Of the many problems caused by alcohol

consumption (amnesia, personality changes), they are particularly prominent in those of criminogenic importance. More specifically, those problems that alcohol causes in the direction of manifesting aggression, violence directed towards other people. Relationships between alcohol and aggressive crimes / crimes are strong, intertwined and varied. Alcohol is commonly referred to as a provoking factor, a factor that promotes aggressive behavior. There are numerous theories that try to explain aggression and aggressive behavior, but also those who seek and explain the link between alcohol and aggression. One of the most significant is the behaviorist theory that associates aggression in drunkenness with the state of addictive learning. A person taught in drunkenness and the emotion he or she experiences cannot be transmitted to a sober state. When a person is brought in a similar situation, he or she remembers the past aggressive behaviors, related to the emotions that awakened in the key situation, and repeats the past behavior. Also, the fact is that the aggression in the soberly state is accompanied by a sense of guilt. In these cases, the person reaching for alcoholic drinks in order to get rid of unpleasant, unwanted feelings, and thereby liberates aggression.

2.3. Reasons to Stay in Unmarried Life Community with a Violent Partner

It is easy for an estranged intimate partner to stalk his victim—after all, he knows where she works, shops, where her family lives, where her children go to school—and children often necessitate contact legally [5]. Fear of retaliation is very rational on the part of victims, not an overreaction or dramatic ideation, despite the fact that few people can believe that lethal violence is likely to occur (prior to the lethal event—in retrospect, it often appears to have been inevitable). When well-meaning outsiders, including law enforcement and social workers, push women to leave, they often minimize the risk of serious physical assault or death at the victim's peril.

There are a variety of reasons why a woman might feel she cannot leave a violent relationship beyond fear, and financial concerns are chief among them. Money is too often the reason why women do not leave, or why they go back after leaving. Especially where children are involved, it is common to find that a woman cannot provide for her family without the assistance of the perpetrator. These days, few families can afford to exist on one salary.

2.4. Criminal Investigation

Criminal investigation deals with the offense as a real phenomenon, and in him they included actions which should clarify all issues related to the appearance of the offense, the offender, the victim and other circumstances [6]. Criminal investigation includes microanalysis criminal offense because it directly reconstructed the actual structure of the offense. Criminal investigation is microanalysis, the reconstruction of the past - a possible criminal offense.

The investigation sequence and methods in a cold case homicide investigation will vary, depending upon a number of factors [7]. These factors include those forces that caused this specific case to be reexamined (i.e., specific information has come forward regarding this specific case) and individual methods of investigation based on each investigator's training and experience, as well as the perceived investigative plan based upon file review. As no two hot homicides are investigated exactly in the same manner, neither are cold case homicides. Each takes place within an overall similar framework, however. This framework includes people, places, and evidence.

After reading and studying the case file, the cold case investigator is familiar with the documented record that has been preserved. This includes what officers and investigators did; what witnesses and others said; what evidence was collected, analyzed, and preserved; and what was photographed. In this way, the investigator has informally and informationally reconstructed the crime scene. During the course of this investigation, it may be appropriate to further consult with qualified reconstruction experts to formally reconstruct the crime. Reconstruction will depend upon the nature of the crime, the types of events that occurred, and the questions that need to be answered.

Criminalistics, the branch of forensic science concerned with the recording, scientific examination, and interpretation of the minute details to be found in physical evidence, is directed toward the following ends [8]:

1. To identify a substance, object, or instrument.
2. To establish a connection between physical evidence, the victim, the suspect, and potential crime scenes.
3. To reconstruct how a crime was committed and what happened at the time it was being

committed. To get at the details regarding the analysis of bloodstain patterns (distribution, location, size, and shape) or to determine the trajectory of a bullet and gun-to-target range, training and experience is a must.

4. To protect the innocent by developing evidence that may exonerate a suspect.
5. To provide expert testimony in court.

Occasionally, those minute details are visible to the naked eye; more often, scientific instruments must be used to make them so. In either circumstance, they must be evaluated and interpreted by the criminalist as to their investigative significance for the detective and their probative significance for the jury (or judge in a nonjury trial).

2.5. Murder Investigation

Murder investigations involve a double "who" to accompany the "why, what, where, when, and how" [9]. The first "who" that needs to be answered is the identity of the victim, the second being the identity of the perpetrator. In the vast majority of homicides, the tentative identity of the victim is readily known, from either relatives or friends at the scene or from personal identification on the victim's body. In these cases, these friends or relatives will usually make a positive identification to the coroner or medical examiner prior to the autopsy. Sometimes, however, the identity of the victim may not be known, because of either disfigurement, dismemberment, decomposition, or a lack of identifying documents, friends, or relatives. The importance of knowing who the victim is cannot be overstated. For example, a stabbing victim found on the side of a quiet country road with no personal identification on their person would leave nowhere to go to locate relatives, friends, coworkers, or the victim's residence, vehicle, etc. Sure, there may be other evidence, such as tire marks, footmarks, and blood, at the scene, but the bulk of the investigation will begin, perhaps even leading to an additional crime scene or two, once the victim has been identified.

Determining the killer-victim position at the critical moment of acquiring lethal injury or injury can have decisive importance in the qualification of the offense [10]. This task is part of important criminal and court medical activities in the murder investigation. This is particularly apparent in circumstances where a

murder was committed without a witness or when an institute of necessary defense was established. Based on the number of casualty injured, their location and severity, apart from the position in question, a conclusion can be drawn about the affective status and structure of the killer's personality at the time of the murder as well as motive. The number of injuries also points to the motive (hatred, anger, bitterness and the like) of the perpetrator in relation to the victim. Also the number and types of injuries can give an answer in the field of criminal psychology regarding the perpetrator's perception of the act.

Part of the body in which the blows, stabs, hikes, and the like were directed, may be crucial, in addition to other facts, to determine the purpose of the murder. It is known which places on the human body are vital, the most vulnerable. The position and attitude of perpetrators and victims play a major role in this criterion. So, for example, a sudden attack from the back speaks in favor of the existence of murderous intent. Much of the practitioners of various professional profiles think that wounds from the back (behind) leads to surprise, ambush, trickiness and the like.

2.6. Stab Wounds on Victim

Stab wounds vary according to the type of weapon employed and how it was used in the attack (thrust, pulled out, twisted, etc.) [11]. The principle involving lines of cleavage is also applicable to stab wounds. The stabbing wounds can appear open and gaping or tight and narrow depending on whether the wound runs parallel to the lines of cleavage or against them. The shape of the stab wound may indicate what type of weapon or blade was used. However, like a bullet wound, the stab wound will be smaller than the blade which caused it due to the elasticity of the skin. The type of wound is, therefore, determined by estimates of minimum and maximum size. Sometimes the knife hilt may bruise the skin and leave an identifiable mark.

Characteristics of stabbing wounds are

- Deeper than wide
- Possible damage to vital organs beneath skin and bone
- Internal bleeding with little or no external blood
- Possible indication of type of weapon used

3. CONCLUSION

Since the Family Law defines the unmarried life community as a living community of unmarried woman and unmarried man which last for at least three years, but also shorter if a common child is born or continued by marriage, it is necessary to point out that the legislator thus permits a common life for persons who, from different reasons, are not able to marriage. By its legal nature, the unmarried life community does not differ much from marriage, and there are rules that members must adhere to. One of the most important rule says that members must love and respect one another. This is a basic precondition for normal and healthy family life. However, it seems that individuals accept it in their own way. Domestic violence is very often beginning to happen shortly after entering the unmarried life community, and the victims are most often women. Unfortunately, domestic violence sometimes ends tragically. When crimes like these happen, what can do lawyers and what can do doctors? The only thing they can do is to do everything in accordance with the rules of their profession to punish the perpetrators of what they deserve.

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