



## Legal and Social Protections from Elderly Victimizations

Seyed Adel Heydari<sup>1</sup> and Hesam Abbasi<sup>2\*</sup>

<sup>1</sup>PhD student in Law, Islamic Azad University, Qeshm Branch, I.R.Iran.

<sup>2</sup>Young Researchers and Elite Club, Sirjan Branch, Islamic Azad University, Sirjan, I.R.Iran.

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### \*Address for correspondence

Hesam Abbasi

Young Researchers and Elite Club,  
Sirjan Branch, Islamic Azad University,  
Sirjan, I.R.Iran.

E-mail: Hesam1986@gmail.com.



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### ABSTRACT

Victimization has root in multiple factors such as poor physical and psychological health, emotional disorders, lack of social status and lack of environmental care, but some people's offence is because of their physical, psychological and the other physiological specifications more than others. Aging means losing mental and physical powers that occurs over time and based on living conditions and culture it differs in different countries. The elderly always are group of people vulnerable of being the targeted to crime. Unfortunately, the existing laws have very limited support. Also, there are behaviors which from perspective of government's criminal laws may not be considered crime but affects the elderly and their environment strongly. As a result, addressing them besides the acts and omission acts that controvert criminal laws of the governments, in order to understanding the causes of the elderly abuse, preventing it and reducing that damages influencing the elderly seems essential. So, according to extensive development in criminal laws and differentiation policy view of legislators to this area of study the existence of corporate policy in this area is required. But unfortunately there is no position for corporate policy in Iranian society and less attention is paid to it.

**Key words:** Asthenic Persons, Victimization, Elder, Protection, Etiology

### INTRODUCTION

Victimization is often caused by several factors such as poor physical mental and emotional imbalances, lack of social status and lack of environmental care, the level of victimization of some people is more than the others because of special characteristics. Misbehavior with the elderly is the consequence of increase in the number of the olds in



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families and society increasing the rate of them in two past decades. Of course there are not any official statistics of the elderly abuse rate in Iran. These days' women and children are mostly considered as the main victims of violence in families and the elderly less addressed. Although child abuse and spouse abuse differs in different societies based on their cultural and social structures. These kinds of abuse are more prevalent but it doesn't mean that there is no elderly abuse.

**Elderly victimization****Concept**

Victimization is often caused by several factors such as poor physical and mental health, emotional imbalances, lack of social status, and lack of environmental care and this factor caused increase in victimization rate among some persons with special characteristics more than the others. In other word, the rate of elderly victimization is not more than the others but the elderly vulnerability in special crimes & certain attacks is more than the others. Also the causes of victimization in elderly are different from the causes of victimization in others and the effect of victimization in elderly is more in depth comparing younger people and their damages that caused by crime and abuse against elderly cannot easily be recovered. In order to achieve supporting solutions, firstly, we should investigate the origins and causes of violence against elderly, and after considering the result of this investigation, measures should be taken to write a supportive program for elderly.

According to expressed content, the elderly victimization can be state as "elderly who suffer through the act or omission that violate criminal law -and this suffering includes laws that are prohibit the abuse of power-, and imposes mental or psychological pain, economical loss toward the elderly fundamental rights individually or as a group" (Zandi,2010).

**Also abusing against the elderly includes**

- 1- Physical abuse,
- 2- Medical abuse,
- 3- Emotional and psychological abuse,
- 4- Sexual abuse,
- 5- Sociology abuse,
- 6- Financial abuse,
- 7- Family abuse,
- 8- Institutional abuse,
- 9- Neglecting

**Categories of elderly victimization****Victimization caused by common crimes**

Common crimes are crimes that usually have been described criminally in the criminal law of the most countries and negligence of them by legislator is accompanied with a penalty. The goal of these penalties to Bulldoze interpellationand Reparation of guilties, which includes:

Victimization against the physical integrity of the individual: murdering, assault.





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Victimization against the spiritual and mental integrity of the individual for example: the crime related to the drug or insult and obscenity.

Victimization due to crimes against the physical and moral integrity for example: victimization due to physical abusing and victimization due to abduction, sequestration and victimization due to excruciation.

Victimization due to crimes against properties and ownership, that includes: victimization due to steeling, purse theft and picking. The victimization due to financial abuse and spoof.

#### **Victimization caused by uncommon crimes**

Sometimes the people, especially those who protect the elderly do something against them that in the law of most nations are not considered as crime. These actions include planned and systematic actions in different form of psychological abuse. It looks necessary to bring them into the legal system of countries in term of criminal mass or tort. The base of this crime can be the act or omission from persons who have the duty of restraining the elderly or those who abuse civil liberties, like: excluding the elderly from their fundamental rights, refusal of giving information, excluding from life, private facilities, depriving of meeting with visitors, deprivation or censoring their letters, postal correspondence and so on. There is significant a significant testimonials that illustrates that the elderly are suffering from victimizations or abuses especially from those who watching them.

#### **Victimization caused by armed conflicts**

The war between governments and civil armed conflict remained irreparable disasters on the society. War effects will be remaining inside community and even generations for many years. Ruinous wars of I & II, killing of Armenians and Jews, massacre in Hiroshima and Nagasaki and Iraq invasion of Iran are the examples of bloody armed conflicts which expect destructions and harm against innocent people and civilians, had no benefit to the countries. Therefore, the attention and supportive measures in order to prevent the elderly victimization in conflicts, in the form of prevention policy of government & NGOs needs a special and differential protection of them.

#### **Etiology of elderly victimization**

Lack of social status and lack of environmental care, mental and emotional imbalances, social isolation, high vulnerability, diseases, abuses and violenceopathy towards the elderly make them vulnerable to victimization by potential guilties. Nevertheless, elderly have natural talent of being victims; they suffer more injuries at the time of confrontation with victimization.

Elderly are sometimes the goal of attacks that caused by their children, grandsons, relatives or the persons responsible for their care. So they need special attentions. Using protection efforts and covering deficiencies in law – for instance: necessity of impeachment against the elderly and more cultural respect for the elderly- can be ended up in worthwhile results. For example, with cultural education in schools and families the true kind of manner with elderly can be taught. Victimized elderly refuse to impeach for reasons such as of: lack of awareness of their rights and possible litigation, the complexity and difficulty of the procedure, fear of scandal, financial dependence to family, feelings of economic insecurity and loss of shelter, fear of being kept in institution such as nursing homes for elderly, or fear of retribution. It provides a base for increasing the durability and crimes against the elderly in community. The main causes of elderly victimization include:





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### Personal and personality factors of elderly

Physical weakness and specific physical properties and characteristics of the elderly and lack of appropriate defense make them potential victims. Different types of violence against the elderly (like: domestic violence) are the resonator factors of victimization.

Criminologist divided victimizations based on the process of victims, into two categories: stimulus and seductive; About first group, "Shaffer" divided the criminal responsibility to the offender and offenses, and about the second group he said, since they always should predict the risks and take the necessary proceedings, They should not be considered as guilty, so this is necessary to be considered guilty partially.

### Cultural factors

Culture consists of customs, morals, beliefs and educational and religious institutions, and all common ideas that rooted in people's lives, it defines the scope and boundaries of criminal law in society. Culture includes the values that their refusal considered as crime, however, it supports actions and thoughts that prefers. (Najafi Abrand Abadi, 2008, p 80) despite the emphasis of our culture to respect the elderly, elderly experienced different types of financial abuse and inattention. Therefore, having knowledge of elderly abuse can arise the awareness and sensitivity of individual and organization related to this phenomenon until effective measures being taken in order to program a system that detects the elderly who are at risk and makes the culture ready to preserve the elderly more and more.

### Economic factors

Unfortunately, many of the elderly suffering from lack of financial independence and are not supported by insurance and retirement payments. The elderly poverty and financial dependence are the important causes of violence against them.

This dependence put them neutrality at wide variety of vulnerability, targeted to victimization, suffering all kinds of physical, emotional and psychological violence that never report them.

In some families and institutes deal with the elderly in the way that a child is behavioral or is dealt with in some way that he is not able to decide about his economic and social affairs they decide instead of him or usurpation economic independence of him for example some elderly do not have access to their bank accounts and their estates is blocked.

Therefore it looks necessary to implement policies and programs to eradicate poverty or lower it, for instance payments such as: "Social security insurance", retirement payment, disablement insurance and health insurance payment.

### Social factors

Violence against the elderly in community (like, murder, assault and trauma) causes fear, intimidation and insecurity in the life of the elderly. Other factors includes lack of direct and fair supervision on the elderly social service centers and the role of public media that are capable of implementing a huge impact on the society manner and play an important role in the sociability, transition of values and counter-values in the society from an early ages for a typical member of society.



**Seyed Adel Heydari and Hesam Abbasi****State factors**

Much of the latent elderly victimization is not considered as guilty in private environments and at the process of trial cannot be easily proved and verified. Therefore malpractice and negligence of the states are reasons that vacillate and resonate violent behavior against elderly. When the government looks with negligence and tolerance to violent offenses such as violence in private environments like families, it provides appropriate area for frequent and continuous victimizations.

**A review of legal propositions concerning the elderly**

Iranian legislator mentioned in 206th line of Islamic criminal law: "in the case where the murderer did not intend to kill and does something that is not typically deadly but might be deadly due to age, illness, disability or being underaged, the crime be typically deadly and the murderer is aware of that" and also in the 271th line of the same law it is explained "when the murderer is not going to mutilate or main and his act doesn't conclude to it, but murderer knows that the victim is potentially vulnerable of mutilate or murder because of being underaged, weak ill or old". Also in the 633th line mentioned when one person individually or in one's order deserts a child or someone else who is not able to protect himself..."

**Legal shortcomings concerning the elderly**

Iranian legislator never employed elderly abuse in his texts but it was better that the legislator used the word "elderly" besides "child" in 633th and 619th lines of Islamic criminal law because illness, age, being disabled, underaged and woman are conditions that make a person vulnerable from the viewpoint of criminology.

Children and the elderly are more vulnerable to victimization than everybody else. The child because of usual attempt for pleasure strong excitement, and dependence to the family and elderly because of physical weakness and mental imbalance. In other words, an insult or curse and ridiculing an elderly that legislator mentioned in 619th line can imprint a great sorrow to the spirit of elderly. According to finding of criminology potential villains select their victims among those that have the least dangers and costs, so the elderly with their special characters are potential victims. Also there are behaviors that may not be considered crime in criminal law, but affects the elderly and their surroundings, as a result the necessity of criminology and legal punishment in case of misconduct, abuse and ignoring essential rights, of the elderly and in present law, punishment intensification with guilties is needed and criminology of this crimes is a fundamental duty of legislator. For example evading from crime report and misbehavior with the elderly can be explained as following: everybody that is aware of the right depriving, and misbehavior with the elderly, patients, pregnant women, physically and mentally handicapped individuals and children and with the ability of reporting crime, evades reporting the crime..." define a punishment and with the criminology of these crimes, and increasing the cost of crime through increase in criminal costs, disturb their motivation.

**CONCLUSION**

Unfortunately elderly abuse is not a well-known phenomenon in Iran; if the situation of this crime becomes obvious, it will show a significant number. This is a very bitter reality that we are viewers of an apathy to elderly abuse cases. A glance to the current law of Iran indicates its incorrect and inefficient situation regarding elderly abuse. Even in some cases elderly abuse is supported through other subjects of criminal law. According to special needs and condition of senility, the presence of special elderly social workers seems essential, and it is in a situation that there is no special social worker for the elderly in clinics as it is clear that the presence of elderly special social worker helps





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them in social and mental aspects of their life. Paying attention to the shortcomings of Iranian law regarding the elderly is a common criminal policy and this shortcoming is obvious in Iran current law. Using cultural tactics and finding best ways of respect them and proposing methods to prevent elderly abuse case can be very helpful. "Prohibitive supports" regarding the elderly abuse through prohibitive efforts of governments or non-governmental organizations and by the use of special supports like a review in law about violent crimes that provides a wide area in interpretation of criminal law can be very helpful. Also criminology of behaviors against the elderly in families and in society, besides taking to the consideration of supportive aspects of GuarantyPerformanceandPayoffadoption are the other ways to cover this shortcoming in Iranian criminal law. Finally it is worth-mentioning that in area of confronting with the crime as a whole and elderly abuse as a case, the best way is providing a safe social system and with the least amount of crime commitment and violence. A social system that all people have the same opportunities, a system in which the way to progress is paved for all equally. From those who learned violence, heartlessness and injustice is not anything expected but injustice and violence. So, only after providing these circumstances, the society has the authority to punish the guilties to accompany them to the society and turn them back to the society embrace.

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