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Economic violence and gender stereotype in the Polish family on the basis of the jurisprudence of the Constitutional Court in non-alimony cases

Abstract

Economic violence has been singled out as a separate type of violence in order to develop an effective system to counter it and create an adequate system of assistance for victims. Due to economic violence often being “invisible to the naked eye”, it is problematic to prove and justify its persistence. The most visible form of this violence is non-alimony, which continues to be a statistically significant social problem in Poland.

In view of the nature and scale of this problem, the Constitutional Court has undertaken considerations regarding the system of sanctions against alimony debtors and the alimony fund. To a small extent, the Court, in its decisions has analysed the situation of persons entitled to alimony, i.e. the victims of this violence.

The article analyses the legal and social factors conditioning the weakened position of victims and exacerbating gender stereotypes in law, jurisprudence and society. Although it is common for courts to declare that they are guided by the welfare of the child, their decisions often replicate social patterns and lead to an unequal distribution of roles.

Current laws on economic violence, administrative and criminal sanctions for non-alimony and related statistics are also examined.

Non-alimony in Poland is primarily a problem for women, whose property status after separation generally declines due to the need to reconcile work and family life. However, the current state of the law leads to discrimination against both women and men because of how the law and jurisprudence perpetuate the patterns of a woman-homemaker and a man-breadwinner.

Keywords: non-alimony – gender stereotype – Constitutional Court – economic violence

